LASALLE, ILLINOIS

CODE OF ORDINANCES

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AMERICAN LEGAL PUBLISHING CORPORATION

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CITY OFFICIALS

OF

LASALLE, ILLINOIS

CITY COUNCIL

MAYOR	Jeff Grove
CITY CLERK	Carrie Brown
CITY TREASURER	Virginia Kochanowski
ALDERMAN (WARD 1)	James “Diz” Demes
ALDERMAN (WARD 1)	James W. Bacidore
ALDERMAN (WARD 2)	Jerry Reynolds
ALDERMAN (WARD 2)	Tom Ptak
ALDERMAN (WARD 3)	John “Doc” Lavieri
ALDERMAN (WARD 3)	John S. Duncan III
ALDERMAN (WARD 4)	Mark Schneider
ALDERMAN (WARD 4)	T. “Boo” Herndon

APPOINTED OFFICIALS

FIRE CHIEF	Andy Bacidore
POLICE CHIEF	Rob Uranich
CITY ENGINEER	Mike Furlan
DIR./SUPT. OF PUBLIC WORKS	Jeff Bumgarner
CITY ATTORNEY	James McPhedran of Raccuglia & Associates
COMPTROLLER	John Duncan IV
ECONOMIC DEVELOPMENT DIRECTOR	Donald J. Alesky
BUILDING INSPECTOR	Chris Covert

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§ 10.01 TITLE OF CODE.

This codification by and for the City of LaSalle shall be designated as the Code of LaSalle and may be so cited.

§ 10.02 DEFINITIONS.

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

AGENT. A person acting on behalf of another
(1963 Code, § 1-3-1)

ANOTHER. When used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

CITY, MUNICIPALITY, or ***MUNICIPAL CORPORATION.*** The City of LaSalle, irrespective of its population or legal classification.

COUNCIL or ***CITY COUNCIL.*** The Council of the City of LaSalle.

COUNTY. LaSalle County, Illinois.

COUNTY BOARD. The County Board of LaSalle County, Illinois.
(ILCS Ch. 5, Act 70, § 1.07)

COURT. Construed to mean any court of competent jurisdiction.

DECREE. Synonymous with ***JUDGMENT***.
(ILCS Ch. 5, Act 70, § 1.24)

ELECTORS. Persons qualified to vote for elective officers at municipal elections.
(ILCS Ch. 65, Act 5, § 1-1-2)

EMPLOYEES. Whenever reference is made in this code to a City employee by title only, this shall be construed as though followed by the words of the City of La Salle.
(1963 Code, § 1-3-1)

EXECUTIVE OFFICER. Words used for an executive or ministerial officer may include any deputy or other person performing the duties of such officer, either generally or in special cases.
(ILCS Ch. 5, Act 70, § 1.08)

FEE. A sum of money charged by the city for the carrying on of a business, profession or occupation.
(1963 Code, § 1-3-1)

HERETOFORE or ***HEREAFTER. HERETO FORE*** means any time previous to the day on which the ordinance, resolution, or statute takes effect; ***HEREAFTER*** means at any time after that date.
(ILCS Ch. 5, Act 70, § 1.17)

HIGHWAY, ROAD, or ***STREET.*** May include any road laid out by authority of the United States, or of this state, or of any town or county of this state, and all bridges thereupon.
(ILCS Ch. 5, Act 70, § 1.16)

ILCS. Illinois Compiled Statutes, 1992, as heretofore and hereafter amended.

KEEPER or ***PROPRIETOR.*** Includes all persons, whether acting by themselves, or as a servant, agent, or employee.

KNOWINGLY. Imports only a knowledge that the facts exist which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.
(1963 Code, § 1-3-1)

LAND or ***REAL ESTATE.*** Includes rights and easements of an incorporeal nature.

LICENSE. The permission granted for the carrying on of a business, profession or occupation.
(1963 Code, § 1-3-1)

MAY. The act referred to is permissive.

MAYOR. The Mayor of the City of LaSalle.

MISDEMEANOR. Any offense deemed a violation of the provisions of this code which is a lesser offense than a felony as defined by state law.
(1963 Code, § 1-3-1)

MONTH. A calendar month.
(ILCS Ch. 5, Act 70, § 1.10)

MUNICIPAL CODE. The Illinois Municipal Code, ILCS Ch. 65, Act 5.

NEGLIGENT. (As well as ***NEGLECT***, ***NEGLIGENCE***, and ***NEGLIGENTLY***) imports a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his or her own concern.
(1963 Code, § 1-3-1)

NUISANCE. Anything offensive or obnoxious to the health and welfare of the inhabitants of the city; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of, another person or to the community.
(1963 Code, § 1-3-1)

OATH. Includes affirmation, and ***SWEAR*** includes affirm.
(ILCS Ch. 5, Act 70, § 1.12)

OCCUPANT. Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
(1963 Code, § 1-3-1)

OFFENSE. Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
(1963 Code, § 1-3-1)

OFFICERS. Whenever reference is made in this code to a city officer by title only, this shall be construed as though followed by the words "of the City of LaSalle."
(1963 Code, § 1-3-1)

OWNER. When applied to property, includes any part owner, joint owner, purchaser and seller under a contract and/or deed, or tenant in common of the whole or part of the property, and includes any beneficiary of a land trust which owns property.

PERSON. Any legal person; includes associations, partnerships, corporations, joint ventures, and bodies politic and corporate as well as individuals.
(ILCS Ch. 5, Act 70, § 1.05)

PERSONAL PROPERTY. Includes all property except real.

POLICE OFFICERS. Police officers employed and in the service of the City of LaSalle. ***POLICE FORCE*** shall be construed to include such persons in the employ of a city as members of the Department of Police, who are or shall hereafter be appointed and sworn as police officers.
(ILCS Ch. 5, Act 70, § 1.20)

PREMISES. As applied to property, includes land and buildings.

PROPERTY. Includes real, personal, mixed estates, and other interests.

PUBLIC AUTHORITY. Includes school districts; units of legal government; the village, city, county, state, or federal governments, officers and agencies thereof, or any commissions or committees thereof; or any duly authorized public official.

PUBLIC PLACE. Includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation, or amusement.

REAL PROPERTY. Includes lands, tenements, and hereditaments.

REGISTERED MAIL. Includes certified mail and ***CERTIFIED MAIL*** includes registered mail.

RETAILER. Shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.
(1963 Code, § 1-3-1)

SHALL. The act referred to is mandatory.

SIDEWALK. That portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
(ILCS Ch. 625, Act 5, § 1-188)

SPECIAL DISTRICTS. The meaning ascribed in Article VII of the constitution of the state of Illinois of 1970.
(ILCS Ch. 5, Act 70, § 1.29)

STATE. The state of Illinois.

STREET. Where the context admits, includes alleys, lanes, courts, boulevards, squares, and other public thoroughfares.

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

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

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

WEEK. Seven consecutive days.

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

WHOLESALER and ***WHOLESALE DEALER.*** Shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.
(1963 Code, § 1-3-1)

WILFULLY. When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.
(1963 Code, § 1-3-1)

WRITTEN or ***IN WRITING.*** Includes printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, it shall be (1) the proper handwriting of that person, or in case he or she is unable to write, his or her proper mark, or (2) an electronic signature as defined in the Electronic Commerce Security Act, ILCS Ch. 5, Act 175, §§ 1-101 *et seq.*, except as otherwise provided by law.
(ILCS Ch. 5, Act 70, § 1.15)

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

§ 10.03 SECTION HEADINGS.

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

§ 10.04 RULES OF CONSTRUCTION.

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

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

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

(2) Words of 1 gender shall include the other genders.
(ILCS Ch. 5, Act 70, § 1.04)

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

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

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

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

(E) Words purporting to give joint authority to 3 or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons.
(ILCS Ch. 5, Act 70, § 1.09)

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

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

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

(I) In the determination of the provisions of each section of this code the following rules shall be observed:

(1) *Intent to defraud*. Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

(2) *Liability of employers and agents*. When the provisions of any section of this City Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.
(1963 Code, § 1-1-5)

§ 10.05 OFFICIAL TIME.

(A) *Official time designated*. Central Standard Time shall be the official time within the city for the transaction of all city business, except that from 2:00 a.m. on the last Sunday in April in each year, official time for the city shall be advanced 1 hour. At 2:00 a.m. on the last Sunday in October in each year such official time, by retarding of 1 hour, shall be returned to Central Standard Time.
(1963 Code, § 1-19-1) (Ord. 553, passed 6-6-1955)

(B) *Transaction of business*. All legal or official proceedings of the Council and all official business of the city shall be regulated as to time in accordance with the provisions of this section. Whenever by ordinance, resolution or action of any municipal officer or body an act must be performed at or within a prescribed time, it shall be performed according to the official time as herein prescribed. When the words "Daylight Saving," or "Daylight Saving Time" or "Summer Time" are used in any official document or contract, it shall be understood to have reference to the time herein fixed for the period from the last Sunday in April to the last Sunday in October.
(1963 Code, § 1-19-2)

(C) *Setting of city clocks*. All clocks or other time pieces in or upon public buildings or other premises maintained at the expense of the city shall be set and run according to the official time as provided for in this section. It is hereby made the duty of the officer or other person having control and charge of such buildings and premises to see that the clocks and other timepieces are set and run in accordance with the official time.
(1963 Code, § 1-19-3) (Ord. 433, passed 3-18-1946)

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

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

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

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

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

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

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

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

§ 10.07 REFERENCE TO OTHER SECTIONS.

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

(B) References in this code to action taken or authorized under designated sections of this code include, in every case, action taken or authorized under the applicable legislative provision which is superseded by this code.

(C) Whenever in 1 section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision and the context clearly indicates that the reference to the section as amended or revised was not intended.

§ 10.08 CONFLICTING PROVISIONS.

If the provisions of different codes, chapters, or sections of these codified ordinances conflict with or contravene each other, the provisions bearing the latest passage date shall prevail. If the conflicting provisions bear the same passage date, the conflict shall be construed so as to be consistent with the meaning or legal effect of the questions of the subject matter taken as a whole.

§ 10.09 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, the repealed portions may be excluded from the code by the 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 subsequent ordinances until this code of ordinances and subsequent ordinances numbered or omitted are re-adopted as a new code of ordinances by the City Council.

§ 10.10 SEVERABILITY.

If any provisions of a section of these codified ordinances or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

§ 10.11 REFERENCE TO PUBLIC OFFICE OR OFFICER.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary. Such references shall also include the designee or agent of any such officer or office, unless the law or the context clearly requires otherwise.

§ 10.12 ERRORS AND OMISSIONS.

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.13 ORDINANCES REPEALED.

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the specific subjects treated by this code shall be deemed repealed from and after the effective date of this code of ordinances, but prior ordinances not specifically embraced and covered herein are not affected by this compilation.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature (including, but not limited to tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances 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, or 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; and all special ordinances) as well as any other ordinances pertaining to subjects not enumerated and embraced in this code of ordinances, shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 ORDINANCES SAVED.

(A) Whenever an ordinance by its nature either authorizes or enables the City Council or a certain city officer or employee to make additional regulations for the purpose of carrying out the intent of the ordinance, all regulations of a similar nature serving that purpose effected prior to the codification and not inconsistent thereto, shall remain in effect and are saved.

(B) No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of § 10.13 or § 10.14 of this chapter, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.
(1963 Code, § 1-2-2)

§ 10.16 TECHNICAL CODES.

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become a part of this code and shall be made available for public inspection by the city. Further, to the extent of any conflict between the technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall prevail.

§ 10.17 HISTORICAL AND STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent 3 amending

ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord. 25, passed 1-1-1985)

(B) An "ILCS" cite included in the history indicates that the text of the section reads either verbatim or substantially the same as the statute. Example: (ILCS Ch. 65, Act 5, § 3.1-2-1) (Ord. 10, passed 1-17-1980; Am. Ord. 20, passed 1-1-1985). An "ILCS" cite set forth as a "statutory reference" following the text of the section indicates that the reader should refer to that statute for further information. Example:

> **§ 38.04 PUBLIC RECORDS AVAILABLE.**
>
> The city shall make available to any person for inspection or copying all public records, as provided in the Illinois Freedom of Information Act.
>
> ***Statutory reference:***
>
> *Freedom of Information Act, see ILCS Ch. 5, Act 140, §§ 1 et seq.*

(C) If a section of this code is derived from the previous code of ordinances of the city published in 1963 and subsequently amended, the 1963 code section number shall be indicated in the history by "(1963 Code, § ___)."

§ 10.18 LICENSE REVOCATION FOR CODE VIOLATIONS.

When a person is convicted of a violation of any section of this city code any license previously issued to him by the city may be revoked by the court or by the governing body.
(1963 Code, § 1-4-3)

§ 10.19 LIABILITY OF OFFICERS.

No provision of this city 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 for a failure to perform such duty, unless the intention of the governing body to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
(1963 Code, § 1-4-5)

§ 10.99 GENERAL PENALTY.

(A) Whoever violates any provision of this code or other ordinance of this city for which another penalty is not specifically provided, shall be fined not more than $750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

(B) The penalty provided in this chapter shall be applicable to every section of this city code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this city code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this city code.

(C) In all cases where the same offense is made punishable or is created by different clauses or sections of this city code the prosecuting officer may elect under which to proceed; but not more than 1 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.

(D) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this city code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply and

a separate offense shall be deemed committed upon each day during or on which a breach of violation occurs or continues.

(1963 Code, § 1-4-4)

Statutory reference:

Authority to imprison for certain ordinance violations, see ILCS Ch. 65, Act 5, § 1-2-1.1

Limitations on penalties, see ILCS Ch. 65, Act 5, § 1-2-1

CHAPTER 11: CITY STANDARDS

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11.02 Corporate seal

§ 11.01 WARD BOUNDARIES.

The City of LaSalle shall be and the some is hereby divided into 4 wards with boundaries as follows:

(A) *First ward*. That portion of the city lying south of the center line of Eleventh Street and west of the center line of Marquette Street extended southerly to the south city limits.

(B) *Second ward*. That part of the city lying south of the center line of Eleventh Street extended east to the east city limits and east of the center line of Marquette Street extended south to the south city limits.

(C) *Third ward*. That part of the city lying north of the center line of Eleventh Street and west of the center line of St. Vincent's Avenue extended north to the north city limits.

(D) *Fourth ward*. That portion of the city lying north of the center line of Eleventh Street extended east to the east city limits and west of the center line of St. Vincent's Avenue extended north to the north city limits.
(1963 Code, § 1-5-1) (Ord. 800, passed 1-18-1971)

§ 11.02 CORPORATE SEAL.

(A) *Description of seal*. A seal in a circular form, with the words "City of La Salle," and in the interior or center of said circle the representation of a man leaning upon a staff, intended to represent Father LaSalle, shall be the seal of the city, to be used in all cases that have been or shall hereafter be provided by the laws of the United States, the laws of several respective states of the United States, and the provisions of this code, and in all cases in which by the laws and customs of nations, it is necessary to use a seal by a corporation.
(1963 Code, § 1-20-1)

(B) *Custody of the seal*. The seal shall remain in the custody and control of the Clerk, to be by him or her used as required by the provisions of this code; provided however, that in all cases where by the provisions of this code or any other law of the city, it shall be necessary for the Mayor to use the seal, the same shall be delivered by the Clerk to the Mayor temporarily, to be used by him or her, and after its use it shall be again returned to the custody of the Clerk.
(1963 Code, § 1-20-2)

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30.23 Review and consideration

GENERAL PROVISIONS

§ 30.01 COUNCIL MEMBERS; QUALIFICATIONS.

(A) The Council shall consist of the Mayor and 2 Aldermen from each ward. The Council shall be judge of the election and qualification of its own members, and in case any vacancy shall occur in the office of Aldermen, by death, resignation, removal, or any other cause, such vacancy shall be filled by an election.
(1963 Code, § 1-7-1)

(B) No person shall be eligible to the office of Alderman unless he or she shall be a qualified elector and reside within the ward for which he or she was elected, nor shall he or she be eligible if he or she is in arrears in the payment of tax or any other liability due to the city; nor shall he or she be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he or she be eligible if he or she shall have been convicted of malfeasance, bribery or corrupt practices or crime; nor shall he or she be eligible to any office the salary of which is payable out of the city treasury, if at the time of appointment he or she shall be a member of the Council; nor shall any member of the Council at the same time hold any other office under the city government; nor shall he or she be, either directly or indirectly, individually or as a member of a firm, engaged in any business transaction with the city, through its Mayor or any of its authorized boards, agents or attorney, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms; nor shall any member of the Council sign any bond in any case wherein the city is interested.
(1963 Code, § 1-7-2)

§ 30.02 MEETINGS.

(A) *Regular meetings*. The regular stated meetings of the Council shall be held in the Council rooms in the City Hall pursuant to the published calendar at the hour of 7:00 p.m., every 2 weeks, except when any such day shall happen to be a legal holiday, in which case the meetings shall be held on the day next following at the same hour.
(1963 Code, § 1-7-3) (Ord. 340, passed 5-6-1935; Am. Ord. 639, passed 6-4-1962)

(B) *Special meetings*. Special meetings of the Council may be called by the Mayor or by any 5 Aldermen, whenever in their discretion they deem it

necessary, in which event such meeting shall be called in the following manner: The Mayor, or the 5 Aldermen, as the case may be, shall file in the Clerk's office a statement in writing, setting forth the object and purpose of the special meeting and directing the Clerk to forthwith give notice of the same. Upon the filing of such statement the Clerk shall cause to be served personally upon each member of the Council or left at his or her usual place of business or abode, at least 48 hours before the time of such meeting, a notice of the special meeting, setting forth the object and purposes thereof, and the time of holding the same, which notices shall be served by some member of the police force. No business other than that mentioned in the call shall be transacted at a special meeting.
(1963 Code, § 1-7-4) (Ord. 340, passed 5-6-1935)

§ 30.03 QUORUM.

(A) A majority of the Aldermen shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees.

(B) In case of the want of a quorum at any time of the Council, in case a majority of the members present, shall direct the Mayor or presiding officer shall direct any police officer to go out and arrest and bring in any and all absent members that can be found in the city, who are not unable through sickness to attend; and any member who purposely absents himself or herself from the city to avoid attending any meeting of the Council, or being in the city, conceals himself or herself from such officer, or refuses to be brought in when found, shall be deemed guilty of disorderly conduct, and be subject to a fine of $25, and the Council may, with the concurrence of 2/3 of all the Aldermen elect, expel such member, in which event his or her seat shall be deemed vacant and be filled by an election as in other cases of vacancy.
(1963 Code, § 1-7-5)

§ 30.04 MEMBERS REQUIRED TO VOTE.

(A) Every member of the Council shall vote on all questions in which that member is not directly or personally interested, which may be brought before the Council for its action in such a manner as to require a vote to be taken thereon, unless such member be excused by a vote of 2/3 of all other members present.

(B) The ayes and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of the proceedings; and the concurrence of a majority of all the members elected in the Council shall be necessary to the passage of any such ordinance or proposition; provided, it shall require 2/3 of all the Aldermen elect to sell any city property.
(1963 Code, § 1-7-6)

§ 30.05 PASSAGE OF ORDINANCE OVER VETO.

(A) In case the Mayor shall veto any ordinance or any part of an ordinance and return the same to the Council, together with his or her objections thereto, the vote by which the same was passed shall be reconsidered by the Council; and, if after such reconsideration, 2/3 of all the members holding office shall agree by ayes and nays to pass the same, it shall go into effect, notwithstanding the disapproval of the Mayor. The vote to pass the same over the Mayor's veto shall be taken by ayes and nays, and entered on the journal.

(B) No vote of the Council shall be reconsidered or rescinded at any special meeting thereof, unless at such special meeting there shall be present as many Aldermen as were present when such vote was taken.
(1963 Code, § 1-7-7)

§ 30.06 STANDING COMMITTEES.

(A) It shall be the duty of the Mayor at the first regular meeting of the Council in the month of May of each year, or as soon thereafter as practicable, to appoint 15 standing committees of the City Council each to consist of up to 5 Aldermen, which committees shall be as follows:

(1) A Committee on Finance.

(2) A Committee on Police.

(3) A Committee on Public Health.

(4) A Committee on Streets, Alleys and Traffic.

(5) A Committee on Fire.

(6) A Committee on Economic Development.

(7) A Committee on Grants.

(8) A Committee on Water Works.

(9) A Committee on Wastewater/ Environmental.

(10) A Committee on Lighting.

(11) A Committee on Licenses.

(12) An ESDA Committee.

(13) A Committee on Public Grounds and Real Estate.

(14) A Committee on City Improvements.

(15) A Committee on Building Codes.

(B) Additionally, in the month of May of each year, or soon thereafter as practicable the Mayor shall appoint an alderman as a non-voting liaison to the following groups and/or entities:

(1) Liaison Representative to the LaSalle Business Association;

(2) Liaison Representative to Police and Fire Board;

(3) Liaison Representative to Park Board;

(4) Liaison Representative to Library Board;

(5) Liaison Representative to Illinois Municipal League;

(6) Liaison Representative to Peru Ambulance;

(7) Liaison Representative to LaSalle Promotion and Advisory Committee.
(1963 Code, § 1-7-8) (Ord. 1660, passed 5-3-1999)

§ 30.07 DUTIES OF STANDING COMMITTEES.

(A) It shall be the duty of the standing committees of the Council to keep a close watch over the affairs of their respective departments of the city government. They shall have the general management, control, and supervision of all works and things ordered to be made or done by the Council in their respective departments, and they shall make reports to the Council of whatever facts may be deemed of importance.

(B) Each committee whether standing or special shall properly inspect and report in writing upon all matters referred to it by the Council and do and perform such other and further duties as the Council may from time to time prescribe.
(1963 Code, § 1-7-9) (Ord. passed 6-2-1914)

§ 30.08 COMMITTEE REPORTS.

(A) Every committee of the Council, in reporting upon any subject referred to it, shall attach to their report all papers or documents in the possession of the committee relative to the matters so referred.
(1963 Code, § 1-7-10)

(B) Any report of a committee of the Council shall be deferred, for final action thereon, to the next regular meeting of the Council after the report is made, upon the request of 2 Aldermen present.
(1963 Code, § 1-7-11)

§ 30.09 COMPENSATION.

The compensation of the Aldermen of the city shall be in an amount as established by ordinance from time to time.

PROMOTION AND ADVISORY GENERAL PROVISIONS

§ 30.20 POLICY AND PROCEDURE.

It is the policy of the City of LaSalle to establish the procedure for the updating of the Advisory Committee. A change in name shall be from the Advisory Committee to the LaSalle Promotion and Advisory Council also known by the initials of LPAC. This subchapter is referred to as the Advisory Committee General Provisions Ordinance and is on this date updated to be known as the Promotion and Advisory General Provisions Ordinance. This subchapter may additionally be amended, updated and/or repealed as the Council may in the circumstances deem appropriate and in the best interests of the City of LaSalle.

(A) *Mission statement*. The mission of the LaSalle Promotion and Advisory Council is to celebrate and promote the City of LaSalle - its people, resources and natural beauty and charm; to unite the residents, businesses and city officials of LaSalle to enhance our community.

(B) *Organizational goals*.

(1) To provide the city the opportunity to showcase the resources of the community and actively encourage the growth and development of the area to improve the local economy.

(2) To facilitate teamwork among the business community, community leadership and the citizenry to help promote community pride and spirit.

(3) To strengthen already successful events and to continue to expand the quality of the promotional endeavors so that they grow and keep pace with the times. Promotions must be allowed to continue to be a valuable marketing tool for the community.

(4) To provide local citizenry the opportunity to develop leadership within LPAC and offer them greater opportunity for ownership of the events.

(5) To promote tourism in the City of LaSalle as well as LaSalle County.
(Ord. 1086, passed 6-17-1985; Am. Ord. 1087, passed 6-17-1985; Am. Ord. 1649, passed 10-19-1998)

§ 30.21 PROVISIONS PERTAINING TO LPAC.

The following provisions shall apply to the LaSalle Promotion and Advisory Council.

(A) *Advisory provisions*. LPAC shall endeavor to maintain the goals and abide by and to the mission statement to the extent reasonably possible listed above and the activities of LPAC are advisory only and the City Council shall not be bound by any

recommendation or advice received from the committee. The purpose of LPAC is as set forth above.

(B) *Fiscal year*. The fiscal year shall be from May 1 to April 30, inclusive.

(C) *Membership*. LPAC shall consist of 9 members to be appointed by the Mayor with the approval of the City Council. A member shall serve for 3-year terms each, provided that of individuals first selected, 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years, and thereafter, each member shall serve for 3 years. The first persons appointed to the Committees determine the length of the terms for each member of the Council by lot. Any vacancy occurring shall be filled for the remainder of the term in the same manner as original appointments. The terms will run from the date of passage of Ordinance 1649 (10-19-1998).

(D) *Officers*.

(1) The Mayor shall nominate subject to the approval of the City Council, 1 person to be known as the Executive Director to serve as coordinator for the LaSalle Promotion and Advisory Council. This Executive Director position shall be further subject to the following provisions:

(a) The person occupying the position of Executive Director shall be considered an agent of, but not an employee of, the city;

(b) The position shall be remunerative and the remuneration for the same shall be set annually by the City Council. In the absence of the compensation not being re-revised in any given year, the compensation shall remain the same as that of the previous year;

(c) The term of said position shall be 1 year except that the party occupying said position shall be automatically renewed for the subsequent year in the absence of being provided with a notice in writing at least 30 days prior to the commencement of any given fiscal year that said party will not be re-appointed to fill said position;

(d) The Executive Director position shall be a bonded position with the bond being in an amount equal to the annual budget of the LPAC. The cost of the bond shall be born by the City of La Salle.

(e) That additionally, notwithstanding anything set forth within divisions (1) through (5), the Executive Director may be terminated on 30-days' notice on motion of the Mayor provided the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, the Aldermen may remove the Executive Director from office on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Executive Director may resign upon providing 30-days' written notice, and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1-year term. In the event that termination for any reason of the Executive Director, the remuneration shall be pro-rated through the effective date of termination.

(2) Additionally, in reference to officers of the LPAC, 1 volunteer appointee shall be named Chairman by vote of the than existing LPAC Committee. Further, 1 volunteer appointee shall be named Secretary of the LPAC Committee by vote of the Committee. Other Chair positions shall be named by appointment of the Executive Director subject to the approval of the Mayor, as may be appropriate in the circumstances.

(E) *Business procedures*. The Executive Director shall initiate contract negotiations and business pertaining to the development of successful events and promotional events as may be appropriate in the circumstances according to the goals of LPAC and the direction of the Mayor, Executive Director and City Council of the City of LaSalle. However, any such contracts to be effective shall be approved by the City Council of the City of LaSalle. LPAC shall use its best reasonable efforts to promote and bring about a St. Patrick's Parade, LaSalle Fast and a Santa's Parade. Additional activities may be planned when deemed advisable and appropriate subject to the

approval of the City Council. The Executive Director shall maintain the LaSalle Promotion and Advisory Council monies subject to review by the Comptroller, the Mayor and the City Council. A checking account shall be kept in a timely and accurate manner. Checks may be signed by the Executive Director or the Chairman. However, checks may be written only in reference to expenses and payments authorized by the City Council of the City of La Salle.

(F) *Report*. The Executive Director shall provide a written report and a written financial report monthly to the Mayor and the City Council for their perusal. An annual financial and activity report shall be given to the Mayor and City Council at the end of each fiscal year along with the proposed projected activity and budget expectations for the next year. The Executive Director shall provide such additional reports as deemed necessary to inform the City Council of functions of LPAC, and also as the City Council may from time to time request. The financial records of LPAC shall also be subject to audit by the city's auditors.

(G) *Meetings*. The Executive Director may fix the time and frequency of the LPAC meetings. The meetings shall be open to the public and a notice of the meeting, with the agenda, shall be posted and filed in the same manner as notices of meetings of the City Council.

(H) *Excused absences*. If any member of LPAC misses 3 or more consecutive meetings without an excuse approved by the LaSalle Promotion and Advisory Council, the Executive Director shall declare a members position vacant and shall notify the Mayor and the Council that there is a vacancy to be filled by appointment. The member shall be notified.

(I) *Expenses*. The appointees and volunteers with the exception of the Executive Director shall receive no remuneration for their services, and shall receive no compensation for the time expended nor time lost from work. The members of the Council may be reimbursed for actual expenditures subject to receiving previous authorization from the Executive Director or Chairman for each expenditure and subject to the approval of the Mayor and City Council.

(J) *Budget*. The budget for the LPAC shall be set annually by the City Council of the City of LaSalle with the same to be allowed to be additionally supplemented from time to time with the profits of authorized events and donations (but solicitations in reference to donations shall only be as authorized by the City Council). The Executive Director and the Chairman will strive to maintain expenditures within the limits of the proposed and accepted budget.
(Ord. 1086, passed 6-17-1985; Am. Ord. 1087, passed 6-17-1985; Am. Ord. 1649, passed 10-19-1998)

§ 30.22 INSURANCE AND LEGAL ADVICE.

As an advisory arm to the City Council, the LPAC shall have available to it the opportunity to confer for legal counsel with the City Attorney of the City of LaSalle to the extent deemed necessary and appropriate in the circumstances. The City of LaSalle shall provide liability insurance coverage for events authorized by the City Council in amounts and coverages and to the extent deemed appropriate by the City Council. The Executive Director as an agent of the city shall be provided insurance under the coverage available to the city to the extent that said Executive Director's actions are within the scope of said agency.
(Ord. 1649, passed 10-19-1998)

§ 30.23 REVIEW AND CONSIDERATION.

At least once each year, the City Council shall review the effectiveness of the LaSalle Promotion and Advisory Council and shall determine whether LPAC shall be continued as it is, abolished, or continued in a changed form. The LPAC annual report may contain recommendations in this regard.
(Ord. 1086, passed 6-17-1985; Am. Ord. 1649, passed 10-19-1998)

CHAPTER 31: CITY OFFICIALS

Section

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INDEMNIFICATION OF CERTAIN OFFICIALS

§ 31.001 OFFICIALS INDEMNIFIED FROM LIABILITIES.

(A) To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and applicable law, each of the following officials and employees of the city:

(1) The Mayor;

(2) Each member of the City Council;

(3) The City Clerk and each deputy or acting City Clerk;

(4) The City Treasurer;

(5) The City Comptroller;

(6) The City Attorney;

(7) The Superintendent of Public Works;

(8) The City Engineer;

(9) The Building Inspector;

(10) The Chief of Police;

(11) The Chief of the City's Fire Department

(12) Each member of any board or commission of the city established pursuant to applicable law or by ordinance of the city.

shall be indemnified, defended and held harmless by the city from and against all liabilities, expenses of investigation, judgments and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such official or employee in connection with or resulting from any claim made against him or her, or any action, suit, proceeding or investigation in which he or she may be involved, by reason of his or her being or having been such official or such employee of the city, whether or not he or she continues to be such official or employee at the time of such claim, action, suit, proceeding or investigation.

(B) The foregoing rights of indemnification shall be in addition to any other rights to which such official or employee may otherwise be entitled as a matter of law.
(Ord. 926, passed 1-9-1978)

§ 31.002 EXCEPTIONS.

The foregoing indemnity set forth in § 31.001 shall not extend to any of the following:

(A) Any liability or cost with respect to any matter as to which such official or employee is finally adjudged to be guilty of bad faith, or actual malice, or willful and wanton misconduct in the performance of his or her duties as such official or employee;

(B) Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless:

(1) Such settlement shall be approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby; or

(2) Such settlement shall have been made upon the written opinion of independent legal counsel selected by the City Council, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or willful and wanton misconduct on the part of such official or employee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion.

(C) Any liability or judgment payable to the city itself;

(D) The cost of independent legal representation in any such action, suit or proceeding if the city offers or otherwise indicates its willingness to provide a legal defense with respect to such claim, action, suit, proceeding or investigation.
(Ord. 926, passed 1-9-1978)

MAYOR

§ 31.015 QUALIFICATIONS.

The Mayor shall be the chief executive officer of the city. The Mayor shall be a citizen of the United States, a qualified elector, reside within the city limits, and shall hold the office for 4 years and until a successor is elected and qualified.
(1963 Code, § 1-6-1)

§ 31.016 DUTIES.

(A) The Mayor shall devote so much of his or her time to the duties of his or her office as a faithful and efficient discharge thereof may require. He or she shall take care that all the ordinances of the city are duly enforced, respected, and observed. He or she shall preside at all meetings of the Council, but shall not vote except in case of a tie, when he or she shall give the casting vote. He or she shall preserve order and decorum; and generally do and perform all acts, and things which are enjoined upon him or her by the laws of the state and the provisions of this code.
(1963 Code, § 1-6-2)

(B) The Mayor shall appoint, by and with the advice and consent of the Council, all officers of the city, whose appointments are not otherwise provided for by law; and whenever a vacancy shall occur in any office, which by law he or she is empowered and required to fill, he or she shall at the next regular meeting of the Council occurring not less than 5 days after such vacancy, communicate to the Council the name of the appointee to such office, and pending the concurrence of the Council in such appointment, the Mayor may designate some suitable person to discharge the functions of the office.
(1963 Code, § 1-6-6)

(C) The Mayor shall supervise the conduct of all the officers of the city, and see that they faithfully and efficiently discharge the duties of their respective offices; he or she shall inquire into all reasonable complaints made against them, and cause all their neglects or violations of duty to be promptly corrected; and he or she shall, in case he or she becomes satisfied that any officer wilfully neglects or violates his or her duty, cause such officer to be prosecuted and punished; and he or she shall from time to time give the Council such information relative to the affairs of the city as he or she may deem proper, and recommend for their consideration, any measures that he or she may deem expedient, tending to the well-being, security, or improvement of the city.
(1963 Code, § 1-6-7)

(D) The Mayor shall have power to remove any officer appointed by him or her on any formal charge, whenever he or she shall be of the opinion that the interests of the city demand such removal; but he or she shall report the reasons for such removal to the Council at a meeting to be held not less than 5 days nor more than 10 days after such removal; and if the Mayor shall fail, or refuse to file with the Clerk a statement of the reasons for such removal, or if the Council, by a 2/3 vote of all its members, to be entered upon its record, disapprove of such removal, such officer shall thereupon be restored to the office from which he or she was so removed; but he or she shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense.
(1963 Code, § 1-6-8)

(E) The Mayor shall carefully inspect all ordinances passed by the Council and affix his or her official signature to such as he or she may approve, and return them to the Clerk within 10 days after their passage; and all ordinances as passed aforesaid, which do not meet his or her approval, shall be returned to the Council with his or her objections thereto in writing at the next regular meeting of the Council, occurring not less than 5 days after the passage thereof. Such veto may extend to any 1 or more items or appropriations contained in any ordinance; or to the entire ordinance; and in case the veto only extends to a part of such ordinance the residue thereof shall take effect and be in force; but in case the Mayor shall fail

to return any ordinance with his or her objections thereto, by the time herein mentioned, he or she shall be deemed to have approved such ordinance, and the same shall take effect accordingly.
(1963 Code, § 1-6-9)

(F) The Mayor shall sign all commissions, licenses, permits, and warrants granted, issued, or drawn by the order of the Council, or authorized by the provisions of this code. In all contracts where the city is a party, he or she shall sign the same on behalf of the city, and it shall be his or her special duty to see that the other contracting party faithfully complies with the contract, and in all suits where the city is a party, it shall be the duty of the Mayor to advise with and assist the Attorney in prosecuting or defending the same, as the case may be.
(1963 Code, § 1-6-10)

(G) In addition to the foregoing duties, the Mayor shall perform such other and further duties pertaining to his or her office as are or may be required of him or her by the laws of the state or the provisions of this code.
(1963 Code, § 1-6-11)

§ 31.017 VACANCY.

Whenever any vacancy shall happen in the office of Mayor, on account of death, resignation, removal from the limits of the city, or for any other cause, when the unexpired term shall be 1 year or over from the date of the vacancy, it shall be filled by an election, and the Clerk shall give notice of such election as required by law governing special elections; if such vacancy is less than 1 year, the Council shall elect 1 of its number to act as Mayor, who shall possess all the rights and powers of the Mayor until the next annual election, and until the successor is elected and qualified.
(1963 Code, § 1-6-3)

§ 31.018 BOND.

The Mayor, before entering upon the duties of the office, shall execute a bond to the city in the penal sum of $3,000, with such sureties as the Council shall approve, conditioned for the faithful performance of the duties of the office.
(1963 Code, § 1-6-5)

§ 31.019 COMPENSATION.

The compensation of the Mayor of the city shall be an amount determined by the City Council by ordinance.
(Ord. 881, passed 7-21-1976)

§ 31.020 MAYOR PRO TEM.

During a temporary absence or disability of the Mayor, the Council shall elect 1 of its number to act as Mayor Pro Tem, who, during such absence or disability shall possess the powers of the Mayor.
(1963 Code, § 1-6-4)

CLERK

§ 31.030 OATH AND BOND.

The Clerk, before entering upon the duties of his or her office, shall take the oath prescribed for other city officers, shall execute a bond to the city in the penal sum of $5,000, with such sureties as may be approved by the Council, conditioned for the faithful performance of the duties of his or her office, and the payment of all moneys that may be received by him or her, according to law; which bond shall be filed with the Treasurer.
(1963 Code, § 1-8-1)

§ 31.031 DUTIES AND POWERS.

(A) *Minutes, notices*. The Clerk shall attend all meetings of the Council and shall keep in a suitable book, to be styled the Record of the Council, a full and faithful record of its proceedings. He or she shall issue and cause to be served upon all Aldermen, notices of all special meetings of the Council; also notices to the members of the different committees of that body, and to all other persons whose attendance may be required before any such committee, when so directed by the chairman thereof.
(1963 Code, § 1-8-3)

(B) *Certification of papers*. The Clerk shall keep the corporate seal, to be provided under the direction of the Council, and all papers belonging to the city; and copies of all papers duly filed in his or her office, and transcripts from the records and files of his or her office, certified by him or her under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.
(1963 Code, § 1-8-4)

(C) *Recording of ordinances*. The Clerk shall within 30 days after their passage record and properly index in a book kept for that purpose, all ordinances passed by the Council, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication of such ordinance, which record and memorandum, or a certified copy thereof, shall be prima facie evidence of the passage and legal publication of such ordinance, for all purposes whatsoever.
(1963 Code, § 1-8-5)

(D) *Publication of ordinances*. The Clerk shall cause all ordinances passed by the Council imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, to be published once, within 30 days after their passage, in such public newspaper, printed in the city, as the Council shall designate, and shall file and preserve in his or her office 1 or more copies of the paper containing every ordinance so published.
(1963 Code, § 1-8-6)

(E) *Delivery of papers and documents*. The Clerk shall, without delay, upon the adjournment of each meeting of the Council, notify and upon demand shall deliver to the several committees of that body, and to the officers of the corporation, all petitions, communications, reports, resolutions, orders, claims, and other papers, referred to those committees or officers by the Council. The Clerk shall also, without delay, deliver to the Mayor all ordinances or resolutions, in the Clerk's charge, which may be required to be approved or otherwise be acted upon by the Mayor.
(1963 Code, § 1-8-7)

(F) *Preparation of official papers*. The Clerk shall prepare all commissions, licenses, permits, and other official documents required to be issued by him or her under the provisions of this code, and shall attest the same with the corporate seal; and he or she shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by the city.
(1963 Code, § 1-8-8)

(G) *Notices of election or appointment*. It shall be the duty of the Clerk, within 5 days after the result of the election is declared or appointment is made, to notify all persons elected or appointed to office of their election or appointment and unless such persons shall respectively qualify in 10 days after such notice, the office shall become vacant.
(1963 Code, § 1-8-10)

(H) *Record of elections and appointments*. The Clerk shall keep a record of the election or appointment and confirmation of all officers of the city, and the record shall be so ruled and headed that the same shall exhibit the name of the officer, to what office elected or appointed, the date of confirmation or election, the date of commission, and the date of death, resignation, removal, or expiration of the term of office, with a column for remarks.
(1963 Code, § 1-8-18)

(I) *Delivery of records to successor*. The Clerk shall carefully preserve in his or her office all books, records, papers, maps, and effects of every description, belonging to the city or appertaining to

his or her office, and not in the actual use and possession of other city officers, and upon the expiration in any way of his or her official term, he or she shall, on demand, deliver all such books, records, papers, and effects to his or her successor in office.
(1963 Code, § 1-8-19)
(Ord. 235, passed 6-25-1928)

§ 31.032 DEPUTY CLERK.

The Clerk may, when necessary, and upon approval of the Mayor, appoint a Deputy, who, during the temporary absence or disability of the Clerk, shall be empowered to perform all the duties of the Clerk.
(1963 Code, § 1-8-9)

§ 31.033 COMPENSATION.

The compensation of the Clerk shall be an annual sum as established by ordinance from time to time.
(Ord. 881, passed 7-21-1976; Am. Ord. 1342, passed 8-17-1992; Am. Ord. 1717, passed 9-18-2000)

COMPTROLLER

§ 31.045 ESTABLISHED.

The office of Comptroller is hereby established as an appointive office of the city, to be appointed by the Mayor, with the advice and consent of the City Council.
(Ord. 1263, passed 8-20-1990)

§ 31.046 POWERS AND DUTIES.

The powers and duties of the Comptroller shall be as follows:

(A) *Custody and maintenance of financial books*. The right and responsibility for the custody and maintenance of the financial books and records of the city including, but not limited to the following:

(1) General ledgers;

(2) Cash receipts and journals;

(3) Cash disbursements journals;

(4) Purchases journals;

(5) Payroll journals and records;

(6) Revenue and sales journals;

(7) Accounts receivables ledgers;

(8) Accounts payables ledgers;

(9) Customer deposit ledgers;

(10) Bond ledgers.

(B) *Performance of duties*. The right, power and responsibility to perform, or cause to have performed the following duties:

(1) Receipt and disbursement of city monies;

(2) Receipt of invoices and bills of the city;

(3) Distribution of invoices to department heads;

(4) Receive time sheets from departments;

(5) Prepare a summary of approved invoices, vouchers and payroll for submission to the finance committee, along with these invoices and vouchers for their approval and recommendations to the City Council for payment;

(6) Prepare checks for items approved for payment by the City Council;

(7) File all paid invoices and vouchers;

(8) Maintain copies of contracts, grants, and financial documents and keep records of their status and future cash requirements;

(9) Invoice city customers for services provided including, but not limited to water, sewer and garbage;

(10) Maintain records of bonded and long-term debt plan for their payment on due dates.

(11) Establish and maintain an internal accounting and administrative control system to safeguard the assets of the city.

(C) *Reports*. The right, power and duty to submit the following reports to the City Council:

(1) Monthly financial statements classifying revenue and expenditures by object and purpose including comparison with the annual appropriation and budget;

(2) Report cash and investment balances as requested by Council;

(3) Submit a report in May of each year estimating the money necessary to defray expenses of the city before the annual appropriations and budget ordinances are prepared;

(4) Other reports that the Mayor and Council may, from time to time, deem necessary.

(D) *Duties designated by City Council*. Such other duties as may, from time to time, be designated by City Council.

(E) *Appointment and compensation*.

(1) Notwithstanding anything else herein to the contrary, the rights, powers and duties transferred and/or conferred upon the Comptroller shall not be effective until a Comptroller has actually been appointed by the Mayor and confirmed by the City Council as set for above herein.

(2) The compensation of Comptroller shall be an amount determined by the City Council by ordinance.
(Ord. 1263, passed 8-20-1990)

(F) *Other miscellaneous duties and the like*. The Comptroller shall also:

(1) *General supervision*. The Comptroller shall exercise a general supervision over all the city officers charged in any manner with the receipt, collection, or disbursement of corporation revenues, and the collection and return of all such revenues into the city treasury. He or she shall have the charge, custody, and control of all deeds, leases, warrants, contracts, bonds, obligations, vouchers, books, and papers of every kind, the custody of which is not herein given to any other officers.
(1963 Code, § 1-8-11)

(2) *Record of bonds*. The Comptroller shall keep in his or her office, in a book kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and the amount of each, for and to whom the bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book shall show the fact; and in his or her annual report he or she shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.
(1963 Code, § 1-8-12)

(3) *Account of city revenue*. The Comptroller shall open and keep in a neat and methodical manner, a complete set of books in which shall be kept a detailed account of the city revenue, and of each separate fund crediting the same with all receipts or appropriations, and charging it with all warrants drawn thereon, and he or she shall charge each warrant to the fund or appropriation against which it was drawn. He or she shall also keep an accurate account of all debts due from or owing to the city, and shall keep a correct list of all notes or other obligations given by or payable to the city, with the date thereof, the person to whom or by whom payable, the rate of interest, the time and manner in

which the principal and interest are payable, and such other particulars as may be necessary to the full understanding thereof. The books, and all other contracts, bonds, deeds, warrants, vouchers, receipts and other papers kept in his or her office, shall be subject to the examination of the Mayor, the members of the Council or any committee.
(1963 Code, § 1-8-13)

(4) *Monthly report*. It shall be the duty of the Comptroller to make a report to the Council, at the first regular meeting in each month, of the exact condition of each fund or appropriation, setting forth the amount of each fund or appropriation, the total amount which has been used or expended thereof, and the balance, if any, which is subject to be used or drawn upon, and whenever any appropriation or fund is exhausted, the Comptroller shall, without delay, notify the Council thereof, and he or she shall not thereafter draw any warrant against such fund or appropriation until the same shall be renewed.
(1963 Code, § 1-8-14)

(5) *Audit of accounts*. The Comptroller shall revise and audit all accounts or claims allowed by the Council, and all other accounts in which the corporation is concerned, either as debtor or creditor, where provision for their adjustment is not otherwise made and provided for by law; and upon ascertaining the amount due to any person he or she shall draw his or her warrant in due form upon the Treasurer therefor. But if upon the examination of any such account or claim, he or she shall have reason to doubt its correctness, it shall be his or her duty to submit the same to the Finance Committee for its decision thereon, or else make report thereof to the Council.
(1963 Code, § 1-8-15)

(6) *Administering oaths to claimants*. In making adjustments and settlements, and for the purpose of ascertaining the true state of any balance or balances due, the Comptroller shall be authorized to require any claimant to file with him or her a statement, in writing, under oath, as to any fact, matter, or thing concerning the correctness of any account, claim, or demand presented against the city.
(1963 Code, § 1-8-16)

(7) *Warrant records*. The Comptroller shall keep, in a suitable book, an accurate list of all warrants drawn upon the Treasurer, showing the date, number and amount of each, and the name of the person in whose favor drawn; and he or she shall take the receipt of every person for the warrants upon the delivery thereof. All warrants drawn upon the Treasurer shall be signed by the Mayor, and countersigned by the Comptroller, and shall specify therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn. The Comptroller shall preserve all warrants returned to him or her.
(1963 Code, § 1-8-17)

(8) *Tax records*. The Comptroller shall keep a correct account between the city and the collector of taxes of real and personal property within the city, or any other person or officer authorized to collect delinquent taxes or other money due the city from any source, and such account shall be kept in such a manner that it will show at all times the full amount due the city from any source whatever.
(1963 Code, § 1-8-20)

(9) *Annual statement*. The Comptroller shall at the first regular meeting of the Council next following the close of the fiscal year make in writing to the Council a full statement of all the receipts and expenditures of the city for the previous year, the bonded indebtedness and other liabilities, and a summary of the delinquent taxes due the city and cause the same to be published in such newspaper as the Council may direct.
(1963 Code, § 1-8-21)

(10) *Additional duties*. The Comptroller shall, besides the other duties required herein, be the collector of special assessments, and as such shall perform such duties as are required under ILCS Ch. 65, Act 5, § 3-11-25.
(Ord. passed 4-3-1907)

(11) *Keeping of records; method; inspection*. The Treasurer shall keep his or her books and accounts in such manner as to show with entire

accuracy all moneys received and disbursed by him or her for the city, stating from whom and on what account received, and to whom and on what account paid out, and in such way that the books and accounts will exhibit at all times the true financial condition of the city, and in such manner as may be readily investigated and understood; and the same, together with all files and papers of the offices, shall be at all times open to examination by the Mayor, the Clerk, the Finance Committee or any member of the Council.
(1963 Code, § 1-9-7)

§ 31.047 DEPUTY COMPTROLLER.

The Comptroller may, when necessary, and upon approval of the Mayor, appoint a deputy, who, during the temporary absence or disability of the Comptroller, shall be empowered to perform all of the duties of the Comptroller.
(Ord. 1263, passed 8-20-1990)

§ 31.048 OATH AND BOND.

The Comptroller, before entering upon the duties of office, shall take the oath prescribed for other city officers, and shall execute a bond to the city in the sum of not less than the amount of the estimated taxes, special assessments, special taxes, license fees, and receipts of the city from all sources for the current year, with at least 2 good and sufficient sureties, to be approved by Council, conditioned for the faithful performance of the duties of office and the payment of all money received by him or her, according to law and the provisions of this subchapter.
(Ord. 1263, passed 8-20-1990)

TREASURER

§ 31.065 OATH AND BOND.

The Treasurer, before entering upon the duties of his or her office, shall take the oath prescribed for city officers and shall execute a bond to the city in the penal sum of not less than the amount of the estimated taxes, special assessments, special taxes, license fees, and receipts of the city from all sources for the current year, with at least 2 good and sufficient sureties, to be approved by the Council, conditioned for the faithful performance of the duties of his or her office, and the payment of all money received by him or her, according to law and the provisions of this code.
(1963 Code, § 1-9-1) (Ord. 4, passed 5-2-1921)

§ 31.066 DUTIES.

(A) *Receive monies; issue receipts*. The Treasurer shall receive all moneys belonging to the city, and shall keep a separate account of each fund or appropriation and debits and credits belonging thereto. He or she shall give to every person paying money into the city treasury a receipt therefor specifying the date of the payment and upon what account paid; and shall file copies of such receipts with the Comptroller at the date of his or her monthly report.
(1963 Code, § 1-9-2)

(B) *Register of warrants*. The Treasurer shall keep an accurate rate register of all warrants redeemed and paid by him or her, showing the number, date, and amount of each, the fund from which paid, the name of the person to whom and when paid; and he or she shall cancel all warrants as soon as redeemed by him or her.
(1963 Code, § 1-9-3)

(C) *Report of delinquent accounts*. It shall be the duty of the Treasurer to report to the Clerk any officer authorized to receive money for the use of the city who may fail to make a return of the moneys received by the officer at the time required by law, or by the provisions of this code.
(1963 Code, § 1-9-6)

(D) *Monthly report*. The Treasurer shall, at the first regular meeting in each month, render an account, under oath, showing the state of the treasury at the date of such account, the condition of each appropriation, and the balance of money in the treasury. He or she shall also accompany such

accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him or her; which warrants, with any and all vouchers held by him or her, shall be delivered to the Clerk, and filed with his or her account in the Clerk's office upon the day of such settlement. He or she shall return all warrants paid by him or her stamped or marked paid.
(1963 Code, § 1-9-8)

(E) *Annual statement*. The Treasurer shall annually at the first regular meeting of the Council next following the close of the fiscal year make out and file with the Clerk a full and detailed account of all the receipts and expenditures of the city, and of all his or her transactions as Treasurer during the preceding fiscal year, which statement shall exhibit, under separate and appropriate headings, the several accounts with the several funds or appropriations. It shall be the duty of the Comptroller to submit his or her counter financial report, together with the annual report of the Treasurer, to the Mayor and Finance Committee of the Council; and if the Mayor and the Council shall be satisfied that the Treasurer's report properly exhibits the true financial condition of the city, they shall return the same to the Clerk, who shall cause such report to be published in some newspaper published in the city.
(1963 Code, § 1-9-9)

§ 31.067 SPECIAL ASSESSMENT FUND.

All moneys received by the Treasurer on any special assessment or special tax, shall be held by him or her as a special fund, to be applied to the payment of the improvement for which such special assessment or special tax was made, and the money shall be used for no other purpose whatever, except to reimburse the city for money expended for such improvement.
(1963 Code, § 1-9-4)

§ 31.068 PERSONAL USE OF CITY FUNDS PROHIBITED.

The Treasurer shall keep all moneys in his or her hands belonging to the city separate and distinct from his or her own money, and he or she is hereby expressly prohibited from using, either directly or indirectly, the city moneys or warrants in his or her custody or keeping for his or her own use and benefit, or that of any other person whomsoever; and any violation of this section shall subject him or her to removal from office by the Council.
(1963 Code, § 1-9-5)

§ 31.069 COMPENSATION.

The compensation of the Treasurer shall be an annual sum as established by ordinance from time to time.
(Ord. 881, passed 7-21-1976; Am. Ord. 1718, passed 9-18-2000)

ATTORNEY

§ 31.080 GENERALLY.

The City Attorney shall perform such functions as provided by law and shall further perform such duties and activities as the Mayor and the City Council may from time to time authorize and direct.

SUPERINTENDENT OF PUBLIC WORKS

§ 31.095 CONSOLIDATION OF OFFICES.

The Departments heretofore existing in the city known as the Department of Streets, the Department of Water and Light, the Department of Parks, and the Engineering Department, are hereby merged and consolidated into 1 Department to be known as the Department of Public Works; and the offices now and heretofore existing in the city known as the Superintendent of Streets, Superintendent of Water Works, Superintendent of Parks and Engineer, are

hereby abolished, and that in lieu thereof there is hereby created an office to be filled by an officer who shall be known as the Superintendent of Public Works.
(1963 Code, § 1-12-1)

§ 31.096 APPOINTMENT.

The Superintendent of Public Works shall be appointed annually by the Mayor and his or her appointment confirmed by the Council. He or she shall serve until removed by the Mayor or until the term in office of the Mayor shall expire.
(1963 Code, § 1-12-2)

§ 31.097 DUTIES.

(A) The Superintendent of Public Works shall be vested with all the power and authority and charged with the performance of all the duties now performed or pertaining to the offices abolished by § 31.095 of this chapter. In addition to that he or she shall perform all such duties as may from time to time be required by the Council or by the Mayor.

(B) He or she shall be in charge of and have control over all parks and parkways in the city, and all public places which are now or may hereafter be improved as parks or public playgrounds.
(Ord. passed 5-15-1917)

(C) He or she shall have charge of the improvement, repair and cleaning of all streets, alleys, and public grounds, and shall supervise the construction and repair of all sidewalks, but no improvement or repairs, except those actually necessary, shall be made without the previous order of the Council. The Superintendent shall, without delay, cause all breaks in any street, alley, crossing, ridge, culvert, apron, or other unsafe place to be repaired, and report the cost thereof to the Council for allowance; but when the probable cost of any repair shall exceed $25, the same shall be made only with the concurrence of the Mayor and the Committee on Streets and Alleys.

(D) He or she shall cause all provisions of this code relating to streets, sidewalks, and public grounds to be enforced.

(E) He or she shall each spring cause the streets, alleys, and public grounds to be cleaned and the gutters opened, and shall, as far as is practicable, keep them in such condition throughout the year.

(F) He or she shall supervise all connections of private drains with the public sewers, and shall see that the same are made in such manner that no injury is done to the public sewers.

(G) He or she may procure the necessary implements for performing street labor, or materials for bridges, culverts, or crosswalks, but he or she shall make no purchase without making a written requisition to the chairman of the Committee on Streets and Alleys, and obtaining an order therefor. He or she shall cause all implements or tools belonging to the city to be legibly marked or branded with the letters City, and shall cause them to be properly housed and protected from the weather when not in use.

(H) He or she shall make and submit plans, estimates, and specifications for public works which may be proposed or ordered by the Council.

(I) He or she shall, when required by the Mayor or Council, superintend the construction of any public works of the city, and shall as often as may be necessary examine the public works under his or her supervision to see that the same is properly executed, and if the contractor shall neglect or refuse to execute the work in accordance with his or her contract and specification, the Superintendent may suspend the work, and shall thereupon report the facts to the Mayor and Council.

(J) He or she shall, when required, receive, inspect, or measure any lumber, brick, stone, or other material, to be used in any public work of the city, and if necessary shall keep an accurate account of the quantity or quality of the same, the cost thereof, from whom received and for what purpose used; and shall

examine all bills for materials so received in connection with the Department, and if found correct, shall certify to the Council for allowance.

(K) He or she shall, when required by the Council, make a survey of the grade or boundary of any street or alley of the city, and prepare a plat or profile thereof, and report the same to the Council; and no such survey shall be deemed established or valid until the plat or profile thereof shall be approved by the Council. Any plat, profile, or other paper belonging to the office of the Superintendent shall be returned to him or her by the Clerk as soon as the Council shall have no further use for the same.

(L) He or she shall, without charge, give or mark the grade of any street or alley, where established, at the request of any person desiring to erect any building, or to lay any sidewalk thereon.

(M) He or she shall keep in his or her office plats of all grades and boundaries of streets established by the Council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established. He or she shall also keep correct surveys of all public sewers and water mains, showing the location, length, and dimensions of the same. He or she shall record in a suitable book, to be provided by the city, the profiles of all surveys of grades and boundaries established, and preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to his or her office.

(N) The Superintendent of Public Works shall furnish all engineering services required by the Board of Local Improvements, or any official or employee thereof.
(1963 Code, § 1-12-3) (Ord. 237, passed 6-25-1928)

(O) The Superintendent shall annually, on or before the first Tuesday in April of each year, make out and submit to the Council a report, showing in detail the public works or improvements undertaken or completed in connection with his or her Department during the preceding fiscal year, and the cost thereof to the city.
(1963 Code, § 1-12-4)

(P) The Superintendent shall carefully preserve in his or her office, all plats and records of surveys, and all books, maps, and papers pertaining thereto; and a correct list of all implements, materials and other property in his or her charge, and upon the expiration of his or her term of office, or resignation or removal therefrom, he or she shall, on demand, deliver to his or her successor in office all such property belonging to the city or appertaining to his or her office.
(1963 Code, § 1-12-5)

REGISTRAR OF VITAL STATISTICS

§ 31.110 REGISTRAR DESIGNATED.

The Hygienic Institute located within the city shall be designated by the Registrar of Vital Statistics.

§ 31.111 REPORTS AND RECORDS.

(A) *Reports*. A report of all births, stillbirths, and deaths shall be made to the local Registrar of Vital Statistics, which report shall contain all information required by state law.

(B) *Records*. All records are to be kept by the Registrar at the Hygienic Institute in the city.

CHAPTER 32: BOARDS, COMMISSIONS AND ORGANIZATIONS

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EMERGENCY SERVICES AND DISASTER AGENCY

§ 32.001 ESTABLISHMENT.

There is hereby created the city emergency services and disaster agency (ESDA) to prepare, mitigate, respond, and conduct recovery activities to handle any type of emergency or disaster situation, whether technological or natural, to minimize the loss and damage to life and property, in accordance with the State Emergency Management Act, being ILCS Ch. 20, Act 3305, §§ 1 *et seq*.
(Ord. 1681, passed 9-20-1999)

§ 32.002 COORDINATOR.

(A) The Coordinator of the city ESDA shall be appointed by the Mayor, with the consent of the Council, and shall serve until removed by the Mayor or until the term in office of the Mayor who has appointed such Coordinator shall expire, whichever shall first occur.

(B) The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the Mayor as provided by statute.

(C) In the event of the absence, resignation, death or inability to serve as the Coordinator, the Mayor, or any person designated by him or her, shall be and act as Coordinator until a new appointment is made as provided in this subchapter.
(Ord. 1681, passed 9-20-1999)

§ 32.003 FUNCTIONS.

The city ESDA Coordinator shall perform such functions within the city as shall be prescribed in and by the state ESDA plan and shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasimunicipality entered into as provided in the State Emergency Management Agency Act (ILCS Ch. 20, Act 3305, §§ 1 *et seq*.)
(Ord. 1681, passed 9-20-1999)

§ 32.004 MOBILE SUPPORT TEAM.

(A) All or any members of the city ESDA organization may be designated as members of a mobile support team created by the director of the state ESDA as provided by law. The leader of such mobile support team shall be designated by the Coordinator of the city ESDA organization.

(B) Any member of a mobile support team who is a city employee or officer while serving on call to duty by the governor or the state director shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the city, while so serving, shall receive from the state reasonable compensation as provided by law.
(Ord. 1681, passed 9-20-1999)

§ 32.005 MUTUAL AID AGREEMENTS.

The coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the Mayor and by the state director of ESDA.
(Ord. 1681, passed 9-20-1999)

§ 32.006 COMPENSATION.

Members of the ESDA who are paid employees or officers of the city, if called for training by the state director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members who are not such city employees or officers shall receive such training time and such compensation as may be established by the Mayor.
(Ord. 1681, passed 9-20-1999)

§ 32.007 REIMBURSEMENT BY STATE.

The state treasurer may receive and allocate to the appropriate fund any reimbursement by the state to the city for expenses incident to training members of the ESDA, as prescribed by the state director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the city in response to a call by the governor or state director of ESDA, as provided by law, and any other reimbursement made by the state incident to ESDA activities as provided by law.
(Ord. 1681, passed 9-20-1999)

§ 32.008 PURCHASES AND EXPENDITURES.

The Mayor may on recommendation of the city Coordinator of ESDA, authorize any purchase of contracts necessary to place the city in a position to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from manmade or natural disaster.
(Ord. 1681, passed 9-20-1999)

§ 32.009 OFFICE SPACE.

The Mayor is authorized to designate space in a city building, or elsewhere, as may be provided for by the city for the city as its office.
(Ord. 1681, passed 9-20-1999)

§ 32.010 OATH.

Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the Illinois Emergency Management Agency or an emergency services and disaster agency, shall, before entering upon his or her duties, take an oath, in writing, before the Director or before the Coordinator of that emergency services and disaster agency or before other persons authorized to administer oaths in this State, which oath shall be filed with the Director or with the Coordinator of the emergency services and disaster agency with which he or she shall serve and which oath shall be substantially as follows:

> "I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the (name of the

political subdivision), I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

(Ord. 1681, passed 9-20-1999)

FIRE INSURANCE BOARD

§ 32.020 CREATION.

In accordance with the ILCS Ch. 65, § 11-10-2 there shall be established a Board known as the Foreign Fire Insurance Board.

(Ord. 1667, passed 6-28-1999)

§ 32.021 OFFICERS.

The officers of the Foreign Fire Insurance Board shall be President, Vice President, Secretary/Treasurer, and 1 trustee and shall be elected from and by the members of the LaSalle Fire Department to serve a 1-year term. Commencing with fiscal year beginning May 1, 2000, and thereafter, the election of officers shall take place in the month of May. The Chief of the Fire Department shall be an ex-officio nonvoting member, unless otherwise elected to the Board, at an election held in accordance with the provisions of this subchapter. Nonetheless, as an ex-officio non-voting member, the Fire Chief shall have the right to participate in all open or closed session discussions regarding the activities of this Board, including, but not being limited to, the management of foreign fire insurance tax forms, preparation of annual budgets or any other matters within the scope of the powers, duties and responsibilities of the Board, and notice of any regular or special meeting in the same manner given to any other member of the Board.

(Ord. 1667, passed 6-28-1999)

§ 32.022 RULES.

The Foreign Fire Insurance Board shall be empowered to adopt needful rules and regulations for the efficient and effective management of the monies received by the Treasurer.

(Ord. 1667, passed 6-28-1999)

§ 32.023 TREASURER BOND.

The Treasurer of the Foreign Fire Insurance Board shall give a sufficient bond to the city. This bond shall be approved by the Mayor.

(Ord. 1667, passed 6-28-1999)

§ 32.024 LICENSE REQUIRED FOR TRANSACTION OF BUSINESS OF FIRE INSURANCE; FEE.

(A) It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois, to engage in effecting fire insurance, or to transact any business of fire insurance in the city while not in full compliance with all of the requirements of this subchapter; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this subchapter.

(B) Any corporation, company or association not incorporated under the laws of the State of Illinois, which is engaged in the city in effecting fire insurance, shall pay to the Comptroller for the maintenance, use and benefit of the Fire Department, a sum of money equal in amount to 2% per annum of the gross receipts received for premiums by any and all agents of any such corporation, company or any and all agents of any such corporation, company or association during the year ending on every first day of July, for any insurance effected or agreed to be effected in the city by or with any such corporation, company or association during such year.

(Ord. 1667, passed 6-28-1999)

§ 32.025 REPORTS.

Every such corporation, company or association as aforesaid, doing business in the city, or any person acting as agent for or on behalf of any such corporation, company or association, shall, on or before July 15 of each year, render to the Comptroller, a full, true and just account, verified by the oath of the secretary or treasurer of such corporation, company or association or verified by the oath of such person acting as agent for or on behalf of any such corporation, company or association or verified by the oath of such person acting as agent for or on behalf of any such corporation, company or association or any such person acting as agent as aforesaid, shall also at the time of rendering the report, pay to the Comptroller the sum of money for which such corporation, company or association is chargeable, by virtue of the provisions of this subchapter.
(Ord. 1667, passed 6-28-1999)

§ 32.026 RECOVERY OF MONEY; DEPOSIT OF RECEIPTS.

(A) The sum of money for which such corporation, company or association is so chargeable, may be recovered of it, or its agent or agents, by an action in the name of and for the use of the city, as for money had and received.

(B) Nothing in this section shall be held to exempt any person, corporation, company or association from indictment and conviction under the provisions of Illinois Municipal Code, being ILCS Ch. 65, Act 5.

(C) The Municipal Treasurer shall pay upon receipt the sums received pursuant to ILCS Ch. 65, Act 5, §§ 11-10-1 and 11-10-2 to the Treasurer of the Foreign Fire Insurance Board.
(Ord. 1667, passed 6-28-1999)

§ 32.027 COMPANIES IN DEFAULT.

No insurance broker or agent in the city shall place any insurance with any company, association or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payment as hereinbefore provided.
(Ord. 1667, passed 6-28-1999)

§ 32.028 DISBURSEMENT OF FUNDS.

All monies disbursed by the Foreign Fire Insurance Board shall be approved by the majority vote of the Board and all checks disbursed by the Board shall be signed by the Treasurer and the President of the Foreign Fire Insurance Board. All members of the Fire Department will be given opportunity to express their views as to how the monies should be disbursed, but the Board shall make all final decisions on disbursements of monies from the fund.
(Ord. 1667, passed 6-28-1999)

PLAN COMMISSION

§ 32.040 PURPOSE; AUTHORITY.

In order that adequate provisions be made for the preparation of a comprehensive city plan for the guidance, direction, and control of the growth and development of the city, a Plan Commission, which shall be a department of the city government, is hereby created under authority of ILCS Ch. 65, Act 5, §§ 11-12-4 *et seq.*
(1963 Code, § 2-3-1) (Ord. 481, passed 11-15-1948)

§ 32.041 MEMBERSHIP.

The Plan Commission shall consist of the following: Chairperson and 12 other members, citizens of the city. The Chairperson and the 12

other members of the Plan Commission shall be appointed by the Mayor, subject to the approval of the Council. Henceforth, neither elected city officials nor city employees, nor officials of the city appointed to other city positions shall be members of the Plan Commission.
(1963 Code, § 2-3-2) (Ord. 1259, passed 6-25-1990)

§ 32.042 TERM OF OFFICE.

The Chairperson and the other 12 members shall be appointed for terms of 4 years, but shall be subject to removal as provided by law, including that set forth within chapter 24, section 3-11-1 of the 1989 revised Statutes of the State of Illinois. All members of the Plan Commission shall serve without compensation.
(1963 Code, § 2-3-3) (Ord. 1259, passed 6-25-1990)

§ 32.043 ORGANIZATION.

The Chairperson of the Plan Commission shall preside at all meetings of the Plan Commission. The Commission may elect such officers as it may deem necessary, and adopt and later change or alter rules and regulations of organization and procedure consistent with city and state laws. The Commission shall keep written records of its proceedings which shall at all times be open for public inspection. The Commission shall also file an annual report with the Council, setting forth its transactions and recommendations.
(1963 Code, § 2-3-4) (Ord. 535, passed 3-1-1954)

§ 32.044 POWERS AND DUTIES.

The Plan Commission shall have the following powers and duties:

(A) (1) To prepare and recommend to the Council a comprehensive plan of public improvements, looking to the present and future development and growth of the city. Such a plan, after its adoption by the Council, will be known as the Official Plan of the City.

(2) The Plan shall include reasonable requirements in reference to streets, alleys, and public grounds within the corporate limits and in contiguous territory outside of and distant not more than 1½ miles from such limits, and not included in any municipality, such requirements to be effective whenever such lands shall be subdivided after the adoption of the Plan.

(B) To prepare and recommend to the Council from time to time such changes in the plan as may be deemed necessary by the Council or by the Plan Commission.

(C) To prepare and recommend to the Council from time to time, plans and recommendations for specific improvements in pursuance of the Official Plan.

(D) To give aid to the officials of the city, charged with the direction of projects for improvements embraced within the Official Plan, to further the making of such improvements, and generally to promote the realization of the Official Plan.

(E) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(F) To exercise such other powers germane to the powers granted by this subchapter as may be conferred by the Council.
(1963 Code, § 2-3-5)

§ 32.045 LAND SUBDIVISION OR RESUBDIVISION.

Following the adoption of an Official Plan in the manner prescribed in this subchapter, no map or plat of any subdivision or resubdivision presented for record, affecting land within the city, or in

contiguous territory outside of and distant not more than 1½ miles from its limits and not included in the city, shall be entitled to record or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto of the Official Plan.
(1963 Code, § 2-3-6)

§ 32.046 IMPROVEMENTS.

The Clerk shall furnish the Plan Commission for its consideration a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the Council.
(1963 Code, § 2-3-7)

§ 32.047 EXPENDITURES.

The Commission may, at the discretion of the Council, employ necessary help whose salaries, wages, and other necessary expenses shall be provided for by adequate appropriation made by the Council from the public funds. If the Plan Commission shall deem it advisable to secure technical advice or service, it may be done upon authority from the Council and appropriations by the Council therefore.
(1963 Code, § 2-3-8) (Ord. 481, passed 11-15-1948)

RECREATION BOARD

§ 32.060 CREATION.

There hereby is created for the city a Recreation Board of 5 persons, to be appointed by the Mayor with the consent of the City Council. The Board must serve without compensation of any kind or nature. The Council delegate to said Recreation Board, shall not have the right to vote and shall attend merely in his or her capacity as representative from said Council. All such Board members shall be appointed for a term of 5 years, except that the members of the Board first appointed under this subchapter shall be appointed for such terms, that the term of 1 member shall expire annually thereafter. If a vacancy occurs in the office of any Board member, the Mayor shall appoint a successor to serve for the unexpired term. Immediately after the initial appointment under this subchapter, the Board so chosen by the Mayor and approved by the City Council shall meet and organize by electing 1 of their members chairperson and such other officers as they may deem necessary. For purposes of the initial appointment hereunder and to insure compliance with the State Statutes in such case made and provided, the Mayor upon appointment of the 5 members shall designate the number of years they shall serve.
(Ord. 856, passed 11-4-1974)

§ 32.061 POWERS AND DUTIES.

That said Board be vested, and hereby is vested, with the control and management of all existing parks, playgrounds and public recreation centers, together with all such hereafter acquired, and shall direct the equipment, maintenance and conduct thereof, and shall make suitable rules and regulations for the proper and orderly direction and management of the same. Said Board members shall have power to conduct programs in playgrounds and recreation centers and in buildings located thereon, and may, for the better carrying out of the purposes for which this subchapter is adopted, employ such supervisors, playground leaders, and other employees, as they may deem proper, and shall have power to furnish and control such equipment and supplies as they may deem proper. The control and management of Pulaski Park shall rest with the Recreation Board, and they shall have all authority over said Park as specified in this section.
(Ord. 856, passed 11-4-1974)

§ 32.062 EXPENDITURES.

The Board shall have authority to expend such moneys as shall be provided for these purposes by the City Council; that the Board may also solicit or receive any gifts or bequests of money or other personal property or any donation, to be applied, principal or income, for either temporary or permanent use for playground and other recreational purposes; provided, however, that the total expenditure of tax moneys shall not exceed the annual sums appropriated and levied therefore by the City Council of said city.
(Ord. 856, passed 11-4-1974)

§ 32.063 TAX LEVY; FUND ESTABLISHED.

(A) There hereby is authorized and established and hereafter shall be maintained, as provided for by an Act of the General Assembly of the State of Illinois entitled An Act to provide for the acquisition, equipment, conduct and maintenance of public playgrounds and recreation centers in and by cities, towns and villages of less than 150,000 inhabitants, approved June 24, 1921, as amended, a fund for the equipment, conduct and maintenance of public playgrounds and recreation centers in the said city and that for the establishment of such fund there shall be, and hereby is, levied an annual tax of not to exceed 9 mills on each dollar of assessed valuation of all taxable property within the corporate limits of said city.

(B) That the amounts realized from the levy and collection of the tax provided for in division (A) above of this section shall be placed in a special fund to be denominated Recreation Fund, and shall be expended by said Board in the equipment, operation and maintenance of such playgrounds and recreation centers, said fund to be disbursed under the direction of said Board and to be paid out upon warrants drawn upon the City Treasurer by such Board, signed by its chairman and 1 other officer or employee; but such expenditures so made in any 1 year shall not exceed the amount annually provided for unless such excess be donated or otherwise contributed, the right being hereby conferred upon such Board to receive and expend upon and for such playgrounds and recreation centers any voluntary donations made therefore.
(Ord. 856, passed 11-4-1974)

§ 32.064 MONTHLY REPORTS.

Every month said Recreation Board shall make and submit a report to the City Council of the expenditures and the receipts from revenue showing any credit or deficit in said report.
(Ord. 856, passed 11-4-1974)

ZONING BOARD OF APPEALS

§ 32.075 BOARD OF APPEALS CREATED.

There is hereby created a Zoning Board of Appeals for the city, which consists of 11 members, including a Chairperson to be appointed by the Mayor with the consent of the Council.
(1963 Code, § 2-1-1) (Ord. 586, passed 2-3-1958)

§ 32.076 DUTIES.

The Zoning Board of Appeals shall study the zoning questions in the city and shall prepare a report and suggested ordinance for the regulation of the heights of buildings and structures, setback lines or building lines, the intensity of the use of lot areas, the location of trades and industries and buildings designated for industrial business, residential or other uses, and dividing the city into various use, height, and other districts for the purpose of establishing and enforcing adequate and proper zoning regulations.
(1963 Code, § 2-1-2) (Ord. 586, passed 2-3-1958)

§ 32.077 MEETINGS.

The Zoning Board of Appeals shall meet at such times as may be determined by it, and special meetings of the Board of Appeals may be held upon call by the Chairperson, or of any 3 members thereof.
(1963 Code, § 2-1-3) (Ord. 586, passed 2-3-1958)

§ 32.078 PUBLIC HEARING; NOTICE.

After the preparation of a tentative report and ordinance, the Zoning Board of Appeals shall hold a public hearing thereon, public notice of which hearing shall be published in a newspaper not more than 30 nor less than 15 days prior thereto, and such notice shall state the place where copies of the tentative ordinance are available for examination.
(1963 Code, § 2-1-4) (Ord. 586, passed 2-3-1958)

§ 32.079 SUBMISSION OF ZONING PLAN TO COUNCIL.

Within 30 days after the final adjournment of its hearing, the Zoning Board of Appeals shall make a report and submit a proposed ordinance to the Council, which thereupon may enact the proposed ordinance with or without change, or may refer it back to the Zoning Board of Appeals for further study.
(1963 Code, § 2-1-5) (Ord. 586, passed 2-3-1958)

POLICE PENSION BOARD

§ 32.090 POLICE PENSION ACT ADOPTED.

The city hereby adopts the Police Pension Act of the State, the title of which Act is as follows: An Act to provide for the setting apart, formation and disbursements of a police pension fund in cities, villages and incorporated towns in the State of Illinois having a population of not less than 5,000 and not more than 200,000 inhabitants. (Approved June 14, 1909, enforced July 1, 1909), and all amendments thereto, now appearing as Division B of Article 10 of Chapter 24, Illinois Statutes.
(1963 Code, § 2-6-1)

§ 32.091 MEMBERS; TERMS.

A board composed of 5 members, residents of the city, shall be chosen as provided for by Chapter 24, Section 10-85, of the Act known as the Police Pension Fund, described in § 32.090 of this subchapter. Two trustees of the Board shall be appointed by the Mayor, the third and fourth trustee shall be elected from the regular police force by the active members thereof, and the fifth trustee shall be elected by the beneficiaries of the fund. Members of the Board shall be elected for a term of 2 years; it being the intention that the Board of Trustees shall be organized, elected and appointed as provided by state law.
(1963 Code, § 2-6-2)

§ 32.092 POWERS AND DUTIES; PENSION FUND.

(A) The Pension Board in the award and payment of pensions and in the discharge of their rights and duties shall have the powers and requirements delegated to it by state law relating to the Police Pension Fund, and all amendments thereto, which are hereby adopted by the city.
(1963 Code, § 2-6-3)

(B) The pension fund shall consist of such amounts as may be appropriated or assigned thereto in the manner provided by law.
(1963 Code, § 2-6-4) (Ord. 447, passed 7-1-1946)

BOARD OF HEALTH

§ 32.105 BOARD CREATED; MEMBERS.

There is hereby created a Board of Health which shall consist of 3 members, as follows: The Health Commissioner acting in and for the city, when appointed by the Mayor by and with the consent of the Council; the Commissioner of Public Health and Safety, when appointed by the Mayor by and with the consent of the Council; and the Chief of Police when appointed by the Mayor by and with the consent of the Council.
(1963 Code, § 2-7-1) (Ord. 55, passed 8-7-1922)

§ 32.106 DUTIES.

(A) The Hygiene Institute shall give the Mayor and other city authorities all such professional advice and information as they may require with a view to the preservation of the public health and the Health Commissioner shall make a detailed monthly report of the proceedings of the Hygiene Institute and it shall be the duty of the Board to investigate the existence of any malignant, contagious or pestilential disease and adopt measures to arrest the progress of such diseases.
(1963 Code, § 2-7-2)

(B) It shall be the duty of the Hygiene Institute to enforce all the laws of the state and provisions of this code in relation to the health and sanitary regulations of the city and cause all nuisances to be abated with all reasonable promptness, and for the purpose of carrying out the foregoing requirements the Hygiene Institute or any officer designated by the Hygiene Institute shall be permitted at all times from the rising to the setting of the sun to enter into any house, store, stable, or other building and to cause the floor to be raised if it shall be deemed necessary in order that a thorough examination of the cellar, vaults, sinks, drains, and the entire premises shall be made; and to cause all privies or vaults to be cleaned and kept in good condition; and to cause all dead animals and other nauseous things or unwholesome substances to be buried, removed, or disposed of as directed by the authorities of the Board.
(1963 Code, § 2-7-3) (Ord. passed 4-21-1914)

§ 32.107 SERVING OF NOTICES.

In order to carry out the provisions of the foregoing section, it is hereby made the duty of the Health Commissioner to serve or cause to be served a notice in writing upon the owner or occupant of any lot, building, or premises in or upon which any nuisance may be found or who may be the owner of or cause of any such nuisance requiring that the nuisance shall be abated in such manner as the Hygiene Institute shall prescribe, within reasonable time. The notice and all other notices pertaining to the Hygiene Institute shall be delivered to the Sanitary Officer or any police officer of the city to serve and it is hereby made the duty of the Sanitary Officer and the members of the Police Department to serve any and all notices which may be delivered to them by the Hygiene Institute. If the owner or occupant shall neglect or refuse to comply with the requirements of the notice within the time specified, the owner or occupant shall be guilty of a misdemeanor and subject to the general penalty provided by this code, and it shall be the duty of the Sanitary Officer or any police officer to proceed at once upon the expiration of the time specified in the notice to cause the nuisance to be abated.
(1963 Code, § 2-7-4) (Ord. passed 4-21-1914)

§ 32.108 ANNUAL REPORT.

The Health Commissioner shall annually on or before the first day of May make to the Council a full and comprehensive statement of all matters pertaining to the Hygiene Institute during the year and of all expenditures against the city made during such year. The Hygiene Institute shall receive no compensation from the city for their services.
(1963 Code, § 2-7-5) (Ord. passed 4-21-1914)

LIBRARY BOARD

§ 32.120 LIBRARY BOARD CREATED; MEMBERS.

(A) The Mayor, with the approval of the Council, shall appoint a Board of 9 directors for the Library and Reading Room to be chosen from the citizens of the city at large, with reference to their fitness for such office; and not more than 1 member of the Council shall be at any 1 time a member of the Library Board.

(B) The directors so appointed and approved as aforesaid, shall hold office, from the first day of July next following their appointment, and at their first regular meeting the trustees shall cast lots for the respective terms of their office, and annually thereafter the Mayor shall, before the first day of May of each year, appoint 3 directors, to take the place of the retiring directors who shall hold their office for 3 years, and until their successors are appointed. The Mayor may, by and with the consent of the Council, remove any director for misconduct or neglect of duty.
(1963 Code, § 2-8-2) (Ord. passed 3-10-1904)

§ 32.121 VACANCIES, ORGANIZATION, DUTIES.

(A) Vacancies in the Board of Directors, occasioned by removals, resignation, or otherwise, shall be reported to the Council, and be filled in like manner as original appointments and no Director shall receive compensation as such.
(1963 Code, § 2-8-3)

(B) The Directors shall, immediately after appointment, meet and organize by the election of one of their number President, and by the election of such other officers as they may deem necessary. They shall make and adopt such bylaws, rules and regulations for their own guidance and for the government of the Library and Reading Room as may be expedient, not inconsistent with this subchapter. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the Library Fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set aside for that purpose; provided, that all moneys received for the library shall be deposited in the treasury to the credit of the Library Fund, and shall be kept separate and apart from other moneys of the city, and drawn upon by the proper officers of the city, upon the properly authenticated vouchers of the Library Board. The Board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building for the use of the library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of The Illinois Local Library Act, ILCS Ch. 75, Act 5, §§ 1-0.1 *et seq.* in establishing and maintaining a Public Library and Reading Room.
(1963 Code, § 2-8-4) (Ord. passed 3-10-1904)

§ 32.122 ANNUAL REPORT.

The Board shall make, on or before the second Monday in June, an annual report to the Council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the Library Fund and from other sources, and how such moneys have been expended, and for what purposes, the number of books and periodicals on hand, the number added by purchase, gift or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of the report as relate to the receipt and expenditures of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.
(1963 Code, § 2-8-6) (Ord. passed 3-10-1904)

§ 32.123 LIBRARY ESTABLISHED; LIBRARY TO REMAIN FREE.

(A) There is hereby established, and there shall hereafter be maintained, a Public Library and Reading Room for the use and benefit of the inhabitants of the city; and for the establishment and maintenance of the Public Library and Reading Room, there shall be levied an annual tax of 2 mills on the dollar of all of the taxable property in the city.
(1963 Code, § 2-8-1)

(B) The Public Library established by this chapter, shall be forever free to the use of the inhabitants of the city, always subject to such reasonable rules and regulations as the Library Board may adopt, in order to render the use of the Public Library of the greatest benefit to the greatest number; and the Board may exclude from the use of the Public Library any and all persons who shall wilfully violate such rules. The Board may extend the privileges and use of the Library to persons residing outside of the city in this state, upon such terms and conditions as the Board may from time to time by its regulations prescribe.
(1963 Code, § 2-8-5) (Ord. passed 3-10-1904)

§ 32.124 DONATIONS TO LIBRARY.

Any person desiring to make donations of money, personal property or real estate for the benefit of the library, shall have the right to vest the title to the money or real estate so donated in the Board of Directors created under this subchapter, to be held and controlled by such Board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property the Board shall be held and considered to be special trustees.
(1963 Code, § 2-8-7) (Ord. passed 3-10-1904)

§ 32.125 INJURY TO LIBRARY PROPERTY.

If any person shall injure, or destroy, or fail to return any book belonging to the Public Library and Reading Room, in accordance with the rules of the Library Board, the person so injuring or destroying or failing to return said book, shall be deemed guilty of a misdemeanor, and upon conviction thereof, the person shall be debarred from further using any of the books of the library.
(1963 Code, § 2-8-11) (Ord. passed 3-10-1904)
Penalty, see § 10.99

HERITAGE CORRIDOR CONVENTION AND VISITOR'S BUREAU

§ 32.140 HERITAGE CORRIDOR CONVENTION AND VISITOR'S BUREAU.

The city recognizes the Heritage Corridor Convention and Visitor's Bureau as an agency to promote convention and tourism business for LaSalle, Illinois.
(Res. 200604, passed 2-27-2006)

MISCELLANEOUS

§ 32.150 PARTICIPATION IN NATURAL HAZARDS MITIGATION PLAN.

The city participates in the development of a FEMA approved Natural Hazards Mitigation Plan. The city will have at least 1 representative participate in at least 3 meetings during the development of the Natural Hazards Mitigation Plan.
(Res. 200603, passed 2-27-2006)

§ 32.151 ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION.

(A) The city does authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an intergovernmental cooperation contract with the Illinois Municipal League Risk Management Association for membership on an annual basis and each year thereafter unless this section is repealed.

(B) Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of its annual renewal based on the needs of the Association and the loss experienced of the member, which sum shall constitute the cost of the member's contribution for membership in the Association.
(Ord. 1836, passed 3-29-2004)

PARK DEVELOPMENT COMMITTEE

§ 32.160 ESTABLISHMENT.

The city does hereby establish a committee to be known as the "LaSalle Park Development Committee".
(Ord. 2178, passed 6-29-2009)

§ 32.161 PURPOSE AND MISSION.

The purpose and mission of the Park Development Committee shall be to promote the acquisition and development of additional park and recreation facilities for the city with the goals of the Committee to include the following:

(A) Providing additional park and recreation facilities and equipment for the city and the public in general.

(B) Providing and promoting the esthetic well being of the citizens of the city and the public in general.

(C) Assisting in the seeking of funding, whether by way of private funding and/or public funding, including, but not limited to, grants to assist the acquisition and development of additional city parks and recreation facilities.

(D) To perform such other activities as may be requested from time to time by the Mayor and/or the City Council to assist in the purposes of this organization.
(Ord. 2178, passed 6-29-2009)

§ 32.162 ORGANIZATION; MEMBERSHIP.

Organizational provisions related to the development of the Park Development Committee shall include the following:

(A) *Advisory capacity of Committee*. The Park Development Committee shall endeavor to maintain the purposes and goals set forth within the recitals of Ordinance Number 2178, passed June 29, 2009 and within § 32.161 to the extent reasonably possible and the activities of the Park Development Committee are advisory only and the City Council shall not be bound by any recommendation or advice received from the Committee.

(B) *Fiscal year*. The fiscal year shall be from May 1 to April 30, inclusive.

(C) *Membership*. The Park Development Committee shall consist of 15 official voting members to be appointed by the Mayor with the approval of the City Council. A member shall serve for 3-year terms each, provided that of individuals first selected, 5 shall serve for 1 year each, 5 shall serve for 2 years, and 5 shall serve for 3 years, and thereafter, each Committee member shall serve for 3 years. The first persons appointed to the Committees shall determine the length of the terms for each official member of the Committee by lot. Any vacancy occurring shall be filled for the remainder of the term in the same manner as original appointments. The terms will run from June 29, 2009.
(Ord. 2178, passed 6-29-2009)

§ 32.163 OFFICERS.

The officers of the Park Development Committee shall include the following. The Mayor shall nominate, subject to the approval of the City Council, 1 person to be known as Chairman, 1 person to be known as Secretary, and 1 person to be known as Treasurer of the Park Development Committee. The positions of Chairman, Secretary, and Treasurer shall be subject to the following provisions.

(A) *Chairman*. In reference to Chairman, the following provisions shall apply:

(1) The person occupying the position of Chairman shall be considered an agent of, but not an employee of, the city.

(2) The position shall be non-remunerative.

(3) The term of said position shall be 1 year, except that the party occupying said position shall be automatically renewed for the subsequent year, in the absence of being provided with a notice in writing of at least 30 days prior to the commence of any given fiscal year, that said party will not be reappointed to fill said position.

(4) The Chairman shall be a bonded position with the bond being an amount equal to the balance existing in any bank account of the Park Development Committee as of the commencement of a fiscal year or in the initial term at the time of formation of the official Committee.

(5) Additionally, notwithstanding anything else set forth within this subchapter, the Chairman may be terminated on 30 days notice on motion of the Mayor provided that the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, Aldermen may remove the Chairman on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Chairman may resign upon 30 days written notice and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1 year.

(B) *Secretary*. The following shall apply in reference to the Secretary:

(1) The Secretary shall keep the minutes of the meetings, which shall be conducted in accord with the Open Meetings Act of the State of Illinois and shall further keep the general records of the Committee.

(2) The position of Secretary shall be a bonded position with the amount of the bond to be equal to the funds existing within the account of the Park Development Committee at the commencement of any fiscal year.

(3) The term and position of Secretary shall be non-remunerative and the term of said position shall be 1 year, except that the party occupying said position shall be automatically renewed for the subsequent year in the absence of being provided with a notice in writing at least 30 days prior to the commence of any given fiscal year, that said party will not be reappointed to fill said position.

(4) Additionally, notwithstanding anything else set forth within this subchapter, the Secretary may be terminated on 30 days notice on motion of the Mayor provided that the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, Aldermen may remove the Secretary on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Secretary may resign upon 30 days written notice and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1 year.

(C) *Treasurer*. The following shall apply in reference to the Treasurer:

(1) The Treasurer shall keep the financial books, ledgers, and all financial records of the Committee.

(2) The position of Treasurer shall be a bonded position with the amount of the bond to be equal to the funds existing within the account of the Park Development Committee at the commencement of any fiscal year.

(3) The term and position of Treasurer shall be non-remunerative and the term of said position shall be 1 year, except that the party occupying said position shall be automatically renewed for the subsequent year in the absence of being provided with a notice in writing at least 30 days prior to the commence of any given fiscal year, that said party will not be reappointed to fill said position.

(4) Additionally, notwithstanding anything else set forth within this subchapter, the Treasurer may be terminated on 30 days notice on motion of the Mayor provided that the same is sustained by a majority of the then serving Aldermen of the City Council. Additionally, in the absence of any motion by the Mayor, Aldermen may remove the Treasurer on motion provided that the same passes by at least a 2/3 vote of the members of the City Council, including the Mayor. Additionally, the Treasurer may resign upon 30 days written notice and in the event of any such resignation, a successor may be appointed by the Mayor subject to the approval of the City Council to fill out the unexpired portion of the 1 year.
(Ord. 2178, passed 6-29-2009)

§ 32.164 ADDITIONAL PROVISIONS.

(A) *Official and ex-officio members*. It is further provided that there shall be at least 1 member of the City Council and 1 member of the Recreation Board, also known as the Park Board, that are official Committee members of the Park Development Committee. Additionally, the Park Development Committee shall have the authority by a majority vote of that Committee to name such ex-officio non-voting members of the Committee as the Committee may from time to time deem appropriate in furtherance of its goals, except that there should not be more than 5 ex-officio members at any given time without the approval of the City Council. It is further provided that 1 of said ex-officio members shall be the Mayor then in office.

(B) *Further procedures of the Committee*. Minutes shall be kept in reference to all Committee meetings which, as provided above, shall be in accord with the Open Meetings Act of the State of Illinois as the same may be from time to time amended. Additionally, the Chairman, Secretary, and Treasurer of the Park Development Committee shall provide a written report, including, but not being limited to, a written financial report to the Mayor and the City Council at least quarterly for their perusal. Further, an annual financial and activity report shall be provided to the Mayor and the City Council at the end of each fiscal year along with the proposed projected activity for the next fiscal year. The Chairman, Secretary, and Treasurer shall provide such additional reports as deemed necessary and appropriate in the circumstances to inform the City Council of the functions of the Park Development Committee and also as the City Council may from time to time request. The financial records of the Park Development Committee shall also be subject to audit by the city's Auditor.

(C) *Meetings*. The Park Development Committee shall determine by majority vote the time and frequency of the Park Development Committee meetings. The meetings shall be open to the public and a notice of the meeting with the agenda shall be posted and published in accord with the Open Meetings Act of the State of Illinois.

(D) *Excused absence*. In the event that a Park Development Committee member should miss 5 or more consecutive meetings without an excuse approved by the Park Development Committee, the Chairman shall declare a member's position vacant

and shall notify the Mayor and the Council that there is a vacancy to be filled by appointment. The member shall be notified.

(E) *Expenses*. The appointees and volunteers of the Park Development Committee shall receive no remuneration for their services and shall receive no compensation for the time expended or lost from work. The members of the Park Development Committee may be reimbursed for actual expenditures provided that the expenditures are approved by the City Council.

(F) *Funding*. It is hoped that the funding for the Park Development Committee shall be from sources independent of the City Council. The City Council may from time to time provide such funding as determined appropriate and necessary in furtherance of the goals of the Park Development Committee by a concurrence of a majority of the City Council.
(Ord. 2178, passed 6-29-2009)

§ 32.165 INSURANCE AND LEGAL ADVICE.

As an advisory arm to the City Council, the Park Development Committee shall have available to it the opportunity to confer for legal counsel with the City Attorney to the extent deemed necessary and appropriate in the circumstances. The city shall provide liability and insurance coverage for any events authorized by the City Council if any should be so authorized in amounts and coverages and to the extent deemed appropriate by the City Council. The Chairman, Secretary, and Treasurer as agents of the city shall be provided insurance under the coverage available to the city to the extent that said Chairman, Secretary, and Treasurer's actions are within the scope of said agency on behalf of the city.
(Ord. 2178, passed 6-29-2009)

§ 32.166 INVALIDITY.

In the event that any provision or part of a provision of this subchapter shall be declared invalid, the invalidity of any such provision should not effect the remainder of this subchapter.
(Ord. 2178, passed 6-29-2009)

§ 32.167 AMENDMENT.

This subchapter may be amended from time to time as the City Council deems appropriate in the circumstances, including, but not limited to, the right to terminate in its entirety the Committee provided that any termination of the Committee shall be on not less than 90 days notice to the Chairman, Secretary, and Treasurer of the Committee.
(Ord. 2178, passed 6-29-2009)

CHAPTER 33: POLICE AND FIRE DEPARTMENTS

Section

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GENERAL PROVISIONS

§ 33.01 BOARD OF FIRE AND POLICE COMMISSIONERS TO APPOINT MEMBERS.

The Board of Fire and Police Commissioners provided for under ILCS Ch. 65, Act 5, §§ 10-2.1-1 *et seq.*, in the city, shall appoint all officers and members of Police Department and all full-time members of the Fire Department, with the exception of the Chief of Police and the Chief of the Fire Department.
(1963 Code, § 2-9-1) (Ord. 486, passed 5-16-1949)

POLICE DEPARTMENT

§ 33.10 DEPARTMENT CREATED; COMPOSITION.

The Police Department of the City of LaSalle shall consist of the following:

(A) *Chief of Police*. Chief of Police to be appointed by the Mayor, subject to confirmation and approval as provided by law of the City Council.

(1) Compensation for the Chief of Police shall be established by the City Council.

(2) Further, in the event an individual is appointed to the position of Chief of Police of the Police Department, should that individual not be re-appointed to or be removed from the Chief of Police position for any reason, he or she shall revert to the rank held at the original appointment of Chief of

Police, regardless of whether a vacancy exists in that rank; provided, however, if the Chief of Police was promoted in rank during his or her term as Chief of Police, the Chief of Police shall revert to that higher rank. The Chief of Police shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than currently held without having to resign as Chief of Police. This section shall not be applicable if, at the time of non-appointment or removal, the individual holding the Chief of Police position has attained the age of mandatory retirement as set forth in ILCS Ch. 65, Act 5, § 10-2.1-17 of the Board of Fire and Police Commissioners Act.

(B) *Deputy Chief of Police*. A Deputy Chief of Police to be appointed by the Chief of Police, if deemed appropriate and necessary by the Chief of Police for the appropriate administration and operation of the Police Department, with the Deputy Chief of Police to serve only during the time deemed appropriate and necessary and in reference to the particular individual at the discretion of the Chief of Police. The Chief of Police shall have the discretion to terminate an individual from the position of Deputy Chief of Police.

(1) The compensation for a person serving in the position of Deputy Chief of Police shall be established by the City Council.

(2) The position of Deputy Chief shall, when occupied, be a non-classified rank immediately below that of Chief of Police. If the Deputy Chief of Police is terminated as Deputy Chief of Police by the Chief of Police within the discretion of the Chief of Police, the Deputy Chief shall revert to the rank held at the time of original appointment as Deputy Chief of Police, regardless of whether a vacancy exists in that rank; provided, however, if the Deputy Chief was promoted in rank during his or her term as Deputy Chief of Police, the Deputy Chief shall revert to that higher rank. The Deputy Chief of Police, having been appointed from any rank of sworn full-time officers of the Department, shall be permitted, regardless of rank, to take promotional exams and be promoted to a higher classified rank than currently held without having to resign as Deputy Chief.

(C) *Lieutenants and sergeants*. Lieutenants and sergeants, the number of which shall be determined by the operational needs of the Department and appointed by the Chief of Police, subject to approval of the City Council. The compensation for lieutenants and sergeants shall be established by the City Council.

(D) *Total number of officers*. Additionally, the total number of officers within the Police Department, including all respective positions within the Department of patrolmen, sergeant, lieutenant, Deputy Chief and Chief of Police shall be determined by the City Council.

(E) *Specialty officers*. The appointment to the various positions of specialty officer within the City of LaSalle Police Department, including that of investigator, school resource officer, K-9 officer, and drug task force officer, shall be at the discretion and for the time period set by the Chief of Police, and the specialty officers shall not be additional positions within the Department, but shall consist of officers who are otherwise occupying a position of patrolman, sergeant, lieutenant, Deputy Chief and/or Chief of Police.

(F) *Enforcement of rules and regulations*. The Chief of Police in the exercise of his or her duties shall have the power to enforce the rules, regulations and policies for the government of the members and employees of the Police Department, which rules shall, however, be consistent with this code, the ordinances of the city and the laws of the state. The Chief of Police may make or prescribe such further rules and regulations as he or she shall deem advisable, and such rules shall be binding on all members of the Police Department.
(1963 Code, § 6-1-4) (Ord. 725, passed 6-26-1967; Am. Ord. 884, passed 7-21-1976; Am. 960, passed 4-30-1979; Am. Ord. 1124, passed 1-12-1987; Am. Ord. 2205, passed 1-11-2010)

§ 33.11 CHIEF OF POLICE; DUTIES.

(A) The Chief of Police shall devote his or her whole time and energy to the discharge of the duties of his or her office, and shall see that the laws of the

city are enforced as far as possible, and that all offenders are reported to some proper tribunal for punishment.

(B) He or she shall be commanding officer of the Police Department, subject to the Mayor and the rules and regulations prescribed by the Council. He or she shall assign to all police officers under him or her, their beats or districts, and shall see that they are on duty during the whole time of their watch. He shall, in no case, absent himself or herself from the city without notifying the Mayor of his or her intended absence, where the same is practicable.

(C) It shall be the duty of the Chief of Police to promptly report to the Mayor any member of the Police Department who may be guilty of drunkenness, neglect of duty, disobedience of orders or violation of the standing rules and regulations of the Department; and during the pendency of formal charges against any police officer, the Chief of Police, with the consent of the Mayor and the Board of Fire and Police Commissioners, may suspend the officer from duty, until such charges can be investigated.

(D) The Chief of Police shall have the care, custody and control of all books, records, equipment and other property belonging to the Department, and of all stolen goods seized and retained by the police authority. Upon the expiration of his or her term of office or his or her resignation or removal therefrom, he or she shall, on demand, surrender to his or her successor in office, all books, records, equipment and property in his or her possession belonging to the city, or pertaining to his or her office.
(1963 Code, § 6-1-2)

(E) The Mayor, with the approval of the Council, may appoint the Chief of Police from among the members of the Police Department or any qualified person outside of the Police Department.
(1963 Code, § 2-9-2)

(F) The Chief of Police shall keep, or cause to be kept, books of record of the Police Department, and all persons arrested or committed by the police, showing the time and place of each arrest, the offense for which the same was made, the Magistrate or Court before whom such was tried, and the disposition of each case.
(1963 Code, § 6-1-3)

§ 33.12 POLICE OFFICER; DUTIES.

(A) It shall be the duty of the members of the Police Department to aid the Fire Department by giving alarms in case of fire, and in clearing the streets and grounds in the immediate vicinity of any fire, so that the firemen shall not be hindered or obstructed in the performance of their duties.
(1963 Code, § 6-1-7)

(B) Any member of the Police Department who shall neglect or refuse to perform any duty required of him or her, or who shall, in the discharge of his or her official duties, be guilty of fraud, favoritism, extortion, oppression, or wilful wrong or injustice, shall be subject to a fine and suspension or removal from office.
(1963 Code, § 6-1-8) (Ord. 725, passed 6-26-1967; Am. Ord. 884, passed 7-21-1976; Am. Ord. 960, passed 4-30-1979)

§ 33.13 BENEFITS AND OTHER EMPLOYMENT PROVISIONS.

(A) Compensation and benefits of patrolmen and employees, to the extent addressed by the Union Agreement shall be covered by the Union Agreement.

(B) The work week for all members of the Police Department shall be determined by union contract. Overtime work may be authorized by the Chief of Police when necessary and such authorized overtime shall be reported to the Mayor. Members of the Police Department shall be compensated for overtime work at the prevailing hourly rate of pay.
(1963 Code, § 6-1-11) (Ord. 600, passed 4-18-1960)

(C) The members of the Police Department shall wear such uniforms as may be prescribed by the rules and regulations of the Department.

(D) Each police officer shall, upon his or her appointment, be supplied with a badge, and upon his or her resignation or removal from the force, he or she shall immediately deliver to the Chief of Police, for the use of the city, his or her badge and billy tend all papers and effects in his or her possession belonging to the city.

(E) Each member of the Police Department of the city, that is a member of the Union, shall receive a clothing allowance consistent with the Union Agreement. Non-Union supervisory personnel shall receive a clothing allowance as provided within the discretion of the City Council.

FIRE DEPARTMENT

§ 33.25 DEPARTMENT CREATED; FUNCTION.

(A) There is hereby created and established a Fire Department, consisting of a Fire Chief, Assistant Fire Chief, and Fire Fighter Engineers.

(B) It shall be the duty and function of the Fire Department, and every member thereof to extinguish accidental or destructive fires and to prevent the occurrence or spread of such fires. The Fire Department shall additionally provide rescue and medical first response to the community.
(1963 Code, § 4-1-6) (Ord. 677, passed 6-29-1964)

§ 33.26 FIRE CHIEF; ASSISTANT CHIEF.

(A) The Mayor, with the approval of the Council, may appoint the Chief of the Fire Department from among the volunteer members or regular members of the Fire Department or any qualified person outside of the Fire Department.
(1963 Code, § 2-9-3) (Ord. 486, passed 5-16-1949)

(B) The Fire Chief shall be the Commanding Officer of the Fire Department and shall have control of the assignment of duties of members of the Department, and the direction of Fire Protection and Prevention work of the city. He or she shall be responsible for the control and regulation of all equipment belonging to the Fire Department. The Fire Chief shall keep himself or herself informed about condition and efficiency of all property or apparatus of the Fire Department, and shall maintain and keep in repair all such property or apparatus. In case of fire, the Fire Chief and his or her assistant in their order of rank, shall take command of the Fire Department and direct the Department thereof for the suppression of the fire in the best manner possible. When it may be necessary for the protection of other property, to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible. It shall be the duty of the Fire Chief to examine into the origin of any fire which results in the destruction of any property within the city, and he or she shall have full power to investigate the cause of fires. It shall be the further duty of the Fire Chief to see that all laws of the city having any relation to the protection of life, limb or property or relating to the Fire Department are strictly enforced, and that all members of the Fire Department are faithful in the discharge of their duties.
(1963 Code, § 4-1-4)

(C) The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department and the attendance of members, a record of all fires, with dates, location, cause of fire, amount of loss and any other information deemed necessary shown thereon, a report given to the City Council at the end of each fiscal year, and shall perform such duties as required by law or ordinance or prescribed by rule and regulation of the Department proper.
(1963 Code, § 4-1-5)

(D) In the case of the temporary absence or disability of the Fire Chief, the Assistant Fire Chief shall possess the power and exercise the duties of the Fire Chief.
(1963 Code, § 4-1-10) (Ord. 677, passed 6-29-1964)

§ 33.27 APPOINTMENT OF MEMBERS.

The Fire Chief, Assistant Fire Chief together with the members of the Fire Department shall be appointed by the Mayor, by and with the consent of the City Council. The 4 Fire Fighter Engineers presently employed shall be retained. Prospectively the hiring of a paid on call firefighter shall be on the appointment of the Mayor with the additional joint approval of the Fire Chief and the Chairman of the Fire and ESDA of the City of LaSalle. When there is a vacancy in the Department for Fire Fighter Engineers, the vacancy shall be filled by appointment by the Board of the Fire and Police Commissioners of the city, it being the intention that all new fire truck drivers shall be appointed by the Board of the Fire and Police Commissioners.
(1963 Code, § 4-1-2) (Ord. 677, passed 6-29-1964; Am. Ord. 2304, passed 10-31-2011; Am. Ord. 2371, passed 9-11-2012)

§ 33.28 QUALIFICATION OF MEMBERS.

New members of the paid on call members of the fire department must be able bodied persons of good moral character and over 18 years of age and not more than 40 years of age. Preference and deference in the event of multiple applicants having equal qualifications shall be in favor of residents of the City of LaSalle, Illinois, but paid on call members shall not be required to be a resident of the City of LaSalle. Members must have a telephone and provide transportation for themselves while attending a fire and/or other call for the fire department. Any volunteer fireman attaining the age of 65 shall be automatically retired from active duty. Any retired volunteer paid on call fireman may continue as a member of social club.
(1963 Code, § 4-1-3) (Ord. 677, passed 6-29-1964; Am. Ord. 918, passed 10-17-1977; Am. Ord. 1766, passed 5-13-2002; Am. Ord. 2304, passed 10-31-2011; Am. Ord. 2371, passed 9-11-2012)

§ 33.29 DUTIES OF FIREMEN.

(A) A member of the Fire Department must obey all department rules and regulations.
(1963 Code, § 4-1-8)

(B) Any fireman in attendance at a fire who shall neglect or refuse to obey the orders of the officer in command at such fire, shall be reprimanded by the Fire Chief.
(1963 Code, § 4-1-7) (Ord. 677, passed 6-29-1964)

§ 33.30 ARREST OF PERSONS INTERFERING WITH FIRE DEPARTMENT OR OTHERWISE VIOLATING LAWS.

The Mayor, Fire Chief, Assistant Fire Chief, and all members of the Fire Department shall, during the process of any fire, arrest any person or persons found trespassing or stealing any property or wilfully injuring or breaking any fire apparatus or hindering or interfering with any member of the Fire Department in the performance of his or her duties, at, going to, or returning from any fire, or while attending to his or her respective duties connected with the Fire Department, or negligently driving any vehicle across or upon any hose of the Fire Department.
(1963 Code, § 4-1-12) Penalty, see § 33.99

§ 33.31 FIRE DRILLS.

The Fire Department will have drills once a month.
(1963 Code, § 4-1-12A) (Ord. 698, passed 12-13-1965)

§ 33.32 FIREMEN'S PENSION FUND.

(A) The City of La Salle, Illinois, hereby and herein adopts and henceforth will follow Article Four:

Firemen's Pension Fund - Municipality 500,000 And Under, in providing pension benefits for its employees falling within the description of fireman as defined in ILCS Ch. 40, Act 5, § 4-106, and in further providing for the setting apart, formation, administration and disbursement of monies collected under said pension fund.

(B) (1) A board composed of 8 members, as required by ILCS Ch. 40, Act 5, § 4-121, is hereby created, said Board to have all right, power and authority granted to it under ILCS Ch. 40, Act 5, §§ 4-101 *et seq.*, and is responsible for the proper administration of said Fund. The new Board will consist of the City Treasurer, City Clerk, City Fire Chief and Mayor of the City, together with 3 other persons to be chosen from the active firemen of the

city as defined in and by ILCS Ch. 40, Act 5, § 4-106, and 1 other person who shall be chosen from the firemen who have been retired under ILCS Ch. 40, Act 5, §§ 4-101 *et seq*. Being that no fireman of the City of La Salle has retired under ILCS Ch. 40, Act 5, §§ 4-101 *et seq*. as of this date, said Board will consist of 7 members until such time as a retired fireman qualifies for the additional position on said Board. The members of the Board to be chosen from the active and retired firemen shall be elected by ballot at elections to be held on the third Monday in April of the applicable years under the Australian Ballot System, at such place or places, and under such regulations as shall be prescribed by the Board.

(2) No person shall cast more than 1 vote at such election for each candidate for whom he or she is eligible to vote. In the elections for Board members to be chosen from the active firemen, all active firemen and none others may vote. In the elections for Board members to be chosen from the firemen who have been retired, the firemen who have been so retired and none others may vote. Each member of the Board so elected shall hold office for a term of 3 years and until his or her successor has been duly elected and qualified.

(3) The Board shall canvass the ballots at each election and declare the results as to which person or persons have been elected and for what term or terms respectively. In case of a tie vote between any 2 or more candidates, the Board shall determine by lot which candidate or candidates have been elected and for what term or terms respectively. In the event of the failure, resignation or inability to act of any member of the Board, his or her successor shall be elected for the unexpired term at a special election which shall be called by the Board and conducted in the same manner as a regular election hereunder. In addition, the Board shall elect from its number a president and vice-president.

(C) That the present state statutes concerning the Firemen's Pension Fund, the same being ILCS Ch. 40, Act 5, §§ 4-101 *et seq*. are adopted in and by this section and made a part hereof, and said sections are incorporated into this section the same as if they had been written herein.

(D) The depository for all monies collected under and by said Board on behalf of said Fund shall be selected by said Board, which depository shall invest said funds in accordance with ILCS Ch. 40, Act 5, § 4-128.

(E) (1) The City Council shall annually levy pursuant to and in accordance with ILCS Ch. 40, Act 5, § 4-118, a tax upon all the taxable property of the municipality at the rate on the dollar which will produce an amount which, when added to the deductions from the salaries or wages of firemen and receipts available from all other sources referred to within ILCS Ch. 40, Act 5, §§ 4-101 *et seq.*, will equal a sum sufficient to: (1) meet the annual requirements of the pension fund; an (2) provide actuarial reserves for the annuities and benefits to be earned by the firemen during the year, and said actuarial reserve requirements shall be computed at a rate of not less than 17.5% of the salaries and wages to be paid to the firemen for the ensuing year; and (3) provide for the amortization of the unfunded accrued liabilities, including liabilities on account of pensions and benefits in force at such date, as determined as of December 31, 1966, by the Pension Division of the Department of Insurance as reported in its Report of Examination of Public Employees Pension Fund, 1967, over a period of 40 years from such date using an interest rate assumption of 4% per annum.

(2) The tax shall be levied and collected in like manner with the general taxes of the municipality and shall be in addition to all other taxes now or hereafter authorized to be levied upon all property within the municipality, and in addition to the amount authorized to be levied for general purposes, as provided by ILCS Ch. 65, Act 5, §§ 8-3-11 *et seq*.

(3) The Firemen's Pension Fund shall consist of the following moneys which shall be set apart by the Treasurer of the municipality:

(a) All moneys derived from the taxes levied hereunder;

(b) All fines imposed for the violation of fire ordinances, the enforcement or collection of which may be charged to and be under the supervision of the chief officers or subordinate officers of such fire departments;

(c) Monthly deductions from the salary of each fireman as otherwise provided herein. As amended by act approved July 31, 1967.
(Ord. 879, passed 7-12-1976)

§ 33.33 FIRE MUTUAL AID RESPONSE.

(A) *Purpose*. It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual member unit's personnel and equipment to perform functions outside the territorial limits of the member unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other member unit's personnel and equipment to perform functions within the territorial limits of a member unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

(B) *Definitions*. For the purpose of this section, the following terms as used in this section shall be defined as follows:

AIDING UNIT. A member unit furnishing equipment, personnel, and/or services to a stricken unit.

MEMBER UNIT. A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.

MUTUAL AID BOX ALARM SYSTEM (MABAS). A definite and prearranged plan whereby response and assistance is provided to a stricken unit by the aiding unit(s) in accordance with the system established and maintained by the MABAS member units and amended from time to time.

STRICKEN UNIT. A Member Unit which requests aid in the event of an emergency.

(C) *Duties*.

(1) Whenever an emergency occurs and conditions are such that the Fire Chief, or his or her designee, of the Stricken Unit determines it advisable to request aid pursuant to this section, he or she shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

(2) The Fire Chief, or his or her designee, of the aiding unit shall take the following action immediately upon being requested for aid:

(a) Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS;

(b) Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the stricken unit;

(c) Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the stricken unit in accordance with the procedures of MABAS;

(d) Notify the stricken unit if any or all of the requested equipment, personnel and/or services cannot be provided.

(D) *Jurisdiction over personnel and equipment.* Personnel dispatched to aid a party pursuant to this section shall remain employees of the aiding unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or senior officer of the stricken unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his or her designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or senior officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

(E) *Compensation for aid.* Equipment, personnel, and/or services provided pursuant to this section shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

(F) *Insurance.* Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, workman's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of $1,000,000 auto and $1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the division may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this division be provided to the MABAS. Upon request, member units shall provide such evidence as herein provided to the MABAS members.

(G) *Indemnification.*

(1) Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

(2) Each party requesting or providing aid pursuant to this agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this section. Provided, however, that all employee benefits, wage and disability payments, pensions, workman's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

(H) *Non-liability for failure to render aid.* The rendering of assistance under the terms of this section shall not be mandatory if local conditions of the aiding unit prohibit response. It is the responsibility of the aiding unit to immediately notify the stricken unit of the aiding unit's inability to respond; however, failure to immediately notify the stricken unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this section and no liability may be assigned. No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this section.

(I) *Term.* This agreement shall be in effect for a term of 1 year from the date of signature hereof and shall automatically renew for successive1-year terms unless terminated in accordance with this division. Any party hereto may terminate its participation in this agreement at any time, provided that the party wishing to terminate its participation in this agreement shall give written notice to the board of their division and to the executive board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

(J) *Effectiveness.* This agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

(K) *Binding effect.* This agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this agreement may not be assigned by a member unit without prior written consent of the parties hereto; and this agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

(L) *Validity.* The invalidity of any provision of this agreement shall not render invalid any other provision. If, for any reason, any provision of this agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this agreement may be enforced with that provision severed or modified by court order.

(M) *Notices.* All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such address as shall be agreed upon.

(N) *Governing law.* This agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

(O) *Execution in counterparts.* This agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as 1 and the same document.

(P) *Executive board of MABAS.*

(1) An executive board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The executive board shall consist of a member elected from each division within MABAS who shall serve as the voting representative of said division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of that member unit.

(2) A president and vice president shall be elected from the representatives of the member units and shall serve without compensation. The president and such other officers as are provided for in the by laws shall coordinate the activities of the MABAS.

(Q) *Duties of the Executive Board.* The executive board shall meet regularly to conduct business and to consider and publish the rules, procedures and by laws of the MABAS, which shall govern the executive board meetings and such other relevant matters as the executive board shall deem necessary.
(Res. 199910, passed 11-15-1999)

§ 33.34 FIRE DEPLOYMENT FEES.

The following fees are hereby established for fire deployment fees in connection with motor vehicle incidents and related matters for services set forth below.

This shall include, but not be limited to hazardous materials assessment and scene stabilization, clean-up of materials used (sorbents) for hazardous fluid clean-up and scene safety, fire suppression, use of breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, all heavy extrication, landing zone set up in the event there should be any helicopter landing zones, traffic control and all matters related thereto.	
$250	Per hour per truck working at incident
$70	Per man per hour of on scene work
$35	Per man per hour station back fill due to incident
Full cost replacement of all equipment and/or other materials damaged and/or expended during the course of the incident, clean-up and disposal.	

(B) In the joint discretion and approval of the Mayor and the Fire Chief, these fees may be waived in connection with a resident of the City of LaSalle.

(C) These fees may be modified upon the joint approval of the Mayor and the Fire Chief of the City of LaSalle.
(Ord. 2259, passed 1-10-2011)
Cross-reference:
Ambulance service fees, see § 119.14

§ 33.99 PENALTY.

Any person or persons violating any provisions of § 33.30, upon conviction shall be fined not less than $5 nor more than $200.
(1963 Code, § 4-1-12) (Ord. 677, passed 6-29-1964)

CHAPTER 34: FINANCE AND REVENUE

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GENERAL PROVISIONS

§ 34.01 FISCAL YEAR.

The fiscal year is from May 1 to April 30.

§ 34.02 BORROWING MONEY; LIMITATION.

The Council may, whenever the interests of the city require it, borrow money on the credit of the city for corporate purposes and issue bonds therefor, in such amounts and forms, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount,

including existing indebtedness, in the aggregate to exceed 5% on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within 20 years after contracting the same.
(1963 Code, § 1-16-2) (Ord. 291, passed 7-27-1931)

§ 34.03 ANNUAL APPROPRIATIONS.

The Council shall as soon as practicable after the commencement of each fiscal year, and within the first quarter of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance. It shall appropriate such sums of money as may be deemed to be necessary to defray all necessary expenses and liabilities of the city for the current year; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal votes of the city, either by a petition signed by them, or at a general or special election called therefor.
(1963 Code, § 1-16-3) (Ord. 291, passed 7-27-1931)

§ 34.04 LIMITATION OF EXPENDITURES.

Neither the Council, nor any department or officer of the city, shall add to the corporate expenditures in any 1 year anything over and above the amount provided for in the annual appropriation ordinance of that year except as herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the city shall exceed, in any 1 year, the amount provided for such improvement in the annual appropriation bill; provided, however, that nothing herein contained shall prevent the Council from ordering, by a 2/3 vote, any improvement, the necessity of which is cause by any casualty or accident happening after such annual appropriation is made. The Council may, by a like vote, order the Mayor and the Finance Committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity for which has arisen, as is herein mentioned, for a space of time not exceeding the close of the next fiscal year; which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the city, the Mayor and Finance Committee, under the sanction of the Council, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year, which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.
(1963 Code, § 1-16-4) (Ord. 291, passed 7-27-1931)

§ 34.05 NO CONTRACT WITHOUT APPROPRIATION.

No contract shall be hereafter made by the Council or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of the city, whether the object of the expenditure shall have been ordered by the Council or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.
(1963 Code, § 1-16-5) (Ord. 291, passed 7-27-1931)

§ 34.06 CONTRACTS AND PURCHASES.

No contract involving the expenditure of $5,000 or more shall be made by, for, or in the name of the city, except upon the prior approval of the Council

in regular or special meeting assembled; provided, however, that the provisions hereof shall not be held or construed to limit in any way any requirement of law as to the making of contracts in excess of certain amounts based upon specifications and public advertisements for bids.
(1963 Code, § 1-16-10) (Ord. 291, passed 7-27-1931)

§ 34.07 DEPOSITORY OF FUNDS.

The LaSalle National Bank and the LaSalle State Bank are hereby designated as depositories of city funds.
(1963 Code, § 1-18-1)

INVESTMENT POLICY

§ 34.20 POLICY.

It is the policy of the City of LaSalle to invest public funds in a manner to the extent reasonably possible which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and confirming to all state and local statutes governing the investment of public funds.
(Ord. 1691, passed 12-13-1999)

§ 34.21 SCOPE.

This policy includes all funds governed by the LaSalle City Council.
(Ord. 1691, passed 12-13-1999)

§ 34.22 PRUDENCE.

(A) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

(B) The standard of prudence to be used by investment officials shall be the prudent person standard and shall be applied in the context of managing an overall portfolio.
(Ord. 1691, passed 12-13-1999)

§ 34.23 OBJECTIVE.

The primary objective, in order of priority, shall be:

(A) Legality - conformance with federal, state and other legal requirements.

(B) Safety - preservation of capital and protection of investment principal.

(C) Liquidity - maintenance of sufficient liquidity to meet operating requirements.

(D) Yield - attainment of market rates of return.
(Ord. 1691, passed 12-13-1999)

§ 34.24 DELEGATION OF AUTHORITY.

Management and administrative responsibility for the investment program is hereby delegated to the City Comptroller. The City Comptroller shall report to the Mayor of the City of LaSalle. The Treasurer, the Comptroller and the Mayor of the City of LaSalle shall meet on an ad hoc basis as determined by the Mayor to review the operation of

the investment program and to modify this investment policy in any manner deemed appropriate subject to the approval of the City of Council of the City of LaSalle, Illinois.
(Ord. 1691, passed 12-13-1999)

§ 34.25 ETHICS.

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
(Ord. 1691, passed 12-13-1999)
Cross-reference:
State officials and employees ethics act, see § 35.20

§ 34.26 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

(A) The Treasurer will maintain a list of financial institutions authorized to provide investment services.

(B) In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.
(Ord. 1691, passed 12-13-1999)

§ 34.27 AUTHORIZED AND SUITABLE INVESTMENTS.

(A) Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds.

(B) Investments shall be made that reflect the cash flow needs of the fund type being invested.
(Ord. 1691, passed 12-13-1999)

§ 34.28 COLLATERALIZATION.

Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent-third party institution in the name of the municipality.
(Ord. 1691, passed 12-13-1999)

§ 34.29 SAFEKEEPING AND CUSTODY.

All security transactions, including collateral for repurchase agreements, entered into by the City of LaSalle, shall be conducted on a delivery-verses-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Comptroller and evidenced by safekeeping receipts and a written custodial agreement.
(Ord. 1691, passed 12-13-1999)

§ 34.30 DIVERSIFICATION.

The entity shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds to the extent reasonably feasible. Diversification can be by type of investment, number of institutions invested in, and length of maturity.
(Ord. 1691, passed 12-13-1999)

§ 34.31 MAXIMUM MATURITIES.

To the extent reasonably possible, the City of LaSalle, shall attempt to match its investments and anticipated cash flow requirements.
(Ord. 1691, passed 12-13-1999)

§ 34.32 INTERNAL CONTROL.

The Comptroller is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points.

(A) Control of collusion;

(B) Separation of transaction authority from accounting;

(C) Custodial safekeeping;

(D) Written confirmation of telephone transactions for investments and wire transfers.
(Ord. 1691, passed 12-13-1999)

§ 34.33 PERFORMANCE STANDARDS.

The investment portfolio will be managed to the extent reasonably possible within parameters specified within the policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio. However, nothing in these performance standards shall be deemed to require the Treasurer to invest municipal funds in financial institutions not having business locations within the corporate limits of the City of LaSalle as long as said investments are otherwise legally appropriate. Funds may be invested in financial institutions not having facilities within the City of LaSalle upon the recommendation of the City Treasurer or the Mayor, and the concurrence of the LaSalle City Council. The City of LaSalle has been historically and remains at present supported by local financial institutions and deems it to be in the best interests of the City of LaSalle and its citizens to support those local financial institutions having a physical presence in the City of LaSalle to the extent deemed reasonably feasible.
(Ord. 1691, passed 12-13-1999)

§ 34.34 REPORTING; STATEMENT OF MARKET VALUE.

(A) The Treasurer shall prepare an investment report at least monthly. The report shall be provided to the LaSalle City Council. The report should be in a format suitable for review by the general public. An annual report should also be provided to the City Council.

(B) A statement of the market value of the portfolio shall be issued to the City Council quarterly.
(Ord. 1691, passed 12-13-1999)

§ 34.35 INVESTMENT POLICY ADOPTION; ANNUAL REVIEW.

This investment policy shall be adopted by the LaSalle City Council. The policy shall be reviewed on an annual basis by the Treasurer, the Comptroller and the Mayor of the City of LaSalle and any modifications made thereto must be approved by the LaSalle City Council.
(Ord. 1691, passed 12-13-1999)

TAXATION

§ 34.45 ANNUAL TAX LEVY.

The Council shall annually, on or before the third Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes legally made, and to be collected from the tax levy of that fiscal year; and by an ordinance specifying in detail the purposes for which such

appropriations are made and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the County Clerk, whose duty it shall be to ascertain the rate per cent, which, upon the total valuation of all the property subject to taxation within the city, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the County Clerk to extend such tax in a separate column upon the books of the collector of the state and county taxes, within the city; provided, the aggregate amount of taxes levied for any 1 year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of 5% upon the aggregate valuation of all the property within the city subject to taxation, as the same was equalized for state and county taxes of the preceding year.
(1963 Code, § 1-16-6) (Ord. 291, passed 7-27-1931)

§ 34.46 MANNER OF COLLECTING TAXES.

The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the Treasurer.
(1963 Code, § 1-16-7) (Ord. 291, passed 7-27-1931)

§ 34.47 UNIFORMITY OF TAXATION.

All taxes levied or assessed by the city, except special assessment for local improvements, shall be uniform upon all taxable property and persons within the limits of the city and no property shall be exempt therefrom, other than such property as may be exempt from taxation under the constitution and the general laws of the state.
(1963 Code, § 1-16-9)

§ 34.48 HOTEL/MOTEL RENTING TAX.

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

(1) ***HOTEL ROOM*** or ***MOTEL ROOM.*** A room within a structure kept, used or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment hotel, lodging house, dormitory or place where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

(2) ***OWNERS.*** Any person or persons having sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person or persons to all or a portion of the net receipts thereof.

(3) ***PERSON.*** Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

(B) *Tax*.

(1) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City of LaSalle, Illinois, a tax of 5% of the rental or leasing charge for each 24 hours or any portion thereof, provided, however, the tax shall not be levied an imposed upon any person who rents a hotel or motel room for more than 7 consecutive days or to a person who works and lives in the same hotel or motel.

(2) The ultimate incident of and liability for payment of said tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, said person hereinafter referred to as renter.

(3) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every hotel or motel to act as trustee for and on account of the city, and to secure said tax from the renter of the hotel or motel room and pay over to the City Comptroller said tax under procedures prescribed by the City Comptroller or as otherwise provided in this section.

(4) Every person required to collect the tax levied by this section shall secure said tax from the renter at the time he or she collects the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum is the rent given to the renter at the time of payment the amount due under the tax provided in this section shall be stated separately on said documents.

(C) *Rules and regulations*. The Comptroller of the City of LaSalle may promulgate rules and regulations not inconsistent with the provisions of this section concerning enforcement and application of this section. The term rules and regulations includes, but is not limited to, case by case determination of whether or not the tax imposed by this section applies.

(D) *Books and records*. The City Comptroller or any person certified as his or her deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this section and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the City Comptroller or his duly authorized deputy or representative in the discharge of his duties and the performance of this section. It shall be the duty of every owner to keep accurate and complete books and records to which the City Comptroller or his or her deputy or authorized representative, shall at all. times have access, which records shall include a daily sheet showing:

(1) The number of hotel or motel rooms rented during the 24-hour period, including multiple rentals of the same hotel rooms where such shall occur; and

(2) The actual hotel or motel tax receipts collected for the date in question.

(E) *Tax returns*.

(1) The owner or owners of each hotel or motel room within the City of LaSalle shall file tax returns showing tax receipts received with respect to each hotel and motel room each month period commencing on August 1, 1994, and continuing on the first day of every month thereafter on forms prescribed by the City Comptroller. The return shall be due on or before the thirtieth day of the calendar month succeeding the end of the month filing period.

(2) The first taxing period for the purpose of this section shall commence on August 1, 1994, and the tax return and payment for such periods shall be due on or before September 30, 1994. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this section. At the time of filing said tax returns, the owner shall pay to the City Comptroller all taxes due for the period which the tax return applies.

(3) If for any reason any tax is not paid when due, a penalty at the rate of 1½% per 30-day period, or portion thereof, from the day of delinquency shall be added and collected.

(F) *Collection*. Whenever any person shall fail to pay any tax as herein provided, the Corporation Counsel shall, upon the request of the City Comptroller, bring or cause to be brought any action to enforce the payment of said tax on behalf of the city in any court of competent jurisdiction.

(G) *Proceeds of tax and fines*. All proceeds resulting from the imposition of the tax under this section, including penalties, shall be paid into the treasury of the City of LaSalle and shall be credited to and deposited in the corporate fund of the city.

(H) *Suspension or revocation of licenses*. If the Mayor, after hearing held by or for him or her shall find any person has willfully avoided payment of tax imposed by this section, he or she may suspend or revoke all city licenses held by such tax evader. The owner, manager, or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than 5 days after notice of the time and place of the hearing to be held, addressed to him or her at his or her last known place of business.
(Ord. 1468, passed 7-18-1994)

§ 34.49 MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX.

(A) A tax is hereby imposed upon all persons engaged in the business of renting automobiles in this city at the rate of 1% of the gross receipts from such rentals made in the course of such business while this section is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-7.

(B) Every such person engaged in such business in the city shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Sections Two and Three of An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption approved June 29, 1933, as amended.

(C) At the tine such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month.
(Ord. 1020, passed 1-4-1982)

§ 34.50 MUNICIPAL AUTOMOBILE RENTING USE TAX.

(A) A tax is hereby imposed upon the privilege of using in this city an automobile which is rented from a rentor outside Illinois and which is titled or registered with an agency of this state's government in this city at the rate of 1% of the rental price of such automobile while this section is in effect, in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-8.

(B) The tax provided for in this section shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in this city.

(C) The tax imposed by this section shall be paid to the Illinois Department of Revenue.
(Ord. 1019, passed 1-4-1982)

§ 34.51 MUNICIPAL REPLACEMENT VEHICLE TAX.

(A) A tax is hereby imposed upon each vehicle, as defined in ILCS Ch. 625, Act 5, § 1-146 of The Illinois Vehicle Code, purchased in this city by or on behalf of an insurance company to replace a vehicle of an insured person in settlement of a total loss claim. The tax shall be in the amount of $50 per vehicle purchased.

(B) Every such insurance company that purchases a replacement vehicle as defined herein shall complete and file with the Illinois Department of Revenue a replacement vehicle certificate (Form RVT-7).

(C) At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.
(Ord. 1058, passed 3-26-1984)

§ 34.52 NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX.

(A) *Authority*.

(1) The city has authority under §§ 8-11-1.1 and 8-11-1.3 of the Illinois Municipal Code (ILCS Ch. 65, Art. 5, §§ 1-1-1 *et seq.*) for property tax relief, expenditure on public infrastructure or both, to impose by ordinance, after majority approval by the electors of the city voting through referendum, a non-home rule municipal retailers' occupation tax upon all persons engaged in the business of selling tangible personal property at retail in the city; and

(2) The city has authority under §§ 8-11-1.1 and 8-11-1.3 of the Illinois Municipal Code (ILCS Ch. 65, Art. 5, §§ 1-1-1 *et seq.*) for property tax relief, expenditure on public infrastructure or both, to impose by ordinance, after majority approval by the electors of the city voting through referendum, a non-home rule municipal retailer's occupation tax upon all persons engaged in the business of making sales of service in the city; and

(3) Sections 8-11-1.3 and 8-11-1.4 of the Illinois Municipal Code provide that a municipality may not impose a non-home rule municipal retailers' occupation tax unless a non-home rule municipal service occupation tax is also imposed and vice versa; and

(4) Section 8-11-1.2 of the Illinois Municipal Code defines ***PROPERTY TAX RELIEF*** as the action of a municipality to reduce the levy for real estate taxes or avoid an increase in the levy for real estate taxes that would otherwise have been required; and

(5) Section 8-11-1.2 of the Illinois Municipal Code defines ***PUBLIC INFRASTRUCTURE*** as municipal roads and streets, access roads, bridges, and sidewalks; waste disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities; and

(6) Sections 8-11-1.3 and 8-11-1.4 of the Illinois Municipal Code provide that a non-home rule municipal retailers' occupation tax and a non-home rule municipal service occupation tax may not be imposed on the sale of prescription and nonprescription medicines, drugs, and medical appliances; on the sale of insulin, urine testing materials, syringes, and needles used by diabetics; or on the sale of food for human consumption that is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption; and

(7) Section 8-11-1.3 of the Illinois Municipal Code provides that a non-home rule municipal retailers' occupation tax may not be imposed on items of tangible personal property that are titled and registered by an agency of the State of Illinois; and

(8) Section 8-11-1.3 of the Illinois Municipal Code provides that a non-home rule municipal retailers' occupation tax may not be more than 1/2 of 1% and may be imposed only in 1/4 of 1% increments; and

(9) Section 8-11-1.4 of the Illinois Municipal Code provides that a non-home rule municipal retailer's occupation tax may not be more than 1/2 of 1% and may be imposed only in 1/4% increments; and

(10) The electors of the city approved a referendum pursuant to § 8-11-1.1(b) of the Illinois Municipal Code adopting a 1/2 of 1% non-home rule municipal retailers' occupation tax; and a 1/2 of 1% non-home rule municipal service occupation tax.

(11) The Council of the city finds that it is in the best interests of the city to impose a non-home rule municipal retailers' occupation tax, a non-home rule municipal service occupation tax for the purposes of expenditure on public infrastructure and/or property tax relief.

(B) *Imposition of non-home rule municipal retailers' occupation tax.* A non-home rule municipal retailers' occupation tax of 1/2 of 1% is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the City of LaSalle, Illinois. Such tax shall not apply to the sale of an item of tangible personal property which is titled and registered by an agency of the State of Illinois; the sale of prescription and nonprescription medicines, drugs and medical appliances; the sale of insulin, urine testing materials, syringes and needles used by diabetics; or the sale of food for human consumption that is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption.

(C) *Imposition of non-home rule municipal service occupation tax.* A non-home rule municipal service occupation tax of 1/2 of 1% is hereby imposed upon all persons engaged within the city in the business of making sales of service on the selling price of all tangible personal property transferred by such servicemen or servicewomen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. Such tax shall not apply to the sale of prescription and nonprescription medicines, drugs, and medical appliances; the sale of insulin, urine testing materials, syringes and needles used by diabetics, or the sale of food for human consumption that is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption.
(Ord. 1911, passed 6-6-2005)

§ 34.53 MUNICIPAL USE TAX.

(A) A tax is hereby imposed in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-6 upon the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois Government. The tax shall be at a rate of 1% of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.

(B) Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificates of registration for the personal property is issued.
(Ord. 854, passed 10-7-1974)

§ 34.54 MUNICIPAL UTILITY TAX.

(A) *Imposition.* A tax is imposed on all persons engaged in the following occupations or privileges:

(1) Persons engaged in the business of transmitting messages by means of electricity, at the rate of 3.5% of the gross receipts from such business originating within the corporate limits of the city.

(2) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the city and not for resale, at the rate of 3.5% of the gross receipts therefrom.

(3) Persons engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of the city and not for resale, at the rate of 3.5% of the gross receipts therefrom.

(4) Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the city and not for resale, at the rate of 3.5% of the gross receipts therefrom.
(Ord. 1026, passed 6-7-1982; Am. Ord. 1313, passed 2-17-1992)

(B) *Exemptions*. No tax is imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statues of the United States, be made subject to taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this section for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by ILCS Ch. 65, Act 5, § 8-11-1.

(C) *Tax additional to use fee*. Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or hereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

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

(1) ***GROSS RECEIPTS.*** The consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, electricity, or water for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, excluding any utility tax imposed by the State of Illinois and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplies, the cost of materials used, labor or service cost, or any other expenses whatsoever.

(2) ***PERSON.*** Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.

(3) ***TRANSMITTING MESSAGES.*** In addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.

(E) *Effective date*. This section shall take effect after publication and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the 1st day of July, 1982.

(F) *Returns*.

(1) On or before the last day of October, 1982, each taxpayer shall make a return to the City Treasurer for the month of July, August and September, 1982, stating:

(a) His or her name;

(b) His or her principal place of business;

(c) His or her gross receipts during those months upon the basis of which the tax is imposed;

(d) Amount of tax;

(e) Such other reasonable and related information as the corporate authorities may require.

(2) On or before the last day of every third month thereafter, each taxpayer shall make a like return to the City Treasurer for a corresponding 3-months' period.

(3) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

(G) *Credit for tax paid but not due.* If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than 3 years prior to the filing of a claim therefor shall be so credited.

(H) *Limitation on recovery action.* No action to recover any amount of tax due under the provisions of this section shall be commenced more than 3 years after the due date of such amount.

(I) *Electricity tax.*

(1) *Tax imposed.*

(a) A tax is imposed on all persons engaged in the following occupations or privileges: The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the municipality at the following rates, calculated on a monthly basis for each purchaser:

1. For the first 2,000 kilowatt-hours used or consumed in a month; 0.4221 cents per kilowatt-hour;

2. For the next 48,000 kilowatt-hours used or consumed in a month; 0.2768 cents per kilowatt-hour;

3. For the next 50,000 kilowatt-hours used or consumed in a month; 0.2491 cents per kilowatt-hour;

4. For the next 400,000 kilowatt-hours used or consumed in a month; 0.2422 cents per kilowatt-hour;

5. For the next 500,000 kilowatt-hours used or consumed in a month; 0.2353 cents per kilowatt-hour;

6. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.2214 cents per kilowatt-hour;

7. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.2180 cents per kilowatt-hour;

8. For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.2145 cents per kilowatt-hour;

9. For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.2110 cents per kilowatt-hour;

10. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.2076 cents per kilowatt-hour.

The tax rates set forth in the preceding table are proportional to the rates enumerated in ILCS Ch. 65, Act. 5, § 8-11-2 (as modified by Public Act 90-561), and do exceed the revenue that could have been collected during 1997, using the rates enumerated in ILCS Ch. 65, Act. 5, § 8-11-2 (as modified by Public Act 90-561).

(b) Pursuant to ILCS Ch. 65, Act. 5, § 8-11-2, the rates set forth in division (a) above shall be effective:

1. On August 1, 1998 for residential customers; and

2. On the earlier of the last bill issued prior to December 31, 2000, or the date of the first bill issued pursuant to ILCS Ch. 220, Act. 5, § 16-104, for nonresidential customers.

(2) *Exceptions*. None of the taxes authorized by this division (I) may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this division for those transactions that are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act authorized by § 8-11-1; nor shall any tax authorized by this division be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.

(3) *Additional taxes*. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

(4) *Collection*. The tax authorized by this division (I) shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this division and any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this division (4) shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this division (I).

(5) *Reports to municipality*.

(a) On or before the last day of each month, each taxpayer shall make a return to the City for the preceding month stating:

1. His or her name;

2. His or her principal place of business;

3. His or her gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed;

4. Amount of tax;

5. Such other reasonable and related information as the corporate authorities may require.

(b) The taxpayer making the return herein provided for shall, at the time of making such return, pay the city the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billing of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

(6) *Credit for over-payment*. If it shall appear that an amount of tax has been paid which was not due under the provisions of this division (I), whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this division from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than 3 years prior to the filing of a claim therefore shall be so credited. No action to recover any amount of tax due under the provisions of this division shall be commenced more than 3 years after the due date of such amount.
(Ord. 1026, passed 6-7-1982; Am. Ord. 1037, passed 11-22-1982; Am. Ord. 1426, passed 7-6-1993; Am. Ord. 1640, passed 6-29-1998)

§ 34.55 SPECIAL TAX FOR GARBAGE.

The maximum tax rate limit for special tax for garbage collection and disposal for the municipality shall be established at .20% of full, fair cash value of all taxable property in the municipality as ascertained, assessed, and set by law.
(Ord. 512, passed - -; Am. Ord. 794, passed 7-20-1970)

§ 34.56 TAX FOR CHLORINATION OF SEWAGE.

The city hereby does levy and collect annually a tax not to exceed .02% of the value of all taxable property within the municipality as equalized or assessed by the Department of Revenue for the specific purpose of paying the expenses of the chlorination of sewage or other means of disinfection or additional treatment as may be required by the water quality standards approved or adopted by the Illinois Sanitary Water Board.
(Ord. 770, passed 7-7-1969)

§ 34.57 TAX FOR POLICE PENSION.

The maximum tax rate limit for special tax for Police Pension for the municipality shall be established at .075% of full, fair cash value of all taxable property in the municipality as ascertained, assessed and set by law.
(Ord. 514, passed 12-3-1951; Am. Ord. 771, passed 7-7-1969)

§ 34.99 PENALTY.

(A) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of § 34.49 except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than $200 nor more than $300 for the first

offense and not less than $300 nor more than $500 for the second and each subsequent offense in any 180-day period. A separate and distinct offense shall be regarded as committed each day upon which said period shall continue any such violation, or permit any such violation to exist after notification thereof. The purpose of imposing the above penalties is to insure the integrity of the collection process established pursuant to § 34.49.
(Ord. 1468, passed 7-18-1994)

(B) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of § 34.54, except as provided in division (C) below, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $500 and in addition shall be liable in a civil action for the amount of tax due.
(Ord. 1026, passed 6-7-1982)

(C) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of § 34.54(I) is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $200 in addition, shall be liable in a civil action for the amount of tax due. (See ILCS Ch. 65, Act. 5, § 8-11-2)
(Ord. 1640, passed 6-29-1998)

CHAPTER 35: EMPLOYEES

Section

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BENEFITS FOR FULL TIME EMPLOYEES

§ 35.01 DEFINITIONS.

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

BASE PAY. The employee's current pay less any premium pay.

FISCAL YEAR. The fiscal year beginning the first day of May and ending the thirtieth day of April.

FULL TIME EMPLOYEE. A person who is employed on a 12 month a year basis, working at least 30 hours per week, whether on an hourly wage or monthly salary.

PART TIME EMPLOYEE. All the persons employed by the city other than full time employees.

SERVICE. Being present for and performing the duties to which an officer or employee of the city has been assigned.
(Ord. 1143, passed 8-24-1987; Am. Ord. 1155, passed 10-5-1987)

§ 35.02 HOLIDAYS GRANTED.

(A) *Holidays designated.*

(1) Each full time city employee shall be entitled to 1 day of vacation on each of the following holidays which are hereby declared to be the official holidays of the city:

(a) New Year's Day;

(b) Good Friday;

(c) Easter (police and fire);

(d) Memorial Day;

(e) July Fourth;

(f) Labor Day;

(g) Veteran's Day;

(h) Thanksgiving Day;

(i) Day after Thanksgiving;

(j) Christmas Eve (December 24th);

(k) Christmas Day.

(2) If the day of any holiday should be changed, the new date deemed a holiday, and a holiday falling on a Sunday shall be observed on the following Monday. In addition to the above holidays, all full time employees of the Police Department shall be entitled to 1 day of vacation for Easter Sunday, upon the same terms and conditions as all other holidays.

(B) *Compensation of holidays worked.* Each full time city employee, with the exception of fire truck drivers, who because of the nature of his or her duty and at the request of his or her supervisor, works on any holiday, shall be paid time and a half (12 hours) for the time worked and the 8 hours of holiday pay. Holiday pay for policemen shall be based upon the day shift premium. Compensation for fire truck drivers who work on any holiday shall be continued as it has been in the past.

(C) In addition to that which has been provided above herein regarding holidays, each city employee shall be granted 2 personal days per year, upon reasonable notice, with pay. Said personal days shall, however, not be accumulated from year to year.
(Ord. 1143, passed 8-24-1987; Am. Ord. 1341, passed 8-3-1992)

§ 35.03 ANNUAL VACATION.

(A) *Annual vacation.*

(1) After 1 year of completed service – 1 week (5 working days);

(2) After 2 years of completed service – 2 weeks (10 working days);

(3) After 5 years of completed service – 3 weeks (15 working days);

(4) After 10 years of completed service – 4 weeks (20 working days);

(5) After 17 years of completed service – 5 weeks (25 working days);

(B) *Earning vacation.* Vacation shall be earned during the year prior to that in which they are taken. During the course of the first year of employment, a full time employee shall earn vacation time on a prorata basis. The date of hire shall determine when an employee earns an additional week of vacation. The additional vacation earned by an employee during an adjustment year shall be determined by dividing the number of working days from the employee's anniversary date to the end of the fiscal year by 260 times 5.
(Ord. 1143, passed 8-24-1987; Am. Ord. 1537, passed 7-17-1995)

§ 35.04 OVERTIME POLICY.

The following policy, in regard to overtime is declared to be the official policy of the city.

(A) The supervisors of the different departments shall not utilize a person for overtime, excepting something that is extraordinary, an emergency, or critically urgent; that is to be determined by the head of that department as to when a person shall be called out under these circumstances.

(B) All overtime hours shall be paid on the basis of 1½ times the base pay for hour, as computed from the monthly pay.

(C) Overtime shall be paid for all hours worked exceeding the regular scheduled 8 hours day in that day and over regular scheduled work week or work period in the case of employees of the Police Department and employees of the Fire Department.

(D) Full time employees in the Street and Water Departments, when called out for overtime, shall be paid a minimum of 2-hours' pay.
(Ord. 1143, passed 8-24-1987)

§ 35.05 FUNERAL LEAVE.

(A) Employees may apply for and be granted 3-days' leave of absence with full pay for a death in the immediate family, namely: spouse, children, parents, brother, sister, grandparents, father-in-law, mother-in-law.

(B) Deaths other than those listed, 1 day will be granted for the funeral of son-in-law, daughter-in-law, brother-in-law, sister-in-law.
(Ord. 1143, passed 8-24-1987; Am. Ord. 1537, passed 7-17-1995)

§ 35.06 PERSONAL DAYS.

Each employee shall have 4 personal days per year to be credited on May 1. New employees who are hired after May 1, shall be given credit for personal days at the rate of 1/2 day for each 2 months remaining in the fiscal year during which they were hired.
(Ord. 1537, passed 7-17-1995)

§ 35.07 UNION AGREEMENT.

Nothing contained within this code herein shall affect any employee benefit rights as provided within any union agreement existing between the city and any group of employees, and to the extent that any provisions contained herein are inconsistent with any provisions contained within the union agreement, the provisions within the union agreement shall supercede the provisions of this Chapter 35.

POLICIES

§ 35.20 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) *Adoption of act*. The regulations of ILCS Ch. 5, Art. 430 § 5-15 and ILCS Ch. 5. Art. 430, §§ 10-10 through 10-40 of the State Officials and Employees Ethics Act, ILCS Ch. 5, Art. 430, §§ 1-1 *et seq*. (Act) are hereby adopted by reference and made applicable to the officers and employees of the city to the extent required by ILCS Ch. 5, Art. 430, § 70-5.

(B) *Soliciting or accepting gifts prohibited*. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the city, is hereby prohibited.

(C) *Offering or making gifts prohibited*. The offering or making of gifts prohibited to be offered or made to an officer or employee of the city under the Act, is hereby prohibited.

(D) *Political activities*. The participation in political activities prohibited under the Act, by any officer or employee of the city, is hereby prohibited.

(E) *Definitions*. For purposes of this section, the terms ***OFFICER*** and ***EMPLOYEE*** shall be defined as set forth in ILCS Ch. 5, Art. 430, § 70-5(c).

(F) *Penalty*. The penalties for violations of this section shall be the same as those penalties set forth in ILCS Ch. 5, Art. 430, § 50-5 for similar violations of the Act.

(G) *Amendments to Act*. Any amendment to the Act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the city.

(H) *If Act declared unconstitutional in its entirety*. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the Corporate Authorities of the city if the Act is found unconstitutional by the Illinois Supreme Court.

(I) *If Act declared unconstitutional in part*. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the city.
(Ord. 1668, passed 6-28-1999; Am. Ord. 1840, passed 5-10-2004)

Cross-reference:

For other ethics provisions, see § 34.25

§ 35.21 DRUG-FREE WORKPLACE POLICY.

In compliance with the Drug-Free Workplace Act of 1988, and ILCS Ch. 30, Act 580, it shall be the policy of the city as follows:

(A) The unlawful manufacture, distribution, dispensation, possession of use of a controlled substance on city premises or while conducting city business off of city premises, shall be absolutely prohibited. A violation of this policy will result in disciplinary action up to and including termination. In addition, other legal consequences may ensue.

(B) Employees must, as a condition of employment, abide by the terms of the above policy. In addition, employees must report any convictions under a criminal drug statute for violations occurring on or off company premises while conducting company business. A report of conviction must be made within 5 days after the conviction.

(C) The city shall, within 10 days after receiving notice of an employee's conviction of a violation of a criminal drug statute, notify all contracting and grating authorities pursuant to the Act.

(D) Within the requisite number of days after receiving notice of an employee's conviction of a violation of a criminal drug statute, the city will take appropriate disciplinary action up to and including termination.

(E) Upon the adoption of this policy, each employee will be provided a copy of the same. A listing of drug counseling and rehabilitation programs in the city and/or county will be available upon request.
(Res. passed 11-22-1993)

§ 35.22 EQUAL EMPLOYMENT POLICY.

(A) *Definition*. For the purpose of this section, the term ***MINORITY*** will refer to American Indians, Asians, Blacks, or Hispanics, or to such protected classes as youth, elderly, women, or developmentally disabled/handicapped individuals.

(B) *Laws to be enforced*. The City of LaSalle hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(1) Title VI of the Civil Rights Act of 1964 which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(2) Title VII of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(3) Title IX of the Education Amendments of 1972 which prohibits discrimination in federally assisted education programs.

(4) The Equal Pay Act of 1963 which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(5) The Age Discrimination Act of 1967 which prohibits discrimination because of age against anyone between the ages of 40 and 65.

(6) Federal Executive Order 11246 which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(7) Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 C.F.R. 32 which prohibits any discrimination based on handicap.

(8) Section 167 of JTPA and the U.S. Regulations at 29 C.F.R. Parts 31 and 32, which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(9) Chapter 68, Article I, Section 17-19 of the Illinois Constitution which prohibits discrimination based on race, color, creed, national ancestry, handicap, and sex in the hiring and promotion practices of any employer.

(C) *Non-discriminatory employment practices.* The City of LaSalle will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

(D) *City contracts.*

(1) The City of LaSalle will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on sex, color, race, religion, age, developmentally disabled/handicap, national origin, political affiliation or belief.

(2) The City of LaSalle will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following Equal Opportunity Clause:

(a) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or developmentally disability/handicap. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(b) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for

employment without regard to race, color, religion, sex, national origin, developmentally disability/handicap.

(c) In the event of the contractor's noncompliance with the Equal Opportunity clause or with any of the said rules, regulations, and orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government Contracts or Federally Assisted construction contracts.

(d) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

(E) *Outreach*. The City of LaSalle assures that it will actively provide non-discriminatory outreach, selection, and service to all individuals.

(F) *Hiring minorities*. Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the City of LaSalle as well as surrounding areas.

(G) *Accommodations for handicapped*. The City of LaSalle will provide accommodations to the best of its ability for developmentally disabled/handicapped employees contingent on budget and structural limitations.

(H) *Employees to adhere to policy*. All City of LaSalle employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out city program activities.

(I) *Mayor and Council to enforce*. The City of LaSalle designates the Mayor and City Council to carry out the EEO/AA plan.
(Ord. 1292, passed 5-28-1991)

§ 35.23 SEXUAL HARASSMENT POLICY.

(A) *General provisions*.

(1) The City of LaSalle is committed to maintaining a work environment that encourages and fosters appropriate conduct among colleagues and respect for individual values and sensibilities. Accordingly, the city's officers and administration are committed to enforcing its sexual harassment policy at all levels within the workplace and creating an environment free from discrimination of any kind, including sexual harassment.

(2) Sexual harassment, according to the Equal Employment Opportunity Commission and the Illinois Department of Human Rights, and for purposes of this policy, consists of unwelcome sexual advances, requests for sexual favors or other verbal or non-verbal or physical acts of a sexual or sex-based nature, where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(b) An employment decision affecting an employee is based on that individual's acceptance or rejection of such conduct; or

(c) Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

(3) Sexual harassment can occur between men and women, or between members of the same gender. Such conduct is unlawful under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, sex, age, religion or national origin.

(4) It is unlawful to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that complaint relates to harassment of or discrimination against the individual submitting the complaint or against other individual.

(5) Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

(B) *Prohibited conduct*.

(1) Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which would be considered sexual harassment include:

(a) Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching;

(b) Sexually suggestive jokes, gestures or sounds directed toward another or sexually oriented comments about another;

(c) Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;

(d) The open display of sexually oriented pictures or posters offensive to others;

(e) Retaliation against an individual for reporting or complaining about sexually harassing conduct.

(2) All employees are encouraged to express displeasure at any conduct which might be sexually harassing, to tell the individual engaging in the conduct that it is unwelcome, to report that conduct, and to use the complaint procedure set forth in this policy.

(C) *Complaint procedure*. While the city encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the city also recognized that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, or even which such communication has occurred, the following steps should be taken to report a sexual harassment complaint.

(1) *Reporting of incident*. All employees are urged to report any suspected sexual harassment by another employee to the Mayor except where that person is the individual accused of harassment. In that case, the complaint should be reported to the Superintendent of Public Works. If the aggrieved employee or other complainant prefers to report the suspected harassment to someone of the opposite gender from that of the Mayor, the complaint can be reported to the City Clerk. The report may be made initially either orally or in writing, but reports made orally must be reduced to writing before an investigation can be initiated.

(2) *Investigation of complaint*. When a complaint has been reduced to writing, the Mayor or the individual informed pursuant to division (C)(1) above will initiate an investigation of the suspected sexual harassment within 5 working days of notification. If necessary, the Mayor may designate another supervisory or management employee of the opposite sex to assist him or her or the alternate individual in division (C)(1) in the investigation. If the Mayor is the subject of the investigation, the investigation will be conducted by the Superintendent of Public Works. The investigation will include an interview with the employee(s) who made the initial report, the person(s) towards whom the suspected harassment was directed if such person(s) is someone

other than the complainant, and the individual(s) accused of the harassment. Any other person who may have information regarding the alleged sexual harassment may also be interviewed.

(3) *Report*. The Mayor or designated person responsible for investigating the complaint shall prepare a written report within 10 working days from notification of the suspected harassment unless extenuating circumstances prevent him or her from doing so, in which case the report shall be prepared as promptly as possible and the complainant shall be notified as to the reason for the delay. The report shall include a finding that sexual harassment occurred, sexual harassment did not occur, or there is the inconclusive evidence as to whether sexual harassment occurred. A copy of the report will be given to the employee(s) who made the initial report, the employee(s) to whom the suspected harassment was directed, and the employee(s) suspected of the harassment.

(4) *Records/confidentiality*. Employees who report incidents of sexual harassment are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the city advises that records it maintains and the complainant maintains may not be considered privileged from disclosure. Written records will be maintained for 5 years from the date of the resolution unless new circumstances dictate that the file should be kept for a longer period of time.

(5) *Appeals process*. If either party directly involved in a sexual harassment investigation is dissatisfied within the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments in a timely manner to the City Council of the City of LaSalle.

(D) *Disciplines/sanctions*.

(1) Disciplinary action will be taken against any employee found to have engaged in sexual harassment of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The city has the right to apply any sanction or combination of sanctions, up to and including discharge, to deal with the unreasonable conduct or discrimination.

(2) Where a hostile work environment has been found to exist, the city will take all reasonable steps to eliminate the conduct creating such an environment.

(E) *Legal rights under law*. Any employee who believes he or she has been subjected to sexual harassment has the right to file a complaint with the Illinois Department of Human Rights, 100 West Randolph Street, Chicago, Illinois 60601; (312) 814-6245 and/or the Equal Employment Opportunity Commission, 500 West Madison, Suite 2800, Chicago, Illinois 60661; (312) 353-2713. The Illinois Human Rights Act (ILCS Ch. 775, Act 5) provides that complaints of harassment must be filed within 180 days of the alleged incident. A complaint with the EEOC must be filed within 300 days of the alleged incident. It is also a violation of ILCS Ch. 775, Act 5, § 6-101 (Section 6-101 of the Illinois Human Rights Act) to retaliate against an employee for opposing or complaining about conduct believed to be a violation of the Act.

(F) The city reserves the right to amend the policy from time to time.
(Ord. 2187, passed 7-27-2009)

CHAPTER 36: CITY POLICY

Section

36.01 Prevailing rate of wages
36.02 Redevelopment incentive policy
36.03 Homeland security
36.04 Open meetings
36.05 Illinois Freedom of Information Act
36.06 Prisoner medical services

§ 36.01 PREVAILING RATE OF WAGES.

(A) To the extent as required by An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County or City or any public body or any political subdivision or by anyone under contract for public works, approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of LaSalle, is hereby ascertained to be the same as the prevailing rate of wages for construction work in LaSalle County area as determined by the Department of Labor of the State of Illinois as of June 1, 2013, a copy of that determination being attached to Ordinance 2438 and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the city. The definition of any terms appearing in this section which are also used in aforesaid Act shall be the same as in said Act.

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

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

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

(Ord. 990, passed 6-23-1980; Am. Ord. 1736, passed 6-11-2001; Am. Ord. 1768, passed 6-10-2002; Am. Ord. 1964, passed 6-19-06; Am. Ord. 2083, passed 6-4-2007; Am. Ord. 2131, passed 6-28-2008; Am. Ord. 2175, passed 6-15-2009; Am. Ord. 2230, passed 6-1-2010; Am. Ord. 2280, passed 6-13-2011; Am. Ord. 2351, passed 6-5-2012; Am. Ord. 2438, passed 6-18-2013)

§ 36.02 REDEVELOPMENT INCENTIVE POLICY.

(A) The City Council does hereby establish the Redevelopment Incentive Program Policy attached to Ordinance 1720 as Exhibit A, and the same is hereby approved.

(B) The City Clerk is hereby directed to distribute this policy to the City Engineer, the Mayor, and such other city officials as may be appropriate in the circumstance.

(C) This ordinance shall be in effect from and after its passage, approval and publication (if necessary) according to law.

(D) This policy may be amended from time to time by further resolution and/or ordinance of the City Council.
(Ord. 1720, passed 10-2-2000)

§ 36.03 HOMELAND SECURITY.

The city adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.
(Res. 200407, passed 9-27-2004)

§ 36.04 OPEN MEETINGS.

(A) *Definition of meeting*. The term ***MEETING*** as used in any existing city resolutions, ordinances or rules shall be defined to mean any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body for the purposes of discussing public business or such other definition as shall be contained within the state statutes.

(B) *Amendment of previous terms*. The definition of ***MEETING***, set forth in division (A) of this section, shall supersede and replace any other definition used in any previous or existing ordinance, resolution or policy.

(C) *Remote participation policy*. The city hereby adopts the Remote Participation Policy, attached to Ordinance Number 2049, passed January 2, 2007, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws, 4 times per calendar year per member.
(Ord. 2049, passed 1-2-2007)

§ 36.05 ILLINOIS FREEDOM OF INFORMATION ACT.

(A) The City Clerk is hereby designated as the person to whom all initial requests for access to the records of the city are to be referred. Such requests are to be made at the offices of the city at 745 Second Street, LaSalle, Illinois, between the hours of 9:30 a.m. and 2:30 p.m., Monday through Friday. In the event that the City Clerk is not available during the times described above, the Deputy City Clerk is designated as the person to whom such initial requests are to be made.

(B) Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored, by the City Clerk or the Deputy City Clerk, or by an employee of the city acting under the direction of the City Clerk or Deputy City Clerk. In no event shall records be retrieved by the party requesting them or by any person not employed by the city.

(C) If copies of records are requested, the fees for such copies, whether certified or not, shall be determined from time to time by the City Clerk, subject to the limitations contained in the Illinois Freedom of Information Act (ILCS Ch. 5, Act 140) as amended from time to time and Public Act 96-452. The City Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the costs of certifying copies, if certification is requested.

(D) In the event a request to inspect city records is denied by the City Clerk or the Deputy City Clerk, the city shall provide the requester written notice of

his or her right to appeal to the Public Access Counselor with the name and phone number together with the basis for the denial.

(E) The City Clerk shall prepare (i) a city information directory; (ii) a block diagram of the functional subdivision of the city; (iii) a city records directory; and (iv) a records catalogue in compliance with law and within a reasonable time.
(Ord. 2223, passed 5-3-2010)

§ 36.06 PRISONER MEDICAL SERVICES.

If, and only if, the city is found to be legally required to pay for medical services for a person under the custodial arrest of the city, the reimbursement for private hospitals, physicians, or other groups or agencies providing medical services to such person shall be the rates otherwise charged to the Illinois Department of Healthcare and Family Services, which rates shall be determined by the Chief of Police of the city in consultation with the Illinois Department of Healthcare and Family Services. Additionally, any payment made by the city shall be with full reservation in and by the city to all rights of reimbursement and/or repayment to the city as allowed and/or otherwise available by law, including, but not being limited to, the provisions of ILCS Ch. 730, Act 125, § 17.
(Ord. 2240, passed 8-23-2010)

TITLE V: PUBLIC WORKS

Chapter

50. WATER

51. SEWERS

52. GARBAGE

CHAPTER 50: WATER

Section

General Provisions

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Water System Rules

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GENERAL PROVISIONS

§ 50.01 TITLE.

This chapter shall be known and may be cited and referred to as the La Salle, Illinois Water System Ordinance.
(Ord. 2237, passed 7-26-2010)

§ 50.02 DEFINITIONS.

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

CITY. The City of La Salle, Illinois which furnishes water and services under these rules and regulations.

CONSUMER. A person, firm or corporation using water and services supplied by the city.

CONTRACTOR. A person, persons, firm or corporation engaged in the business of the plumbing craft having a valid state license; City of LaSalle registration certificate; valid manufacturer's or contractor's insurance policy and have on file, with the City Clerk, a good and sufficient surety bond in the penal sum of $10,000, with securities in full force and effect, prior to the start of work. Also, insurance requirements shall be as per section 7-2 of the "Specifications for Water and Sewer Construction in Illinois," current edition. Such bond must be in effect for a minimum of 1 year.

DEPARTMENT OF PUBLIC WORKS. The department within the city which consists of the office of City Engineer, the Superintendent of Public Works, the Building Inspector, Buildings and Grounds, the Water and Street Departments and the Water and Wastewater Treatment Plants.

EXCAVATIONS. Disruption of the existing conditions of the soil grades on city property. The contractor and/or owner making the ***EXCAVATIONS*** shall be completely responsible for any and all damages causes in making the ***EXCAVATIONS***.

OWNER. A person, persons, firm or corporation whose property is serviced by the public water supply.

OWNER'S BOND. The bond required of the owner or customer who desires to perform work on property owned by the city. Such surety bond must be valid and filed with the City Clerk in the penal sum of $10,000, with securities in full force and effect, prior to the start of work. Such bond must be in effect for a minimum of 1 year.

WATER METER. A city ***WATER METER*** shall be a mechanical device properly installed on a water service line or other approved installation to measure the volume of water flowing between 2 given points.

WATER SERVICE LINE. All pipes, corporations, valve boxes, curb stops, tapping sleeves, strainers, tapping valves, meters or any other accessories supplying water to the owner, from the water main to the output side of the water meter.
(Ord. 2237, passed 7-26-2010)

§ 50.03 CITY LIABILITY.

The city shall not be liable for:

(A) Water damage to property;

(B) Damage to utilities or accessories on property;

(C) For any fire loss on property.
(Ord. 2237, passed 7-26-2010)

§ 50.04 PUBLIC INFORMATION.

(A) The city shall have on file and available to the public in the office of the City Comptroller, a copy of the water system ordinance.

(B) The city shall review on a case by case basis any request for information regarding the location of its water infrastructure. Consideration of public utility vulnerability shall be considered in honoring any such request for information.
(Ord. 2237, passed 7-26-2010)

§ 50.05 SERVICE CALLS.

(A) *Work assignments*. The Department of Public Works office of the city shall assign work to qualified personnel on a water service malfunction.

(B) *Classifications*.

(1) *Standard service calls*. The performance of work on a water service line or any other connection between the output side of a water meter and the city water main supply pipe during the regular working hours of the day.

(2) *Emergency service call*. The performance of work on a water service line or any other connections between the output side of a water meter and the city water main supply pipe where critical, unscheduled repairs or installations must be performed. A city wage rate with a minimum of 2 hours overtime per employee shall be applied to all after hours service calls.

(3) *Temporary shut off*. Due to vacation or other circumstances as approved by the Comptroller, water may be temporarily shut off. Upon turning water back on, a service fee of $75 will be charged. Water shall be turned on during normal city business hours only and it is required that the owner or a representative of the owner be present.

(C) *Limitations*. No employee of the city shall perform work on a water service line beyond the valve shut off box (Buffalo Box). The building owner is responsible for work done between the valve shut off box and the building.
(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

WATER SYSTEM RULES

§ 50.15 PERMIT APPLICATIONS FOR NEW SERVICES AND WATER.

(A) *New installations*. All new applications for services and water will be made at the Department of Public Works, by either the owner or a contractor representing the owner.

(B) *Permit approval*. All permit applications must be submitted to and approved by the Department of Public Works prior to the start of work.

(C) *New installation fee*. All new applications shall be accompanied by the owner's bond; the necessary fees computed by the Department of Public Works office, and submitted to the office of the Comptroller. All fees must be paid, in full, prior to the start of work.

(D) *New installation permit*. A permit must be issued from the office of the Department of Public Works prior to the start of work. After permit approval and receipt of all fees, a receipt covering all fees will be issued to the owner or a designated representative, by the office of the Comptroller.

(E) *Application for service*. Applications for water service shall be made by the consumer to the Department of Public Works. Upon acceptance of such application, the city shall, as promptly as practicable, supply the consumer with service in accordance with the price schedules, rules, terms, regulations and conditions as set forth in this chapter.
(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.16 RULES AND REGULATIONS FOR NEW CONSTRUCTION AND REPAIR.

(A) *General requirements*. The owner or contractor shall have in his or her possession an approved permit prior to installing a new water service line or making repairs to an existing one. It shall be the owner or contractor's responsibility to notify JULIE for utility locations prior to the start of work.

(B) *Owner's or contractor's bond*. If a property owner or contractor constructs or repairs a water service line from the curb stop to the meter, he or she must furnish an owner's bond or contractor's bond, as defined by this chapter, prior to working on city property.

(C) *Installation and repair*. It shall be the responsibility of the owner and/or the contractor for the correct installation and repair of a water service line, including all accessories. Only city personnel are authorized to turn water on or off. Under no circumstance shall an owner, tenant and/or contractor/plumber be allowed to turn water on or off premises. If doing so, the act will result in a fine imposed on the owner or contractor/plumber by the city. The fine shall be not less than $50, nor more than $500 for each offense; each day shall constitute a new offense.

(D) *Construction and repair costs*. All construction and repair costs for a water service line, including accessories and excavations, shall be at the expense of the owner.

(E) *Frozen pipes and thawing process*.

(1) In the event that an owner, tenant and/or other occupant of premises has a frozen pipe within a building, the owner, tenant and/or other occupant may use a hot air hair dryer to endeavor to thaw the pipe. A torch and/or any type of device with a flame, should never be used in this process.

(2) In the event that the pipe does not thaw through the use of a hot air hair dryer and/or otherwise thaw in the course of normal events, then the owner and/or tenant should contact a bonded and licensed plumber and/or other appropriate bonded and licensed professional to appropriately investigate the matter and endeavor to thaw the line.

(3) The owner, the tenant and/or the bonded and/or licensed plumber may consult the City of LaSalle Water Department (815-223-4579) regarding any questions and/or concerns related to frozen pipes but in no event shall it be the duty of the city, its Water Department and/or other agents of the

city to be responsible for the thawing of frozen pipes. Additionally, in the event the tenant, owner and/or bonded or licensed plumber is not able to appropriately thaw the line, the city Water Department shall be continued to be informed as to the progress and status.

(4) The City of LaSalle, through its Water Department and agents, may at times and in certain circumstances, go out to the residence and use city-owned thawing equipment to assist in the process of thawing pipes. However, in the event such assistance is requested and in the event the city does assist, the city shall be reimbursed by the owner/occupant and any other party requesting the assistance for all labor and material costs of the city in connection with assisting in the thawing of the pipes process with reimbursement to include reimbursement for labor, equipment and materials.

(5) Additionally, notwithstanding anything else contained herein, the city shall not be responsible for nor obligated to thaw water pipes on private premises and/or on any water service line and/or in any pipe within any building.

(F) *Ownership*. The owner of a water service line shall comply with the specifications set forth elsewhere in this chapter.

(G) *Permit to contractor*.

(1) No permit shall be issued by the Department of Public Works to any person for the installation of any services or supply pipes in the public ways, or other public places in the city, or for the alteration, extension, installations or repair of any service pipe or any system of water supply piping in connection with any plumbing system in any building, structure or premises where such pipe or system of piping is connected, or intended for connection, to the pipes of the LaSalle water works system, unless such person be duly licensed by the State of Illinois as a qualified plumber and registered with the city as a licensed plumber. Qualified, assigned city personnel may be authorized to make necessary repairs of any service pipe or any system of water supply piping in the water system.

(2) It shall be the responsibility of the contractor to test for all malfunctions on a water service line from the city water main supply pipe to the output side of a water meter.

(3) It shall be the responsibility of a contractor or a city qualified assigned person to make a water tap and install a water corporation on a city water main supply pipe for a water service line or any other approved applications. All work is to be performed under the supervision of a qualified, assigned person authorized by the city.

(4) It shall be the responsibility of the contractor to install Illinois Plumbing Code approved pipe, with the least amount of connections, from the city water main supply pipe to the input side of the water meter. This shall include new installation and repair work. Polyvinyl chloride pipe meeting the requirements set forth in the "Specifications for Water and Sewer Installation in Illinois," the most recent edition, shall be allowed for services 1 inch or greater in size provided tracing wire is placed directly over or around the pipe.

(5) It shall be the responsibility of the contractor to locate and install on any water service line a curb stop and curb box adjacent to the back side of a city curb, or a designated location specified by the Department of Public Works. The style/manufacturer of the box needs to meet city specifications.

(H) *Restrictions*. At no time henceforth shall more than 1 dwelling be allowed to be serviced with a single water service line attached to the city water main supply pipe, except those structures located in a commercial and industrial zoning district, and then only with the approval of the Department of Public Works. In the event that a water line supplying 1 or more dwellings at the present time exists, that water line shall not be required to be modified unless and until that water service line needs to be repaired or replaced or in the event that the premises should be sold; that upon the first of any of these events, separate water service lines shall then be required for each dwelling. The cost of the same shall be shared equally by each dwelling owner. Further, in the event

the city should advance and/or otherwise incur costs in facilitating the separation of said water lines, then in the joint discretion of the Mayor and the Comptroller, a payment schedule may be worked out as between the city and the respective owner regarding the amount of any such cost and/or advancement. Additionally, an y amount due in reference to said cost and/or advancement shall constitute a further amount due in reference to water service charges and shall provide a basis for the imposition of a potential lien in the city's discretion on the real estate pursuant to Illinois Compiled Statutes, including, but no limited to, ILCS Ch. 65, Act 5, § 11-139-8.

(I) *Temporary metering*.

(1) Any person, persons, firms or corporation requiring temporary water consumption shall make immediate preparations for a temporary, city approved, metering connection. A water meter shall be furnished and installed by the city prior to any water consumption.

(2) It shall be the responsibility of the contractor and/or owner to protect a temporary meter installation from any damage. Should any damage occur, the owner/contractor shall be responsible for any and all costs required to repair/replace the temporary meter.

(3) It shall be the sole responsibility of the city to relocate a temporary water meter to the permanently approved location.

(4) It shall be the responsibility of the building owner to make arrangements to contractor or owner shall install a shut off valve, strainer and backflow prevention equipment when required, according to the necessary pipe sizes as required by the Illinois Plumbing Code. This is required to be done prior to the water meter installation.

(J) *Inspections*. It shall be the responsibility of any person, person, firms or corporation installing or repairing an existing water service line, including all accessories or any other performance of work, to notify the Department of Public Works prior to the start of work and before final back-filling. Final inspection must be done under city approved water line pressures and testing methods.

(K) *Notifications*. It shall be the responsibility of the owner or contractor to notify the Department of Public Works of any malfunction on a water service line, or accessories, prior to the start of work. It shall also be the owner's responsibility to notify JULIE prior to the start of any excavation work.

(L) *Corporations*.

(1) *Nomenclature*. A city water corporation shall be a mechanical device, properly installed on a city water main supply pipe, to control the flow of water from the main supply pipe to a water service line or other approved accessories as specified by the city.

(2) *Requirements*. A water corporation shall be installed on every water service line or any other means or methods whereby water is drawn from a city water main supply pipe. The minimum size to be used shall be 1-inch and the maximum size to be used shall be 2-inch unless permission for a larger size is obtained from the Department of Public Works prior to installation.

(3) *Supplier*. The city shall supply all necessary types and sizes of water corporations for all water service lines.

(4) *Costs*.

(a) *Original*. All original costs of a water corporation shall be included in the tapping fee.

(b) *Maintenance*. It shall be the responsibility of the city in cases of emergencies to excavate and shut off any water corporation and protect the excavation until relief is given the city by a contractor employed by the owner. The city shall bill the owner of the property for the excavation and corporation replacement costs; based on current time and material costs. This shall include manpower, equipment and materials.

(5) *Location*. All water corporations that are to be attached to the city water main supply pipe shall be located in a location specified by the Department of Public Works.

(6) *Records*. It shall be the responsibility of the person who originally locates, removes, relocates or changes in any way a water corporation, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the corporation may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Eliminations*. Water corporations shall not be installed when the water service line exceeds the size of 2 inches. Instead, a valve box, strainer and shut off valve shall accompany such installations. A tapping sleeve and tapping valve shall also be required.

(M) *Curb stop*.

(1) *Nomenclature*. A city curb stop shall be a mechanical device, properly installed, to control the flow of water on a water service line as specified by the city.

(2) *Requirements*. A water curb stop shall be installed on every water service line up to and including 2-inch in size.

(3) *Supplier; city*. The city shall supply all the necessary types and sizes of water curb stops for all water service lines.

(4) *Costs*.

(a) *Original*. All original costs of a water curb stop shall be included in the tapping fee.

(b) *Maintenance*. It shall be the responsibility of the property owner for all costs involved on a water curb stop. This shall include repair, new, replacement and excavation, or any other malfunction.

(5) *Location*. All water curb stops shall be located adjacent to the back side of a city curb or designated location issued by the Department of Public Works.

(6) *Records*. It shall be the responsibility of the person who originally locates, removes, relocates or changes in any way a water corporation, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the corporation may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Elimination*. When a water service line exceeds the size of 2 inches the water curb stop shall not be installed. Instead, a valve box, strainer and shut off valve shall accompany all such installation. A tapping sleeve and tapping valve shall also be required.

(8) *Access and operation*.

(a) At no time shall any unauthorized person or persons attempt to operate a corporation. Only city personnel are authorized to turn water service on or off at a corporation. Fines for unauthorized operation of a corporation will be imposed by the city. The fine shall be not less than $60, nor more than $750 for each offense; each day that a violation continues to exist shall constitute a new offense.

(b) Water leaks from the curb stop to the building, which are hereby declared to be a public nuisance, shall be the responsibility of the building owner to schedule a contractor for repairs. This work shall be required to be completed as soon as reasonably possible and not later than one day from the time of discovery of the water leak. In the event that the building owner does not remediate this public nuisance within one day of said discovery of said water leak, the city may take such reasonable measures as are deemed in the appropriate discretion of the Superintendent of Public Works of the city to provide for remediation of the public nuisance,

including, but not limited to, contracting for and/or otherwise causing to be performed such maintenance, repair and/or reconstruction work. This shall include, but not be limited to, the providing of labor, materials and equipment in connection therewith. All cost and expense in connection with repair and remediation incurred by and/or on behalf of the city in remediating the nuisance shall be the responsibility of the property owner for reimbursement regarding same. The city may pursue all appropriate legal remedies in reference to collection of the cost of said remediation. The owner shall be responsible for inspection and discovery of any such water leak, though the city may make a reasonable effort to notify the building owner of any such water leak discovered by the city.

(N) *Valves (master and branch)*.

(1) *Nomenclature*. A city master and branch hand control valve shall be a mechanical device properly installed on a water service line or other approved purposes specified by the city to control the flow of water.

(2) *Requirements*. Master and branch water hand control valves shall be installed on every water service line, or any other means, whereby water is drawn from the city water main supply pipe, or further specified by the Department of Public Works.

(3) *Supplier*. The contractor or owner shall supply all master and branch valves.

(4) *Costs*.

(a) *Original*. All original costs for master and branch water hand control valves shall be paid by the owner.

(b) *Maintenance*. It shall be the responsibility of the property owner for all costs involved on a water hand control valve. This shall include repair, new, replacement or any other malfunction.

(5) *Location*. All master hand control water valves shall be located between the curb stop or tapping valve and tapping sleeve, and the meter, whereby ingress and egress shall not be obstructed and protection is secure against all possible injuries. The preferred location shall be adjacent to the input side of the meter except where a water strainer is installed and then adjacent to the input side of the strainer.

(O) *Curb boxes (Buffalo Box)*.

(1) *Nomenclature*. A city water curb box shall be a mechanical device, properly installed, to provide a means for the city to gain access to the curb stop in order to turn on or shut off water to any structure.

(2) *Requirements*. A water curb box shall be installed on every water service line whereby water is drawn from a city water main supply pipe.

(3) *Supplier*. The city shall supply all the necessary types and sizes of curb boxes installed on water service lines or other installations.

(4) *Costs*.

(a) *Original*. All original costs of a curb box shall be included in the tapping fee.

(b) *Maintenance*. It shall be the responsibility of the owner for all costs involved on a water curb box. This shall include repair, new, replacement or any other malfunction.

(5) *Location*. All water curb boxes shall be located by centering the box directly over the center of a water curb stop adjacent to the back side of a city curb or a designated approved location issued by the Department of Public Works.

(6) *Records*. It shall be the responsibility of the person who originally locates, removes, relocates, or changes in any way a water curb box, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be present so that future locating of the curb box may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Exposure*. It shall be unlawful for any contractor or owner to cover, or allow to be covered, a water curb box on the city water system. If a contractor or owner does not comply, they are subject to a fine imposed by the city. The fine shall be not less than $50, nor more than $500 for each offense; each day shall constitute a new offense.

(8) *Elimination*. When a water service installation exceeds the size of 1 inch, a water curb box shall not be installed. Instead, a valve box, strainer and shut off valve shall accompany all such installations. A tapping sleeve and tapping valve shall also be required.

(9) Water leaks from the shut off to the building, which are hereby declared to be a public nuisance shall be the responsibility of the building owner to schedule a contractor for repairs. This work shall be required to be completed as soon as reasonably possible and not later than one day from the time of discovery of the water leak. In the event that the building owner does not remediate this public nuisance within one day of said discovery of said water leak, the city may take such reasonable measures as are deemed in the appropriate discretion of the Superintendent of Public Works of the city to provide for remediation of the public nuisance, including, but not limited to, contracting for and/or otherwise causing to be performed such maintenance, repair and/or reconstruction work. This shall include, but not be limited to, the providing of labor, materials and equipment in connection therewith. All cost and expense in connection with repair and remediation incurred by and/or on behalf of the city in remediating the nuisance shall be the responsibility of the property owner for reimbursement regarding same. The city may pursue all appropriate legal remedies in reference to collection of the cost of said remediation. The owner shall be responsible for inspection and discovery of any such water leak, though the city may make a reasonable effort to notify the building owner of any such water leak discovered by the city.

(P) *Valve boxes*.

(1) *Nomenclature*. A city water valve box shall be properly installed to provide access for operation of a valve on a water service line or other approved purposes specified by the city.

(2) *Requirements*. A water valve box shall be installed on every water service line exceeding 1 inch in size or any other means whereby water is drawn from a city water main supply pipe. The minimum inside diameter shall be 4¼ inches.

(3) *Supplier*. The city shall supply all the necessary types and sizes of valve boxes installed.

(4) *Costs*. All costs for valve boxes including new, repair, replacement or any other malfunction shall be paid by the owner.

(5) *Location*. All water valve boxes shall be located by centering the valve box directly over the center of a water curb stop or a water valve either adjacent to the back side of a city curb or a designated approved location issued by the Department of Public Works.

(6) *Records*. It shall be the responsibility of the person who originally locates, removes, relocates, or changes in any way a water valve box, to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the water valve box may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(7) *Exposure*. It shall be unlawful for any contractor or owner to cover or allow to be covered a water valve box on the city water system. If a contractor or owner does not comply, they are subject to a fine imposed by the city. The fine shall be not less than $50, nor more than $500; each fine shall constitute a new offense.

(Q) *Tapping sleeves and tapping valves*.

(1) *Nomenclature*. A city water tapping sleeve and tapping valve shall be a mechanical device properly installed on a city water main to control the flow of water or other approved purposes specified by

the city. The combination of these 2 items shall be classified as 1 in the installation procedure.

(2) *Requirements*. A tapping sleeve and tapping valve shall be installed on every water main over the size of 2 inches or any other means whereby water is drafted, beyond a 2-inch size from a city water main supply pipe or further specified by the Department of Public Works.

(3) *Supplier*. The city shall supply all the necessary types and sizes of water tapping sleeves and tapping valves.

(4) *Costs*. All costs for tapping sleeves and tapping valves including new, repair, replacement or other malfunctions shall be paid by the owner.

(5) *Location*. All water tapping sleeves and tapping valves shall be located on and adjacent to a city water main supply pipe in an approved designated area specified by the Department of Public Works.

(6) *Records*. It shall be the responsibility of the person who originally locates, removes, relocates or changes in any way a water tapping sleeve or tapping valve to present in writing and drawing, a detail showing its location relative to several fixed objects. Swing ties or state plane coordinates must be presented so that future locating of the tapping sleeve or tapping valve may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(R) *Strainers*.

(1) *Nomenclature*. A water strainer shall be installed on a water service line or branch service line or any other installation to filter all the water consumed prior to its entry into the input side of a water meter.

(2) *Requirements*. A water strainer shall be installed on every water service line or branch line when the pipe exceeds 1 inch in diameter.

(3) *Supplier*. The city shall supply all the necessary types and sizes of water strainers.

(4) *Costs*. All the costs for water strainers including, new, repair or replacement or any other malfunction shall be paid by the owner.

(5) *Location*. All water strainers shall be located between a master or branch control valve and a water meter and ingress and egress shall not be obstructed in any form or way that immediate maintenance can be performed on the water strainer. The location shall be adjacent to the input side of the water meter.

(S) *Check valves*.

(1) *Nomenclature*. A water check valve shall be a mechanical device properly installed to restrict the flow of water in 1 direction.

(2) *Requirements*. A water check valve shall be inserted in any water line where any changes in temperature of the water exists within 10 horizontal feet from the output side of a water meter and where surging or pulsations can cause damage to a water service line and its accessories.

(3) *Supplier*. The contractor or owner shall be the supplier of all city-approved type check valves.

(4) *Costs*. All costs for check valves including new, repair, replacement or any other malfunction shall be paid by the owner.

(T) *Meters and accessories*.

(1) *Nomenclature*. A city water meter shall be a mechanical device properly installed on a water service line or other approved installation to measure the volume of water flowing between 2 given points. any water meter 2 inches or less shall remain the property of the city.

(2) *Requirements*.

(a) A water meter shall be installed on every water service line or any other means or methods whereby water is drawn from a city water main supply pipe.

(b) City personnel must be allowed access into a building for installation and maintenance purposes. Each building owner or their representative must be present to allow city personnel access.

(3) *Supplier*. The city shall supply all water meters.

(4) *Costs*.

(a) *Original*. All original water meter costs, up to and including 1 inch in size, shall be included in the tapping fee. All those exceeding 1 inch in size shall be based on a cost-plus calculation. The meter will remain the property of the city.

(b) *Maintenance*.

1. The city shall pay all maintenance costs for all water meters up to the size of 2 inches under normal conditions.

2. The owner shall pay all costs for a water meter 2 inches in size and over.

3. If any malfunction has occurred due to the negligence, failure to protect, misuse or any other cause on the part of the owner, all costs shall be paid by the owner including all temporary and permanent installations.

4. All water meters being 2 inches in size and over shall be removed, replaced and repaired at the expense of the owner.

5. All temporary water meter installations and relocations shall be at the expense of the owner.

6. All original installations shall be installed by city personnel or by a contractor hired by the city.

(5) *Protection*. It shall be the responsibility of the property owner to protect a water meter after the installation thereof. This shall include all temporary and permanent installations.

(6) *Testing*. The city shall test all water meters for any malfunction or adjustment as follows:

(a) *Removal*. Water meters shall be removed for investigation when malfunction occurs.

(b) *Testing of meters*. Defective meters shall be defined under American Waterworks Association (AWWA) specifications.

(7) *Location*.

(a) All water meters attached to the city water system shall be located in a clean, dry and safe place, not subjected to climatic changes or great variations in temperatures, as specified by the Department of Public Works.

(b) All water meters shall be placed at the nearest point of entrance within a protected area.

(c) All water meters installed by the city shall be installed in an accessible location. The owner shall be responsible to keep the water meter accessible.

(d) All water meters installed in new construction shall be preceded by a minimum of 2 feet of service piping. Ball valves shall be installed by the contractor before and after the water meter.

(8) *Vacancies*.

(a) *Notifications*. Upon notification of discontinuance of service by consumer, the city has the right to enter the premises and remove the existing meter.

(b) *Replacement*.

1. All fees due the Comptroller of the city shall be paid in full prior to reinstallation of a water meter.

2. All specifications and requirements for the proper installation of a water meter set forth by the city shall be complied with prior to the reinstallation of a water meter.

(U) *Branch services*.

(1) *Nomenclature*. All branch water services shall be mechanically constructed whereby water shall be distributed from a water service line.

(2) *Requirements*.

(a) *Master valve*. All branch water service shall be controlled by a water shut off valve.

(b) *Branch valve*. All branch water services shall be controlled by their respective independent water shut off valves.

(c) *Strainer*. All branch water services that exceed the size of 1 inch shall have installed on their respective independent water branch a water strainer immediately following the independent water shut off valve and input side of a water meter.

(d) *Metering*. All branch water services shall comply with all rules and regulations of this chapter.

(3) *Costs*. All costs including original installations and maintenance shall be paid by the owner.

(4) *Ownership*. All water branch services shall become the property and responsibility of the property owner.

(5) *Restrictions*. A branch service cannot be installed without the approval of the Department of Public Works. At no time shall any contractor or owner be allowed to install or have installed a branch water service in a R-1 or R-2 Single-Family Residence Zoning District.

(V) *Water main*.

(1) *Nomenclature*. A water main shall be a water supply pipe owned by the city to transmit water by a system of continuous piping and it being the principal artery of the system to which branches may be connected.

(2) R*equirements*.

(a) All water mains shall comply with all I.E.P.A., Illinois Plumbing Code and city requirements.

(b) Complete plans and specifications for new water main installation shall be submitted to the Department of Public works for approval prior to the performance of work on a water main.

(3) *Supplier.*

(a) *City*. The city shall be the supplier for the replacement of any existing water mains now in service within the city limits.

(b) *Subdivisions*. A developer/owner of land shall be the supplier and installer of a water main to be attached to the city water system.

(c) *Approval*. The city shall have final approval authority for all types and sizes of water mains connected to the city water system.

(4) *Costs, original*. All original cost involved in the installation of a new water main to be attached to the city water system shall be paid by the developer/owner.

(5) *Location*. Complete drawings and specifications, showing the location of any water main to be attached to the city water system, shall be submitted to the city for its approval. All I.E.P.A., Illinois Plumbing Code and city codes must be complied with. A petition to connect to the city water system must be submitted the City Council.

(6) *Inspection*. The State of Illinois, and the city shall be allowed to inspect all work performed on a water main attached to the city water system.

(7) *Records*. Complete preliminary and final records of a water main approval and installation shall be kept on file at all times in the office of the Department of Public Works. Construction and record drawings shall be submitted when completed.

(W) *Fire hydrants.*

(1) *Nomenclature*. A city water fire hydrant shall be a mechanical device whereby water shall be drawn from the city water system for emergency purposes or other reasons approved by the city.

(2) *Requirements.*

(a) Before any water is drawn from a fire hydrant for any reason other than an emergency, permission must be granted from the Superintendent of Public Works. All water consumed shall be paid for based on the water rates as established by this chapter.

(b) All fire hydrants installed on the city water system shall have incorporated special city thread sizes. They being as follows:

1. Two and one-half-inch thread is 7½ threads per inch by 3-7/64ths, outside diameter, male thread (Mueller Co. b-309).

2. Four and one-half-inch pumper connection shall be national standard threads on all steamer type fire hydrants.

(c) Steamer water fire hydrants shall be installed in every portion of the city, public or private.

(d) A clearance of 3 feet, 0 inches radius from the center of a fire hydrant shall be maintained at all times above ground elevation. No obstruction of any kind shall be allowed in this restricted area.

(e) All water fire hydrants shall have a resilient-wedge, gate valve installed between the hub or bell inlet and the city water main supply pipe. Its location to be determined by the Department of Public Works.

(3) *Supplier*. The installer shall be the supplier for all types and all sizes of fire hydrants subject to the approval of the Department of Public Works.

(4) *Costs*.

(a) *Original*. The installer shall pay all costs for a fire hydrant.

(b) *Maintenance*. All maintenance costs for fire hydrants attached to the city water system when located on city controlled property shall be at the expense of the city. All maintenance costs for fire hydrants attached to the city water system when located on private property shall be at the

expense of the property owner and all maintenance work shall be done by the city.

(5) *Ownership*. All fire hydrants attached to the city water system on city property shall become the property of the city. Hydrants on private property can be maintained by city personnel; including routine flushing, lubrication and flow testing. If the private property owner does the maintenance, they shall notify the city prior to doing the work. This shall allow the city personnel to observe and supervise this operation to make sure that proper procedures are being followed. Replacement of hydrants or parts replacement shall be at the expense of private property owner.

(6) *Limitations*.

(a) At no time shall any person be allowed to operate a fire hydrant without proper tools.

(b) When water is drawn from a fire hydrant other than an emergency, the hydrant must be opened to the extreme open position and the control for the volume of water extracted shall be governed by an auxiliary hand shut off valve mounted on the exterior of the hydrant at an output terminal. This shall be done under the supervision of city personnel.

(7) *Location*. All fire hydrants attached to the city water system shall be located in an approved area specified by the Department of Public Works and the Fire Department.

(8) *Records*. It shall be the responsibility of the person involved who originally locates, removes, relocates or changes in any way a water fire hydrant, to present in writing and drawing, a detail showing its location relative to several fixed object. Swing ties and state planes coordinates must be presented so that future locating of the water fire hydrant may be achieved by bisecting several points. This record shall remain on file in the office of the Department of Public Works.

(9) *Ingress and egress to private property*. The city shall have the right to enter on private property to operate and maintain a fire hydrant located thereon.

(Ord. 2237, passed 7-26-2010; Am. Ord. 2399, passed 12-4-2012; Am. Ord. 2420, passed 3-12-2013) Penalty, see § 50.99

WATER SERVICE BILLING AND PROCEDURES

§ 50.30 WATER BILLING POLICIES.

(A) *Garbage/recycling*. A garbage/recycling fee is added to each water bill with the exception of properties with 4 or more units. Owners with 4 or more units shall make their own arrangements for garbage/recycling pickup service.

(B) *Interruption of water service*.

(1) The city shall reserve all rights to stop the supply of water in a water main supply pipe.

(2) At no time shall the city become liable for results sustained from the discontinuance or interruption of water service.

(C) *Meter reading*.

(1) *Regular*. All water meters shall be read periodically for the purpose of billing for the amount of water consumed. All residential water meters shall be read at regular intervals for the purpose of billing on a 30-day cycle. All commercial and industrial volume water consumers shall be read at regular intervals for the purpose of billing monthly.

(2) *Special*. The city shall, at any reasonable hour, be allowed to read a water meter.

(3) *Methods of reading*. The city shall be vested with all rights to adopt a plan of dividing the municipality, or territory serviced, into districts for the purpose of reading meters.

(4) *Water meter deposit*. Regarding rental premises and premises being purchased on contract, all such occupants (hereinafter referred to as "tenant") must pay a $100 meter deposit prior to having water service placed into the name of the tenant in the event that the water service is going to be so placed in the name of the tenant. The owner, who is also responsible for all charges related to the cost of water consumed on the premises, has the option to waive the meter deposit for the tenant, but in order to do that, must provide the city a written request that the $100 meter deposit be waived prior to the water service being placed in the tenant's name, with waiver to also include the acknowledgment that the owner (landlord) understands that the owner (landlord) is responsible for any delinquencies in connection with water used and consumed on the premises. Further, the owner (landlord) shall also be provided copies of all billings and delinquency notices in connection with water used and consumed on the premises unless the owner signs a statement in writing waiving notice as to the original bill which is due within 15 days of mailing.
(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.31 WATER SERVICE BILLS.

(A) *Issuance and payment*. All water service bills shall be billed in accord with rates established from time to time by the City Council of the City of LaSalle, by ordinance. All water service bills shall be payable to the office of the Comptroller of the City of LaSalle, Illinois, 15 days subsequent of the date of billing.

(B) *Computation*.

(1) All water service bills shall be calculated by measure of cubic feet based on the existing water rate unless other arrangements are made and approval obtained by the Comptroller's office for alternate methods of measure.

(2) All water service bills shall state the preceding water meter reading and the present readings. The differential between these 2 readings shall be cubic feet of water consumed and the figure shall be the basis of determining the amount due.

(C) *Payment date*. All water service bills shall be considered past due the day following the due date, which due date as set forth in division (A) above is 15 days subsequent to the date of billing. Further, in the event that the bill is not paid within the 15 days subsequent to billing, there shall be automatically assessed on the sixteenth day, a 5% penalty charge on the delinquency remaining after 15 days.

(D) *Further delinquency notice*. The day following the due date, a delinquency notice (pink slip) is to be sent in the mail providing a 5-day period within which to pay the total amount of the remaining bill, plus the 5% penalty, which notice shall be sent to the owner of the premises in care of the address concerning which the general real estate tax bill is sent in reference to the premises, and additionally to the tenant if the tenant has been established as a party to receive the water bill as provided herein. The notice shall provide, amongst other things, that the bill regarding water charges has become delinquent, that a 5% penalty has already been assessed, that unpaid charges may create a lien on the real estate under Illinois Compiled Statutes, including ILCS Ch. 65, Act 5, § 11-139-8, and that continued delinquency, subsequent to the expiration of the 5-day period, shall result in shut off of water service as provided in division (E) below.

(E) *Delinquencies*. Upon the expiration of the grace period, the following rules and regulations shall apply:

(1) The Comptroller of the city shall issue a final warning in the form of a red tag, which is placed on the front door of the home.

(2) The tenant and/or owner and/or anyone on their behalf shall have 24 hours to pay the past due bill.

(3) After the expiration of the 24 hours, the Comptroller of the city shall issue a work order to the Water Department to immediately shut off the water service of the delinquent account.

(4) When water is shut off at any building for which the water bill remains unpaid, the water

shall not be turned on until the entire water bill is paid. Additionally, a $40 turn on fee shall be assessed if water is restored during the Water Department business hours. After regular business hours, the water consumer must go to the Police Department and pay the entire bill. Additionally, an $80 turn on fee shall be assessed at which time the Water Department will be called out to turn on the water.

(F) *Method of adjustment*. For any defective water meter, an adjustment shall be made by the Comptroller, as follows: The present statement shall be estimated on the same month of the previous year as recorded in the Comptroller's office.

(G) *Special billings*. In the sole discretion of the Comptroller, the Comptroller's office shall be vested with all rights to issue a special billing when a case shall warrant such action.

(H) *Provisions regarding tenant's vacation of premises*. It is further provided that upon the tenant's vacation of the premises in circumstances wherein the water service bill had been pursuant to the provisions of this chapter placed in the tenant's name, the water service bill upon the tenant's vacation of the premises shall be transferred into the property owner's name unless arrangements are made at that time by the property owner and a new tenant to transfer the billing into the new tenant's name, and in that regard, to comply with the provisions herein in reference to the water meter deposit as set forth above.

(I) *Lien*. Charges for water service shall be a lien upon the premises as provided by the Illinois Compiled Statutes, specifically included to automatically becoming a lien as provided by the Illinois Compiled Statutes, including, but not being limited to, ILCS Ch. 65, Act 5, § 11-139-8. Additionally, whenever a bill for water service remains unpaid after the water service has been rendered and the 5-day grace period has expired in reference to any billing, the City of LaSalle, through the Comptroller or other appropriate agent may file with the Recorder of Deeds of LaSalle County a formal statement of lien claim. This notice and statement of lien shall consist of a sworn statement setting out (1) a description of the real estate sufficient for the identification thereof, (2) the amount of money due for such service, (3) the date when the amount became delinquent. The municipality shall send a copy of the formal notice of lien to the owner or owners of record of the real estate as referenced by the taxpayers identification number and the notice may also state, amongst other things, that the city may claim a lien for any charges for water consumed on the premises subsequent to the period covered by the billing and delinquency notice. The notice of lien shall also be sent to any tenant in whose name the bill has been placed. Additionally, the failure of the City of LaSalle, through its Comptroller or other appropriate agent to record such lien, or to mail such notice, or the failure of the owner to receive such notice shall not affect the right of the City of LaSalle to foreclose the lien for unpaid bills as provided within this chapter and/or as otherwise provided within the Illinois Compiled Statutes of the State of Illinois.

(J) *Foreclosure of lien*. The City of LaSalle has the power to foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

(K) *Additional remedies*. The City of LaSalle also has the power, from time to time, to sue the occupant or user or the owner of the real estate in a civil action to recover the money due for services rendered, plus reasonable attorney fee and costs in connection with the proceeding, to be fixed by the court. The provisions of this section of this chapter shall also be exercised in a manner consistent with the Illinois Compiled Statutes as the same may be from time to time amended, specifically including, but not being limited to, ILCS Ch. 65, Act 5, § 11-139-8.
(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.32 CONDITIONS FOR DISCONTINUING WATER SERVICES.

(A) *Dangerous property*. When a dangerous condition exists or an obstruction exists on the water consumer's property, upon notice, the water service shall be shut off, and the water service shall not be resumed until the condition is rectified to the satisfaction of the city. A service call charge of $40

during the Water Department business hours must be paid to the Comptroller's office and an $80 fee after business hours shall be paid at the Police Department before service is restored.

(B) *Misuse of water*.

(1) No water shall be resold or distributed by the recipient thereof, from the city supply to any premises other than that for which application has been made and authorized.

(2) When water is being used fraudulently, the city shall immediately shut off the water service. Service shall not be restored until the condition is rectified.

(3) It shall be unlawful for any person, persons, firm or corporation, not authorized by the city, to tamper with, alter or injure any part of the city waterworks, supply system, or meter.

(C) *Fines*. Any person, firm or corporation violating the above provisions of division (B) shall be fined not less than $50, nor more than $500 for each offense; each day shall constitute a new offense.
(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.33 RATES, FEES AND BONDS.

(A) Deposit: $100.

(B) Contractor's bond: $10,000.

(C) Owner's bond: $10,000.

(D) *Taps*.

(1) *Fees*. Water taps shall be based on current material costs plus a 15% administrative charge.

(2) *Supplier*. The city shall supply all materials at owner/ contractor's expense.

(3) *Requirements*. Contractors using a licensed plumber shall be responsible for making water main taps.

(4) *Tapping kit*. Tapping kit shall include; a corporation, curb stop, shut off box, meter and spuds, automated meter reader (AMR) device.

(5) *Plastic/PVC lines*. If the tap is made on a plastic line, a tapping saddle must be included and a locator wire must be installed.

(E) *Use of city tapping equipment*.

(1) *Rental fee*. A rental fee shall be established by the Comptroller's office.

(2) *Requirements*. Upon return of city tapping equipment, Water Department personnel shall inspect for any possible damages and will be billed to user.
(Ord. 2237, passed 7-26-2010) Penalty, see § 50.99

§ 50.99 PENALTY.

In addition to all of the other rights and remedies provided herein in reference to the City of LaSalle, in the event that any person and/or entity should be found guilty of violating any section of this chapter by a court of competent jurisdiction, then in any of these events, an additional remedy for such violations shall be a fine of not less than $50 nor more than $750 for each violation of this chapter, and for each day that any violation of this chapter exists, the same shall be considered an additional violation of this chapter. The remedies provided herein are in addition to all of the other rights and remedies of the City of LaSalle as provided within this chapter and/or otherwise allowed by law.
(Ord. 2237, passed 7-26-2010)

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CHAPTER 51: SEWERS

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SEWER USE

§ 51.01 DEFINITIONS.

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

AUTHORIZED AGENT. The Superintendent of Public Works, the City Engineer, the City Building Inspector, or other employee of the city acting in the capacity as an authorized deputy, agent, or representative as assigned by the Mayor.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C expressed in milligrams per liter.

BUILDING DRAIN. 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 5 feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

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

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

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and servicing of foods.

INDUSTRIAL PRETREATMENT COORDINATOR. The city employee assigned by the Mayor to coordinate and oversee the industrial pretreatment program for the city.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

MAY is permissive (see ***SHALL*** as defined in this section).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of 10^{-7}.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that have 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 ½ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is ***WASTEWATER***.

SEWAGE TREATMENT PLANT. Any arrangements of devices and structure used for treating sewage.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SHALL is mandatory (see ***MAY*** as defined in this section).

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (STORM SEWER). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

SUPERINTENDENT. The Superintendent of Public Works of the city, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering.

UNPOLLUTED WATER. 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with ***WASTE TREATMENT PLANT*** or ***WASTEWATER TREATMENT PLANT*** or ***WATER POLLUTION CONTROL PLANT***.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

§ 51.02 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

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

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

(D) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located 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 the provisions of this subchapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line and further provided that said connection is otherwise feasible. That said connection with the sewer system is hereby declared to be otherwise feasible as to any premises wherein the said public sewer is within 100 feet (30.5 meters) of the property line and wherein said premises also abut on the same side of any street, alley or other public way or sewer right-of-way in which any line of the sewer system of the city exists.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009) Penalty, see § 51.99

§ 51.03 PRIVATE WASTEWATER DISPOSAL.

(A) Where a public sanitary or combined sewer is not available under the provisions of § 51.02(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private wastewater disposal system the owner or owners shall first obtain a written permit signed by the

authorized agent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the authorized agent. A permit and inspection fee of $25 shall be paid to the city at the time the application is filed.

(C) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the authorized agent. The authorized agent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the authorized agent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the authorized agent.

(D) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Public Health of the State of Illinois. No permit shall be issued for any private wastewater disposal system employing sub-surface soil adsorption facilities where the area of the lot is less than 8,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in division (D) of this section, a direct connection shall be made to the public sewer within 90 days in compliance with this subchapter, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(F) The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(G) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the authorized agent.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009) Penalty, see § 51.99

§ 51.04 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person or persons 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 authorized agent.

(B) There shall be 2 classes of building sewer permits: for residential and commercial service, and for service to establishments producing industrial wastes. In either case, the owner or owners or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the authorized agent. A permit and inspection fee shall be paid to the city at the time the application is filed, according to the following:

Sewer Tap On Fee

(1) Residential - $200 minimum with the city reserving the right to reasonably negotiate the same at the time of presentation of a final plat of any proposed subdivision and/or at the time of presentation of application for individual building permits, if not done sooner. In connection with said negotiations, the city will consider all legal factors including, but not necessarily being limited to, the following:

(a) Size of the premises;

(b) Population equivalent;

(c) Additional costs, if any, to service said premises;

(d) Whether said premises are part of an Enterprise Zone and/or TIF District; or

(e) Whether the tap on is being used to serve an existing facility as opposed to new construction.

(2) Commercial/industrial - $1,500 minimum with the city reserving the right to reasonably negotiate the same on a case by case basis at the time of presentation of application for a building permit. In connection with said negotiations, the city shall consider all reasonable and appropriate factors, including, but not necessarily being limited to the following:

(a) Size of the premises;

(b) Population equivalent;

(c) Additional costs, if any, to service said premises;

(d) Whether said premises are part of an Enterprise Zone and/or TIF District; or

(e) Whether the tap on is being used to serve an existing facility as opposed to new construction.

(C) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(D) A separate and independent building sewer shall be provided for every building; except where 1 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 1 building sewer, but the city does not and will not assume any responsibility for damage caused by or resulting from any such single connection aforementioned.

(E) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authorized agent, to meet all requirements of this subchapter.

(F) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the appropriate specifications of the *American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9* shall apply. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(G) Sanitary sewer services from basements and other floors below grade shall be connected to the sanitary service using a sewer ejector pump (overhead sewers) at no expense to the city unless the city provides a waiver and/or variance from this requirement as provided herein. A waiver and variance from the provisions of this division may be granted by the City Council upon request to the City Council on application if the City Council finds that considering the totality of the circumstances, the likelihood of a sewer backup on the affected premises concerning which the variance and waiver is requested is minimal considering the totality of the circumstances involved, and further provided that the party and/or parties requesting the variance and waiver signs an agreement and release that will run with the land that will provide amongst other things that the City of LaSalle be released and discharged from any potential liability in connection with not requiring the sewer ejector pump, and that the city further be held harmless in connection with any liability in connection therewith and subject to such other terms as the Superintendent of Public Works and the City Attorney for the City of LaSalle may deem appropriate in the circumstances. In the event that an application for variance and waiver of this particular division is denied, such denial shall be appealable to the Circuit Court of LaSalle County, and in that

regard, then subject to the same terms, covenants and provisions and standards of review as would be provided in connection with the appeal and review of an administrative review proceeding. Additionally, notwithstanding anything else contained herein to the contrary, direct connection of basement and/or floors lying below grade to a gravity service line shall not be permitted.

(H) No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other source 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 authorized agent for purposes of disposal of polluted surface drainage.

(I) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the *American Society of Testing Materials and the Water Environment Federation Manual of Practice No. 9*. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the authorized agent or his representative before installation.

(J) The applicant for the building sewer permit shall notify the authorized agent 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 authorized agent or his representative.

(K) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
(Ord. 2157, passed 1-12-2009; Am. Ord. 2232, passed 6-14-2010)

§ 51.05 USE OF PUBLIC SEWERS; PROHIBITIONS AND LIMITS.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Industrial Pretreatment Coordinator.

(B) Stormwater other than that exempted under division (A) of this section and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the authorized agent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the authorized agent, to a storm sewer, combined sewer, or natural outlet.

(C) No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers;

(1) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not

limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(D) (1) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have any adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Industrial Pretreatment Coordinator may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives.

(2) In forming his opinion as to the acceptability, the Industrial Pretreatment Coordinator will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be exceeded without approval of the Industrial Pretreatment Coordinator are as follows:

(a) Wastewater having a temperature higher than 150° Fahrenheit (60° Celsius).

(b) Wastewater containing more than 100 milligrams per liter of petroleum oil, nonbiodegradeable cutting oils, or product of mineral oil origin.

(c) Wastewater from industrial plants containing floatable oils, fat, or grease.

(d) Any garbage that has not been properly shredded (see § 51.01). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Industrial Pretreatment Coordinator for such materials.

(f) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Industrial Pretreatment Coordinator.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Industrial Pretreatment Coordinator in compliance with applicable state or federal regulations.

(h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(k) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to sodium chloride and sodium sulfate);

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions; and

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(l) Wastewater containing BOD^5 greater than 200 mg/l or TSS in excess of 250 mg/l unless permitted by specific written agreement with the city provided the city has determined that no adverse effect on the city's wastewater treatment facilities will occur from these alternative limits. Any written agreement with the city to discharge such BOD^5 or TSS may provide for special charges, payments or provisions for treating and testing equipment.

(E) (1) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (D) of this section, and which in the judgment of the Industrial Pretreatment Coordinator, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise created a hazard to life or constitute a public nuisance, the Industrial Pretreatment Coordinator may:2010 S-1

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer changes under the provisions of division (J) of this section.

(2) When considering the above alternatives, the Industrial Pretreatment Coordinator shall give consideration to the economic impact of each alternative or the discharge. If the Industrial Pretreatment Coordinator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Industrial Pretreatment Coordinator.

(F) (1) Grease, oil, and sand interceptors shall be provided at the user's expense when, in the opinion of the authorized agent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, as specified in division (D)(2)(c) of this section, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Industrial Pretreatment Coordinator, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. The units shall be of substantial construction, watertight and equipped with easily removable covers which when butted in place shall be gas-tight and watertight. Suitable grease traps are aimed at the control of fats, oils and grease (FOG) to address maintenance issues such as sanitary sewer blockages and accumulation of FOG materials in pump station wet wells and wastewater treatment plant unit processes. The primary targeted commercial entities for this type of waste are restaurants, car washes, commercial laundry facilities, etc.

(2) In maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal, which are subject to review by the Industrial Pretreatment Coordinator. Any removal and hauling of the collected materials not performed by the owner(s)' personnel must be performed by currently licensed waste disposal firms. Where installed, all grease and oil separators shall be maintained by the user at their expense in continuously efficient operations.

(G) Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

(H) When required by the Industrial Pretreatment Coordinator, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Industrial Pretreatment Coordinator. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(I) The Industrial Pretreatment Coordinator may require a user of sewer services to provide information needed to determine compliance with this subchapter. These requirements may include:

(1) Wastewater's discharge peak rate and volume over a specified time period.

(2) Chemical analyses of wastewaters.

(3) Information on raw materials, processes, and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

(J) Water quality standards have been adopted by the State of Illinois, naming dissolved and suspended substances which are objectionable, and established the quantities of each which may be discharged into the Illinois River as a receiving stream. The city sewer system may normally be expected to provide a considerable dilution and this may be taken into account by an industrial or commercial user as follows:

(1) Any industrial or commercial sanitary sewer user may normally expect to discharge 5 times the concentration of any substance into the sanitary sewer which would be permitted by the water quality standards if the said user discharged the said waste directly to the Illinois River.

(2) Possibly higher concentrations of some substances may be discharged without interfering with the sewage treatment process and this will be considered by the city, providing:

(a) The industrial or commercial user inaugurates and maintains a suitable system of policing its sewage effluent quality and quantity.

(b) The industry shall arrange to discharge at a uniform rate any substances included in the list of objectionable materials of the State Water Quality Standards for the Illinois River at LaSalle.

(K) Any industry discharging as much as 5 times the allowable concentration of any substance which falls into the category of an objectionable substance in terms of the water quality standards shall periodically sample the sewage leaving each sewer which discharges into the city system and shall submit a monthly report to the city including sampling data and results of analysis. The concentration of any of said substances which can occur in a grab sample of waste taken under the "worst" circumstances at the "worst" time shall be the concentration that governs.

(L) (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the last edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic instantaneous grab samples.)

(M) No statement contained in this section 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.

(N) All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the Federal Act and more stringent state and local standards.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

§ 51.06 COMBINED SEWER SYSTEM REQUIREMENTS.

(A) New construction tributary to the combined sewer system shall be designed to minimize and/or delay inflow contributions to the combined sewer system.

(B) It shall be required that inflow sources on the combined sewer system be connected to a storm sewer, within 90 days, if a storm sewer becomes available within 200 feet of the building

(C) Any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate connection of the inflow connection to a storm sewer, within 90 days, if a storm sewer becomes available within 200 feet of the building.

(D) CSO impacts from non-domestic sources shall be minimized by determining which non-domestic discharges, if any, are tributary to CSOs. The city shall review, and, if necessary, modify the sewer use ordinance to control pollutants in these discharges.

(E) The city assures that the owners of all publicly owned systems with combined sewers tributary to the city's collection system has procedures in place that are adequate to ensure that the objectives, mechanisms, and specific procedures that follow are achieved.

(1) Collection system inspection shall be done on a scheduled basis;

(2) Sewer, catch basin, and regulator cleaning and maintenance shall be done on a scheduled basis;

(3) Inspections are made and preventive maintenance is performed on all pump/lift stations;

(4) Collection system replacement, where necessary;

(5) Detection and elimination of illegal connections;

(6) Detection, prevention, and elimination of dry weather overflows;

(7) The collection system is operated to maximize storage capacity and the combined sewer portions of the collection system are operated to delay storm entry into the system; and,

(8) The treatment and collection systems are operated to maximize treatment.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

§ 51.07 PROTECTION FROM DAMAGE.

No unauthorized person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009) Penalty, see § 51.99

§ 51.08 POWERS AND AUTHORITY OF INSPECTORS.

(A) The authorized agent and other duly authorized employees of the city and representatives of the Illinois Environmental Protection Agency (IEPA) and the United States Environmental Protection Agency (USEPA) bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing

pertinent to discharge to the community system in accordance with the provisions of this subchapter.

(B) The authorized agent or other duly authorized employees of the city or representatives of the IEPA and the USEPA are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater 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.

(C) While performing the necessary work on private properties referred to in § 51.07, the authorized agent or duly authorized employees of the city or representatives of the IEPA and the USEPA shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to the property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.05(H).

(D) (1) The authorized agent and other duly authorized employees of the city and representatives of the IEPA and the USEPA 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 wastewater facilities lying within said easement.

(2) All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

PRETREATMENT PROGRAM

§ 51.20 PURPOSE AND POLICY; ADMINISTRATION.

(A) This subchapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the city, and enables the city to comply with all applicable state and federal laws including the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*, and the General Pretreatment Regulations, 40 C.F.R. pt. 403. The objectives of this subchapter are:

(1) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

(2) To prevent the introduction of pollutants into the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(4) To promote reuse and recycling of industrial wastewater and sludge from the POTW;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

(6) To enable the city to comply with its National Pollutant Discharge Elimination System (NPDES) permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

(B) This subchapter shall apply to all users of the POTW. The subchapter authorizes the issuance of individual wastewater discharge permits or general permit; provides for monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(C) Administration. Except as otherwise provided herein, the Superintendent shall administer, implement and enforce the provisions of this subchapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized city employee. (Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.21 DEFINITIONS.

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

ACT or ***THE ACT.*** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq*.

APPROVAL AUTHORITY. The Regional Administrator of the United States Environmental Protection Agency, or his or her designee at Region V in Chicago, Illinois.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of 1 or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in divisions (1) through (3), above, may designate a duly authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the city.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for 5 days at 20° C, usually expressed as a concentration (e.g., mg/l).

BEST MANAGEMENT PRACTICES (BMPs). Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 51.23(A) and (B), 40 C.F.R. 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Note: BMPs also include alternative means (i.e. management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

CATEGORICAL PRETREATMENT STANDARD or ***CATEGORICAL STANDARD.*** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with 33 U.S.C.

1317, § 307(b) and (c) that apply to a specific category of users and that appear in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER. An industrial user subject to a categorical pretreatment standard or categorical standard.

CHEMICAL OXYGEN DEMAND (COD). A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY. The City of LaSalle. May also be referred to as the city.

DAILY MAXIMUM. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge that is not a "new source."

GRAB SAMPLE. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE. The introduction of pollutants into the POTW from any non-domestic source.

INSTANTANEOUS LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued hereunder, or any more stringent state or local regulations: section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

LOCAL LIMIT. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 C.F.R. 403.5(a)(1) and (b).

MEDICAL WASTE. Isolation wastes, infectious agents, human blood, and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MONTHLY AVERAGE. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MONTHLY AVERAGE LIMIT. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided

by the number of "daily discharges" measured during that month.

NEW SOURCE.

(1) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed as a site at which no other source is located;

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; and

(c) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of division (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assignee. This definition includes all federal, state or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological material, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the

characteristics of wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.)

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT COORDINATOR. (See ***SUPERINTENDENT***).

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARD OR STANDARDS. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 51.23.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works as defined by 33 U.S.C. 1292, § 212, which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage, or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

SEPTIC TANK WASTE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. Human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER (SIU). Except as provided in divisions (3) and (4) of this definition, a significant industrial user is:

(1) An industrial user subject to categorical pretreatment standards;

(2) An industrial user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater; to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;

(3) The city may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons pear day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

(a) The industrial user, prior to the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) The industrial user annually submits the certification statement required in Section § 51.33(N), see 40 C.F.R. 403.12(q), together with any additional information necessary to support the certification statement;

(c) The industrial user never discharges any untreated concentrated wastewater; and

(4) Upon a finding that a user meeting the criteria in division (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard of requirement. The city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 C.F.R. 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD OR SLUG DISCHARGE. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 51.23. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

STORM WATER. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT. The person designated by the city administration to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this subchapter. The term also means a duly authorized representative of the Superintendent.

TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

USER OR INDUSTRIAL USER. A source of indirect discharge.

WASTEWATER. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT OR TREATMENT PLANT. That portion of the POTW designed to provide treatment of municipal sewage and industrial waste.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.22 ABBREVIATIONS.

The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
BMR - Baseline Monitoring Report
C.F.R. - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - gallons per day
IU - Industrial User
mg/l - milligrams per liter
NPDES - National Pollutant Discharge Elimination System
NSCIU - Non-Significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIU - Significant Industrial User
SNC - Significant Noncompliance
TSS - Total Suspended Solids
U.S.C. - United States Code

(Ord. 1785, passed 12-9-2002; Ord. 1083, passed - -; Am. Ord. 2158, passed 1-26-2009)

§ 51.23 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other

national, state or local pretreatment standards or requirement.

(B) *Specific prohibitions*. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 C.F.R. 261.21;

(2) Wastewater having a pH less than 5.0 or more than 10.0 s.u. or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which shall cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than ½ inch, or 1.27 centimeter (cm) in any dimension);

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 104°F, (40°C) or which inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the production of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute workers health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 51.30(E);

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit or a general permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; and

(18) Wastewater causing 2 readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.

(C) *Prohibitions*. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.24 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users must comply with the categorical pretreatment standards found at 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with divisions (E) and (F) of this section. Note: See 40 C.F.R. 403.6(c).

(B) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

(C) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the standard, the Superintendent shall impose an alternate limit in accordance with 40 C.F.R. 403.6(e).

(D) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following divisions of this section. Note: See 40 C.F.R. 403.15.

(1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of division (D)(2) of this section are met.

(2) Criteria.

(a) Either the applicable categorical pretreatment standards contained in 40 C.F.R. Subchapter N specifically provide that they shall be applied on a net basis; or the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(d) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(E) (1) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The city may establish equivalent mass limits only if

the industrial user meets all the conditions set forth in (2)(a) through (e) below.

(2) To be eligible for equivalent mass limits, the industrial user must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment; and

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate must be representative of current operating conditions.
(Ord. 2158, passed 1-26-2009)

§ 51.25 STATE PRETREATMENT STANDARDS.

Users must comply with state pretreatment standards located at "State of Illinois, Rules and Regulations, Title 35: Environmental Protection: Subtitle C: Water Pollution, Chapter 1: Pollution Control Board" are hereby incorporated; as the same may be amended from time to time by the Illinois Environmental Protection Agency.
(Ord. 2158, passed 1-26-2009)

§ 51.26 LOCAL LIMITS.

(A) The Superintendent is authorized to establish local limits pursuant to 40 C.F.R. 403.5(c).

(B) (1) The following pollutant limits are established to protect against pass through, sludge contamination and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit concentrations per day.

Ammonia nitrogen	50.0 mg/l
Antimony	1.00 mg/l
Arsenic	0.46 mg/l
Barium	1.00 mg/l
Beryllium	0.50 mg/l
Cadmium	0.25 mg/l
Chromium (Hexavalent)	2.00 mg/l
Chromium (Trivalent)	3.50 mg/l
Chromium Total	3.50 mg/l
Copper	6.50 mg/l
Cyanide (Total)	0.50 mg/l
Fluoride	80.0 mg/l
Iron	10.0 mg/l
Lead	1.0 mg/l
Manganese	4.6 mg/l
Mercury	0.0005 mg/l
Molybdenum	0.50 mg/l
Nickel	0.50 mg/l
Oil & Grease (FOG)	100.0 mg/l
pH - minimum standard units 5.5 *1 (daily discharge)	the same *1
pH - maximum standard units 9.5 *1 (daily discharge)	the same *1
Phenols	7.50 mg/l
Phosphorous	10.0 mg/l
Selenium	0.40 mg/l
Silver	0.20 mg/l
Sulfate	500 mg/l
Thallium	0.50 mg/l
Zinc	1.27 mg/l
Total identifiable chlorinated hydrocarbons	1.0 mg/l

*1 - pH standard shall be extended from 5.5 to 10.0 standard units if the manufacturing facility is engaged in the precipitation of metals in the pretreatment process.

(2) Discharge limits for BOD and TSS shall be established in individual wastewater discharge permits by the Industrial Pretreatment Coordinator. For existing users, BOD and TSS limits will be established based upon currently allowed discharge levels. For new users or existing users with new production capacity and discharging greater than 25,000 gpd, or where such user is deemed a "Significant Industrial User" by the Industrial Pretreatment Coordinator, concentration limits will be set at levels such that treatment efficiency and capacity at the POTW will not be diminished beyond the extent desired. Limits will be established that are economically achievable where possible.

(3) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

(C) The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 51.23.
(Ord. 2158, passed 1-26-2009)

§ 51.27 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this subchapter or the general and specific prohibitions in § 51.23.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.28 SPECIAL AGREEMENTS.

The city reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15. They may also request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. 403.12.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.29 DILUTION.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.30 PRETREATMENT OF WASTEWATER.

(A) *Pretreatment facilities*. Industrial users shall provide necessary wastewater treatment as required to comply with this subchapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in

§ 51.23 within the time limitations specified by the EPA, the state, or the Superintendent - whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Superintendent shall be provided, operated, or maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this subchapter.

(B) *Additional pretreatment measures.*

(1) Whenever deemed necessary, the Superintendent may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this subchapter.

(2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. The facility shall be equipped with a rate of discharge controller, the regulation of which shall be directed by the Superintendent. An individual wastewater discharge permit or a general permit may be issued solely for flow equalization.

(3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at his expense. Records showing quantities and dates of removal of both grease and oil or sand shall be maintained by the owner. These records shall be available for city, county, state and federal inspectors. Such units shall comply with the city's Oil and Grease Management Ordinance, as such becomes enacted.

(4) Users with the potential to discharge flammable substances may be required to install, maintain and use an approved combustible gas detection meter.

(C) *Accidental discharge/slug control plans.* The Superintendent may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every 2 years the Superintendent shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/control slug plan shall submit a plan which addresses, at a minimum, the following.

(1) Description of discharge practices, including non-routine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 51.33(F). Such notification must also be given for any discharge which would violate any of the prohibited discharges in § 51.23.

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operation, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(D) *Tenant responsibility.* Where an owner of the property leases premises to any other person as a

tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this subchapter.

(E) *Hauled wastewater.*

(1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such wastes shall not violate §§ 51.23 through 51.29 or any other requirements established or adopted by the city. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

(2) The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this subchapter.

(3) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of the sources of the waste, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(5) Fees for dumping septage will be established as part of the industrial user fee system as authorized in §§ 51.41 and 51.42.

(F) *Vandalism.* No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 51.37 through 51.39.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.31 INDIVIDUAL WASTEWATER DISCHARGE PERMITS AND GENERAL PERMITS.

(A) *Wastewater analysis.* When requested by the Superintendent, a user must submit information on the nature and characteristics of their wastewater within 15 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the subchapter.

(B) *Individual wastewater discharge permit and general permit requirement.*

(1) No significant industrial user shall discharge wastewater into the city's POTW without first obtaining an individual wastewater discharge permit or general permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to division (C) of this section may continue to discharge for the time period specified therein.

(2) The Superintendent may require other users, including liquid waste haulers, to obtain individual wastewater discharge permits or general permits as necessary to carry out the purpose of this subchapter.

(3) Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this subchapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 51.37 through 51.39. Obtaining a wastewater discharge permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state or local law.

(C) *Individual wastewater discharge and general permitting: existing connections*. Any user required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this subchapter and who wishes to continue such discharges in the future, shall, within 180 days after said date, apply to the Superintendent for an individual wastewater discharge permit or a general permit in accordance with division (F) of this section, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this subchapter except in accordance with an individual wastewater discharge permit or general permit issued by the Superintendent. Notwithstanding anything else contained herein to the contrary, however, any significant industrial user which as of the effective date of this subchapter already has a wastewater discharge permit issued by the city, need not reapply; as said existing permits shall remain in full force and effect, except that the same shall be hereby modified to incorporate any new requirements and/or discharge limits set by this subchapter.

(D) *Individual wastewater discharge and general permitting: new connections*. Any user required to obtain an individual wastewater discharge permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

(E) *Individual wastewater discharge and general permit application contents*.

(1) All users required to obtain an individual wastewater discharge permit or general permit must submit a permit application. Users that are eligible may request a general permit under division (F) of this section. The Superintendent may require users to submit all or some of the following information as part of a permit application:

(a) Identifying information:

1. The name and address of the facility, including the name of the operator and owner; and

2. Contact information, description of activities, facilities, and plant production processes on the premises;

(b) Environmental permits. A list of any environmental control permits held by or for the facility;

(c) Description of operations:

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and the rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;

2. Types of wastes generated, and a list of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

3. Number and types of employees, hours of operation, and proposed or actual hours of operation;

4. Type and amount of raw materials processed (average and maximum per day); and

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(d) Time and duration of the discharges;

(e) The location for monitoring all wastes covered by the permit;

(f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 51.24(C), 40 C.F.R. 403.6(e);

(g) Measurement of pollutants:

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each of the regulated processes;

3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 51.33(J). Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable standards to determine compliance with the standard;

5. Sampling must be performed in accordance with procedures set out in § 51.33(K);

(h) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on § 51.33(D)(2), 40 C.F.R. 403.12(e)(2);

(i) Any request to be covered by a general permit based on division (F) of this section; and

(j) Any other information as may be deemed necessary by the Superintendent to evaluate the discharge permit application.

(2) Incomplete and inaccurate applications will not be processed and will be returned to the user for revision.

(F) *Wastewater discharge permitting: general permits.*

(1) At the discretion of the Superintendent, the Superintendent may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

(a) Involve the same or substantially similar types of operations;

(b) Discharge the same types of wastes;

(c) Require the same effluent limitations;

(d) Require the same or similar monitoring; and

(e) In the opinion of the Superintendent, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(2) To be covered by the general permit, the SIU must file a written request for coverage that

identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with § 51.33(D)(2) for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Superintendent has provided written notice to the SIU that such a waiver request has been granted in accordance with § 51.33(D)(2).

(3) The Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in division (F)(1)(a) to (e) of this section and applicable state regulations, and a copy of the user's written request for coverage for 3 years after the expiration of the general permit. Note: see 40 C.F.R. 403.8(f)(1)(iii)(A)(1) through (5).

(4) The Superintendent may not control an SIU through a general permit where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined wastestream formula (§ 51.24(C)) or net/gross calculations (§ 51.24(D)). Note: See 40 C.F.R. 403.6(e) and 40 C.F.R. 403.15.

(G) *Application signatories and certifications.*

(1) All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 51.33(N)(1).

(2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Superintendent prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to § 51.21 must annually submit the signed certification statement in § 51.33(N)(2). Note: See 40 C.F.R. 403.3(v)(2).

(H) *Individual wastewater discharge and general permit decisions.* The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of the receipt of a complete permit application, the Superintendent will determine whether or not to issue an individual wastewater discharge permit or a general permit. If no determination is made within this time period, the application will be deemed denied. The Superintendent may deny any application for a wastewater discharge permit or general permit.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.32 INDIVIDUAL WASTEWATER DISCHARGE AND GENERAL PERMIT ISSUANCE.

(A) *Individual wastewater discharge and general permit duration.* An individual wastewater discharge permit or a general permit shall be issued for a specified time period not to exceed 5 years. An individual wastewater discharge permit or a general permit may be issued for a period of less than 5 years, at the discretion of the Superintendent. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

(B) *Individual wastewater discharge permit and general permit contents.* An individual wastewater discharge permit or a general permit shall include such conditions as are reasonably deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality,

and protect against damage to the POTW. Such conditions shall include, but not necessarily be limited to any such condition described in any Pretreatment Implementation Review Task Force (PIRT) amendments and/or Domestic Sewage Study (DSS) amendments, as required by the Illinois Environmental Protection Agency (IEPA) and/or the United States Environmental Protection Agency (USEPA).

(1) Individual wastewater discharge permits must contain:

(a) A statement that indicates wastewater discharge permit issuance date, expiration date and effective date. (See division (A) of this section.)

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the city in accordance with division (E) of this section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(c) Effluent limits, including best management practices, based on applicable pretreatment standards. (Note: Required streamlining rule change.)

(d) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.

(e) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 51.33(D). Section 51.31(E) includes an instruction to the permittees to include requests for a new (or renewal of an existing) monitoring waiver for a pollutant neither present nor expected to be present in the discharge. See 40 C.F.R. 403.12(e)(2).

(f) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(g) Requirements to control slug discharge, if determined by the Superintendent to be necessary. (Note: Required streamlining rule change.)

(h) Any grant of the monitoring waiver by the Superintendent (see § 51.33(D)) must be included as a condition in the user's permit or other control mechanism.

(2) Individual wastewater discharge permits or a general permit may contain, but need not be limited to the following:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, or eliminate, or prevent the introduction of pollutants into the treatment works.

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharge to the POTW.

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.

(g) A statement that compliance with the individual wastewater discharge permit or a general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit or a general permit.

(h) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this subchapter, and state and federal laws, rules, and regulations.

(C) *Permit issuance process.*

(1) Public notification. The Superintendent will publish in an official government publication and/or newspapers of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment permit, at least 5 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(2) Permit appeals. The Superintendent shall provide public notice of the issuance of an individual wastewater discharge permit or a general permit. Any person, including the user, may petition the Superintendent to reconsider the terms of an individual wastewater discharge permit or a general permit within 30 days of notice of its issuance.

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the individual wastewater discharge permit or a general permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit or a general permit.

(c) The effectiveness of the individual wastewater discharge permit or a general permit shall not be stayed pending the appeal.

(d) If the Superintendent fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider an individual wastewater discharge permit or a general permit, not to issue an individual wastewater discharge permit or a general permit, or not to modify an individual wastewater discharge permit or a general permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties requesting judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the Circuit Court of the Thirteenth Judicial Circuit of the State of Illinois, LaSalle County, within 30 days of said final administrative decision.

(D) *Permit modification.*

(1) The Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of an individual wastewater discharge permit issuance;

(c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters. (Note: The control authority should consider threats to the POTW's beneficial sludge use.);

(e) Violation of any terms or conditions of the wastewater discharge permit;

(f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13;

(h) To correct typographical or other errors in the individual wastewater discharge permits; or

(i) To reflect a transfer of the facility ownership and/or operation to a new owner or operator where requested in accordance with division (E) of this section.

(2) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any individual or a general permit wastewater discharge permit condition.

(3) The Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:

(a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(b) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(c) To correct typographical or other errors in the individual wastewater discharge permit; or

(d) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with division (E) of this section.

(E) *Individual wastewater discharge permit and general permit transfer.*

(1) Individual wastewater discharge permits or coverage under the general permit may be transferred to new owner and/or operator only if the permittee gives at least 30 days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit or the general permit coverage transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

(a) States that the new owner and/or operator have no immediate intent to change the facility's operation and processes;

(b) Identifies the specific date on which the transfer is to occur; and

(c) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

(2) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

(F) *Individual wastewater discharge permit and general permit revocation.*

(1) The Superintendent may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Superintendent of a changed condition pursuant to § 51.33(E);

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the Superintendent timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of a permitted facility; and

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the general permit or this subchapter.

(2) Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a user are void upon the issuance of a new individual wastewater discharge permit or a general permit to that user.

(G) *Individual wastewater discharge permit and general permit reissuance*. A user with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 51.31(E), a minimum of 60 days prior to the expiration of the user's existing individual wastewater discharge permit or general permit.

(H) *Regulation of waste received from other jurisdictions*.

(1) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

(2) Prior to entering into an agreement required by division (1), above, the Superintendent shall request the following information from the contributing municipality:

(a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

(b) An inventory of all users located within the contributing municipality that are discharging to the POTW; and

(c) Such other information as the Superintendent may deem necessary.

(3) An intermunicipal agreement, as required by division (1), above, shall contain the following conditions:

(a) A requirement for the contributing municipality to adopt a sewer use ordinance and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in § 51.26. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(c) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit or general permit issuance, inspection, and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(d) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(f) Requirements for monitoring the contributing municipality's discharge;

(g) A provision ensuring the Superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(4) Note: Where the contributing municipality has primary responsibility for permitting, compliance monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce pretreatment standards and requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.
(Ord. 1401, passed - -; Ord. 1627, passed - -; Ord. 1767, passed - -; Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.33 REPORTING REQUIREMENTS.

(A) *Baseline monitoring reports*. (Note: Users that become subject to new or revised categorical pretreatment standards are required to comply with the following reporting requirements even if they have been designated as non-significant categorical industrial users.)

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a) (4), whichever is later, existing categorical industrial users discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in division (2), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent, a report which contains information listed in division (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) All information required in § 51.31(E)(1)(a)1., (b), (c)1. and (f). (Note: See 40 C.F.R. 403.12(b)(1)-(7).)

(b) Measurement of pollutants.

1. The user shall provide the information required in § 51.31(E)(1)(g)1. through 4..

2. The user shall take a minimum of 1 representative sample to compile the data necessary to comply with the requirements of this paragraph.

3. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternative concentration or

mass limit has been calculated in accordance with 40 C.F.R. 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority.

4. Sampling and analysis shall be performed in accordance with division (J) of this section.

5. The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

6. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(c) Compliance certification. A statement, reviewed by the user's authorized representative as defined in § 51.21 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(d) Compliance schedule. If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and O & M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in division (B) of this section.

(e) Signature and report certification. All baseline monitoring reports must be certified in accordance with division (N) of this section and signed by an authorized representative as defined in § 51.21.

(B) *Compliance schedule progress report*. The following conditions shall apply to the compliance schedule required by division (A)(2)(d) of this section:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed 9 months;

(3) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule; and

(4) In no event shall more than 9 months elapse between such progress reports to the Superintendent.

(C) *Report on compliance with categorical pretreatment standard deadline*. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 51.31(E)(1)(f) and (g) and division (A) of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 51.24 (see 40 C.F.R. 403.6(c)), this report shall contain a reasonable measure of the user's

long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with division (N) of this section. All sampling will be done in conformance with division (K) of this section.

(D) *Periodic compliance reports*. Note: All SIUs are required to submit periodic compliance reports even if they have been designated a non-significant categorical industrial user under the provisions of division (D)(3) of this section. The Superintendent may request chain-of-custody forms with monitoring data.

(1) Except as specified in division (D)(3) of this section, all significant industrial users must, at a frequency determined by the Superintendent, but in no case less than twice per year (in July and January), submit reports indicating the nature and concentration of pollutants in the discharge and which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Superintendent or the pretreatment standard necessary to determine the compliance status of the user. (Note: Required streamlining rule change.)

(2) (The following provision may only be included if authorized under state law. Criteria for monitoring waivers must also include any criteria defined in applicable state law requirements.) The city may authorize an industrial user subject to a categorical pretreatment standard to forego sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user (see 40 C.F.R. 403.12(e)(2)). This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(b) The monitoring waiver is only effective for the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See § 51.31(E)(1)(h).

(c) In making a presentation that a pollutant is not present, the industrial user must provide data from at least 1 sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver must be signed in accordance with § 51.21, and include the certification statement in division (N)(1) of this section, 40 C.F.R. 403.6(a)(2)(ii).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 C.F.R. Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the Superintendent may be included as a condition of the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the user's permit by the Superintendent, the industrial user must certify on

each report with the statement in division (N)(3) of this section, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of division (D)(1) of this section, or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.

(i) This provision does not supercede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standards.

(3) (a) The city may reduce the requirement for periodic compliance reports (see division (D)(1) of this section (40 C.F.R. 403.12(e)(1))) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standards or by the USEPA or IEPA, where the industrial user's total categorical wastewater flow does not exceed any of the following:

1. 0.01% of the POTW's design dry-weather hydraulic capacity of the POTW, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches.

2. 0.01% of the design dry-weather organic treatment capacity of the POTW.

3. 0.01% of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with § 51.26.

(b) Reduced reporting is not available to industrial users that have in the last 2 years been in significant noncompliance, as defined in § 51.36. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Superintendent, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

(4) All periodic compliance reports must be signed and certified in accordance with division (N)(1) of this section.

(5) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure for a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. (Required streamlining rule change).

(6) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in division (K) of this section and results of this monitoring shall be included in the report. (Note: see 40 C.F.R. 403.12(g)(6)).

(7) Users that send electronic (digital) documents to the city to satisfy the requirements of this section must satisfy the requirements of 40 C.F.R. Part 3 related to electronic reporting.

(E) *Report of changed conditions.* Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(1) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 51.31(E) of this section.

(2) The Superintendent may issue an individual wastewater discharge permit or a general permit under § 51.32(G) or modify an existing wastewater discharge permit or a general permit under § 51.32(D) in response to changed conditions or anticipated changed conditions.

(3) No industrial user shall implement the planned changed conditions until and unless the Superintendent has responded to the user's notice.

(4) For purposes of this requirement, flow increases of 10% or greater and the discharge of any previously unreported pollutants, shall be deemed significant.

(F) *Reports of potential problems.*

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the industrial user.

(2) Within 5 days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expenses, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed pursuant to this subchapter. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this subchapter.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place, advising employees who to call in the event of a discharge described in division (1) above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge. (Note: Required streamlining rule change.)

(G) *Reports from unpermitted users.* All users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Superintendent of the Wastewater Plant as the Superintendent may require.

(H) *Notice of violation/repeat sampling and reporting.* If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. (Note: Required streamlining rule change needed if POTW performs sampling in lieu of the industrial users. If the city performed the sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis. See 40 C.F.R. 403.12(g)(2).)

(I) *Notification of the discharge of hazardous waste.*

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth

in 40 C.F.R. Part 261, the EPA hazardous waste numbers, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under division (E) of this section. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of divisions (A), (C) and (D) of this section.

(2) Dischargers are exempt from the requirements of division (A) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a 1-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this subchapter, a permit issued thereunder, or any applicable federal or state law.

(J) *Analytical requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by the EPA.

(K) *Sample collection.* Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. (Note: The control authority is required to indicate the frequency of monitoring necessary to assess and assure compliance by the user with applicable pretreatment standards and requirements.) Chain-of-custody forms shall be used for all sampling work that is used to generate pretreatment program reporting. (Note: In the streamlining rule changes, divisions (1) and (2) below have been deleted from 40 C.F.R. 403.12(b)(5) and added to 403.12(g)(3). The original paragraphs relate to categorical industrial user monitoring reports only while all of the following paragraphs in this section apply to all SIU monitoring.)

(1) Except as indicated in division (K)(2) and (3) of this section, the user must collect wastewater samples using 24-hour flow-proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Superintendent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (Note: Required streamlining rule change. See 40 C.F.R. 403.12(g)(3)).

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in divisions (A) and (C) of this section (40 C.F.R. 403.12(b) and (d)), a minimum of 4 grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by division (D) of this section (40 C.F.R. 403.12(e) and 403.12(h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by the applicable pretreatment standards and requirements. (Note: Required streamlining rule changes, see 40 C.F.R. 403.12(g)(4).) The Superintendent may use grab sample to determine noncompliance with pretreatment standards.

(L) *Date of receipt of reports*. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(M) *Recordkeeping*. Users subject to the reporting requirements of this subchapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this subchapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 51.26(C). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. Records related to sludge generation and disposal shall be kept for 5 years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the Superintendent. (Note: The recordkeeping requirements for BMPs are a required streamlining rule change.)

(N) *Certification statements*. (Note: 40 C.F.R. 403.12(1) requires that the certification that follows be provided for IU Baseline Monitoring Reports (BMRs)(403.12(d), CIU Periodic Reports on Continued Compliance (403.12(e)) and the initial request from CIUs to forego monitoring for pollutants not present. In addition to CIUs, the model ordinance requires this certification statement for all wastewater discharge permit applications and user reports. Furthermore, the POTW should require this certification statement for all noncategorical SIU compliance reports.)

(1) Certification of permit applications, user reports and initial monitoring waiver.

(a) The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 51.31(G); users submitting baseline monitoring reports under division (A)(2)(e) of this section (Note: See 40 C.F.R. 403.12(1)); users submitting reports on compliance with categorical pretreatment standard deadlines under division (C) of this section (Note: See Section 40 C.F.R. 403.12(d)); users submitting periodic compliance reports required by division (D) of this section (Note: See 40 C.F.R. 403.12(e) and (h)), and users submitting an initial request to forego sampling of a pollutant on the basis of division (D)(1) through (4) of this section (Note: See 40 C.F.R. 403.12(e)92)(iii)). The following certification statement must be signed by an authorized representative as defined in § 51.21:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) Additional certification concerning the use and disposal of total toxic organic compounds shall be included with routine data submittals and shall include the following certification statement:

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics (TTO), I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics into the wastewater has occurred since filing the last discharge monitoring report. I further certify that this facility is implementing the solvent management plan submitted to the control authority."

(2) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the Superintendent pursuant to § 51.21 and § 51.31(G)(3) (Note: See 40 C.F.R. 403.3(v)(2)) must annually submit the following certification statement signed in accordance with the signatory requirements in § 51.21 (Note: See 40 C.F.R. 403.120(1)). This certification must accompany an alternative report required by the Superintendent):

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 C.F.R. 403, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [month, days, year]:
>
> (a) The facility described as _____, [facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 51.21; [Note: See 40 C.F.R. 403.3(v)(2)].
>
> (b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
>
> (c) The facility never discharged more than 100 gallons of total Categorical wastewater on any given day during this reporting period.
>
> This certification is based on the following information. _____
> _____
> _____

(3) Certification of pollutants not present. Users that have an approved monitoring waiver based on division (D) of this section must certify on each report with the following statement that there has been

no increase in the pollutant in its wastestream due to activities of the user. (Note: See 40 C.F.R. 403.12(e)(2)(v)).

> "Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 C.F.R. 403, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under division (D) of thi section"

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.34 COMPLIANCE MONITORING.

(A) *Inspection and sampling.*

(1) The Superintendent or his representative(s) shall have the right to enter the premises of any user to ascertain whether the purpose of this subchapter, and any individual wastewater discharge or general permit or order issued hereunder, is being met and whether the user is complying with all requirements thereof. Users shall allow the Superintendent or his representative(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The city, state and EPA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated periodically, as defined in an individual wastewater discharge or general permit, to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the Superintendent or his representatives access to the user's premises shall be a violation of this subchapter.

(2) If the monitoring facility is constructed in the public right-of-way or easement, it shall be done so in an unobstructed location. The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the Superintendent's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such a manner so as to enable the Superintendent or his representatives to perform independent monitoring activities.

(B) *Search warrants.* If the Superintendent has been refused access to a building, structure or property or any part thereof, and if the Superintendent has demonstrated probable cause to believe that there may be a violation of this subchapter or that there is a need to inspect and/or sample as part of a routine inspection program of the city designated to verify compliance with this subchapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application by the City Attorney, the Circuit Court Judge of LaSalle County shall issue a search

and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Superintendent in the company of a uniformed police officer of the city. In the event of an emergency affecting public health and safety, inspections and/or sampling shall be made without the issuance of a warrant.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.35 CONFIDENTIAL INFORMATION.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, general permits and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 C.F.R. 2.302 will not be recognized as confidential information and will be available to the public without restriction.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.36 PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE.

The Superintendent shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates divisions (C), (D) or (H) of this section) and shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6 month period exceed the daily maximum limit or average limit as defined in §§ 51.23 through 51.29 for the same pollutant parameter by any amount; (Note: Required streamlining rule change, see 40 C.F.R. 403.3(1).)

(B) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the daily maximum limit or the average limit as defined in §§ 51.23 through 51.29, multiplied by the applicable criteria (1.4 for BOD^5, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); (Note: Required streamlining rule change, see 40 C.F.R. 403.3(1).)

(C) Any other discharge violation of a pretreatment standard or requirement as defined by §§ 51.23 through 51.29 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of city personnel or the general public) or sludge contamination such that it limits its beneficial reuse or disposal; (Note: Required streamlining rule change, see 40 C.F.R. 403.3(1).)

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation(s), which may include a violation of best management practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.37 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) *Notification of violation.* The city's enforcement response plan is based on the United States Environmental Protection Agency's "Guidance for Developing Control, Authority Enforcement Response Plan" dated September, 1989. The same, or any updated versions of the same, shall be made a part of the general discharge permit issued to the monitored industries that are part of the industrial pretreatment program. Whenever the Superintendent finds that any user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharger permit or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent or his agent may serve upon said user a written notice of violation. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(B) *Consent orders.* The Superintendent is hereby empowered to enter into a consent order, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to divisions (D) and (E) of this section and shall be judicially enforceable.

(C) *Show cause hearing.* The Superintendent may order any user which has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or general permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) a least 14 days prior to the hearing. Such notice may be served on any authorized representative of the user as defined in § 51.21 and required by § 51.31(G). Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(D) *Compliance orders.* When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within 5 days. If the user does not come into compliance within this time frame, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(E) *Cease and desist orders.* When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or general permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventing action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(F) *Administrative fines.*

(1) When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed $1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. Assessments may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as may be available for other service charges and fees.

(2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 5% of the unpaid balance and interest shall accrue thereafter at the rate of 1% per month. A lien against the user's property shall be sought for unpaid charges, fines, and penalties.

(3) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Superintendent shall convene a hearing on the matter within 45 days of receiving the request from the user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(G) *Emergency suspensions.*

(1) The Superintendent may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which

reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in division (H) of this section are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent, prior to the date of any show cause or termination hearing under divisions (C) and (H) of this section.

(2) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(H) *Termination of discharge.*

(1) In addition to those provisions in § 51.32(F), any user who violates the following conditions is subject to discharge termination:

(a) Violation of individual wastewater discharge permit or general permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling; or

(e) Violation of the pretreatment standards in §§ 51.23 through 51.29.

(2) Such user shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.38 JUDICIAL ENFORCEMENT REMEDIES.

(A) *Injunctive relief.* When the Superintendent finds that a user has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Circuit Court of LaSalle County, within the Thirteenth Judicial Circuit of the State of Illinois, through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit order, or other requirement imposed by this subchapter on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct an environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) *Civil penalties.*

(1) Any user who has violated, or continues to violate, any provision of this subchapter, an individual wastewater discharge permit, or a general permit or order hereunder, or any other pretreatment standard or requirement shall be liable to the city for a maximum civil penalty of not more than $ 1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The Superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(3) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

(C) *Criminal prosecution.*

(1) Any user that willfully or negligently violates any provisions of this subchapter, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation per day or imprisonment for not more than 1 year or both.

(2) A user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000 and/or be subject to imprisonment of 1 year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) A user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this subchapter, individual wastewater discharge permit or general permit or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this subchapter shall, upon conviction, be punished by a fine of not more than $1,000 per day or imprisonment for not more than 1 year, or both.

(D) *Remedies nonexclusive.* The remedies provided for in this subchapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than 1 enforcement action against any noncompliant user. These actions may be taken concurrently.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.39 SUPPLEMENTAL ENFORCEMENT ACTION.

(A) *Penalties for late reports.* A penalty of $50 shall be assessed to any user for each day that a report required by this subchapter, a permit or order issued hereunder is late, beginning 5 days after the date the report is due, higher penalties may also be assessed where reports are more than 30-45 days late. Actions taken by the Superintendent to collect late reporting penalties shall not limit the Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

(B) *Performance bonds.* The Superintendent may decline to reissue an individual wastewater discharge permit or general permit to any user who has failed to comply with any provisions of this subchapter, any orders, or a previous individual

wastewater discharge permit or a previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

(C) *Liability insurance*. The Superintendent may decline to reissue an individual wastewater discharge permit or general permit to any user who has failed to comply with any provisions of this subchapter, any order, or a previous individual wastewater discharge permit or previous general permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(D) *Payment of outstanding fees and penalties*. The Superintendent may decline to issue or reissue an individual wastewater discharge permit or a general permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provisions of this subchapter, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

(E) *Water supply severance*. Whenever a user has violated or continues to violate any provision of this subchapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(F) *Public nuisances*. Any violation of this subchapter, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 91 of these Codified Ordinances, governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(G) *Contractor listing*. Users who have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.40 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) *Upset*.

(1) For the purpose of this section, ***UPSET*** means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (3), below, are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workman-like manner and

in compliance with applicable operation and maintenance procedures; and

(c) The user has submitted the following information to the Superintendent or his agent within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within 5 days):

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) Users shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(B) *Prohibited discharge standards*. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 51.23(A) or the specific prohibitions in § 51.23(B)(3) through (7) and (B)(9) through (18) if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Note: Pursuant to 40 C.F.R. 403.5(a)(2), the affirmative defense outlined in this section cannot apply to the specific prohibitions in § 51.23(B)(1), (2), and (8).)

(C) *Bypass*.

(1) For the purposes of this section:

(a) Bypass means the intentional diversion of waste streams from any portion of a user's treatment facility; and

(b) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (C)(3) and (4) of this section.

(3) Bypass notifications:

(a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the

Superintendent, at least 10 days before the date of the bypass, if possible; and

(b) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case by case basis if the oral report has been received within 24 hours.

(4) Bypass:

(a) Bypass is prohibited and the Superintendent may take enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under division (C)(3) of this section.

(b) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the 3 conditions listed in division (C)(4)(a) of this section.

(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.41 SURCHARGE COSTS.

(A) *FOG Surcharge*. In addition to the other matters set forth herein, an additional billable surcharge cost of $0.50/# FOG/DAY, for any discharge in excess of 100 mg/l but below an enforcement ceiling of 180 mg/l on fats, oils and grease (FOG) per day. This surcharge shall apply to the multiplicative product of the facility flow in millions of gallons per day, times the concentration of FOG in excess of 100 mg/l times the conversion factor of 8.34 pounds per gallon times the above unit rate.

(B) *Sulfate surcharge*.

(1) The following surcharge shall be applicable to all users for sulfate contained in their discharge. Sulfate is a pollutant, which may be converted to sulfide by bacterial action. Once in sulfide form, bacteria commonly found within a sanitary sewage collection system, combined with moisture present in the sewer can result in the formation of sulfuric acid. The presence of sulfate in high concentrations have proven to be extremely corrosive to concrete gravity sewers, in particular. In addition, sulfate converted by bacteria into sulfide may combine with hydrogen to form hydrogen sulfide, which is corrosive, odorous, and presents a serious threat to human health, especially if breathed at high concentrations (death is quite possible). Finally, sulfate can inhibit the activated sludge and anaerobic digestion processes. Both activated sludge treatment and anaerobic sludge digestion are critical to the operation of the treatment plant.

Sulfate - (Sulfate - 400 mg/l) x 30 days at $0.01

Where:

Sulfate = User monthly average sulfate discharge concentration, in mg/l

400	=	Surcharge value for sulfate, below the enforcement ceiling limit of 500 mg/l, as contained in the ordinance, based upon digester inhibition
30	=	days in calendar month
$0.01	=	surcharge rate for sulfate

(2) The sulfate discharge shall be based upon the monthly average discharge for each user. The monthly average value shall be determined based upon averaging the results of all samples collected and analyzed during each calendar month. The surcharge shall only be calculated when a user's monthly average sulfate concentration is in excess of 400 mg/l but below an enforcement ceiling of 500 mg/l, or other value specific to an individual permit.

(C) *Additional surcharge parameters for BOD^5 and TSS.* These can be found in § 51.56, or its most recent modified version.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

§ 51.42 PRETREATMENT CHARGES AND FEES.

The City Administration may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such application;

(B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

(E) Other fees as the city administration may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this subchapter and are separate from all other fees, fines and penalties chargeable by the city.
(Ord. 1785, passed 12-9-2002; Am. Ord. 2158, passed 1-26-2009)

WASTEWATER SERVICE CHARGES

§ 51.55 DEFINITIONS.

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

BASIC USER CHARGE. The basic assessment levied on all users of the public sewer system.

CAPITAL IMPROVEMENT CHARGE. A charge levied on users to improve, extend or reconstruct the sewage treatment works.

DEBT SERVICE CHARGE. The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

LOCAL CAPITAL COST CHARGE. Charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term ***OPERATION AND MAINTENANCE*** includes replacement.

SEWERAGE FUND. The principal accounting designation for all revenues received in the operation of the sewerage system.

SURCHARGE. The assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Ord. 923, Article 2, Sec. 2 (f) and as modified by Ord. 1518.

USEFUL LIFE. The estimated period during which the collection system and/or treatment works will be operated.

USER CHARGE. A charge levied on users of treatment works for the cost of operation, maintenance and replacement.

WASTEWATER SERVICE CHARGE. The charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in an Ordinance Establishing User Charge and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.
(Ord. 923, passed 12-12-1977; Ord. 1200, passed 4-3-1989)

§ 51.56 SERVICE CHARGES.

(A) *Basis for wastewater service charges*. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the city shall consist of a basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge.

(1) *Debt service charge*. The debt service charge is computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further divisions, the monthly and/or quarterly debt service charges can be computed.

(2) *Capital improvement charge*. The capital improvement charge is levied on all users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement is computed by apportioning the annual amount to be accrued as a cost per 100 cubic feet or as a fixed charge per month.

(3) *Basic user charge*.

(a) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

1. A 5-day, 20-degree centigrade biochemical oxygen demand (BOD) of 200 mg/l;

2. A suspended solids (SS) content of 250 mg/l.

(b) It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

1. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;

2. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories;

3. Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD;

4. Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by volume, suspended solids and BOD;

5. Compute costs per 100 cubic feet for normal sewage strength;

6. Compute surcharge costs per pound per 100 cubic feet in excess of normal sewage strength for BOD and SS.

(4) *Surcharge*. A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Division (F) below of this section specifies the procedure to compute a surcharge.

(5) *Review of charges*. The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by certified public accountants for the city in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs including replacement costs.

(6) *Notification of users*. The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

(B) *Measurement of flow*. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 cubic feet.

(1) If the person discharging wastes into the public sewers procures any part, or all, of his or her water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his or her expense, water meters of a type approved by the Superintendent of Public Works for the purpose of determining the volume of water obtained from these other sources.

(2) Devices for measuring the volume of waste discharged may be required by the Superintendent of Public Works if these volumes cannot otherwise be determined from the metered water consumption records.

(3) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent of Public Works.

(C) *Local capital cost charge*. Debt service charge: A debt service charge of $3.84 per month to each user of the wastewater facility of the city is hereby established.

(D) *User rates*. User rate minimum charges, incremental user rate charges, and sewer maintenance fees to be applied on a monthly basis are hereby amended and provided to be as follows:

(Table on Following Page)

Rate Component	2/1/2012 - 1/31/2013	2/1/2013 - 1/31/2014	2/1/2014 - 1/31/2015	2/1/2015 - 1/31/2016	2/1/2016 - 1/31/2017	2/1/2017 - 1/31/2018	2/1/2018 - 1/31/2019
Minimum base fee on first 200 cf of water used	$15.00	$15.25	$15.50	$15.75	$16.00	$16.25	$16.50
Usage charge per 100 cf applied to usage over 200 cf	$4.25	$4.50	$4.75	$5.00	$5.25	$5.50	$5.75
Monthly sewer maintenance fee	$10.00	$10.25	$10.50	$10.75	$11.00	$11.25	$11.50

Rate Component	2/1/2019 - 1/31/2020	2/1/2020 - 1/31/2021	2/1/2021 - 1/31/2022	2/1/2022 - 1/31/2023			
Minimum base fee on first 200 cf of water used	$16.75	$17.00	$17.25	$17.50			
Usage charge per 100 cf applied to usage over 200 cf	$6.00	$6.25	$6.50	$6.75			
Monthly sewer maintenance fee	$11.75	$12.00	$12.25	$12.50			

(1) All rates shown in reference to maintenance fees and incremental user rate sewer charges as set forth herein, with the exception of the base fee and the sewer maintenance fee, shall be in dollars per 100 cubic feet. Additionally, the total charge for each metered user shall be the sum of (1) the base fee, plus (2) the increment of usage of water over 200 cubic feet per month as provided herein multiplied by its corresponding rate, plus (3) base fee, and the sewer maintenance fee.

(2) The adequacy of the wastewater service charges shall be reviewed annually periodically by the City Council and revised as deemed within the discretion of the City Council to be appropriate order to reflect changes in operation, maintenance costs, necessary infrastructure improvements and advancements and/or governmental directives and or state and/or federal directives and/or mandates, amongst other appropriate basis for revision or rates.

(3) Also, any non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month equal to the base charge, plus the sewer maintenance fee for each month, which will thus allow such non-metered users a maximum of 200 cubic feet per month.

(4) In the event that within the sole discretion of the Superintendent of Public Works of the city it is determined that it is reasonably estimated that the non-metered usage of any residential user is in excess of 200 cubic feet per month, the Superintendent of Public Works may require such flat rate non-metered residential user to install metering devices on the water supply and/or sewer main ti measure the amount of service supplied.

(5) Additionally, for users of over 500,000 cubic feet per month, the city reserves the right to negotiate individually with such large users with it understood that any such negotiation shall not affect the discretion of the city to revise rates even without agreement of any such large user.

(6) The city reserves the right, duty and responsibility to review and revise the sewer rates if deemed appropriate with the discretion of the City Council. In connection with any such review, the City Council may utilize any appropriate resource tool including, but not limited to, sewer rate studies. Any amendment and/or revision hereof shall be by ordinance.

(E) *Surcharge rate*. The rates of surcharges for BOD5 and SS shall be as follows:

Per lb. of BOD: $.405

Per lb. of SS: $.154

(F) *Computation of surcharge*. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent of Public Works and shall be binding as a basic for surcharges.

(G) *Computation of wastewater service charge*. The wastewater service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu-X)\ CU + CS$$

Where

CW = Amount of waste service charge ($) per billing period

CD = Debt Service Charge (division (C)).

CC = Capital Improvement Charge.

CM = Minimum Charge for Operation, Maintenance and Replacement (division (D)).

Vu = Wastewater Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (division (D)).

CU = Basic User Rate for Operation, Maintenance and Replacement (division (D)).

CS = Amount of Surcharge (divisions (E) and (F)).

(Ord. 923, passed 12-12-1977; Ord. 924, passed 12-12-1977; Ord. 1082, passed 5-6-1985; Ord. 1200, passed 4-3-1989; Am. Ord. 1424, passed 7-6-1993; Am. Ord. 1756, passed 1-21-2002; Am. Ord. 2189, passed 9-8-2009; Am. Ord. 2326, passed 1-23-2012)

§ 51.57 BILLING; LIENS; RECORDS.

(A) *Bills*.

(1) Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service 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 therefor to the city.

(2) Bills for sewer service shall be sent out by the City Treasurer on or about the first day of the month succeeding the period for which the service is billed.

(3) All sewer bills are due and payable 15 days after mailing.

(B) *Delinquency procedures*. For city provisions concerning payment of utility bills and delinquencies, see § 50.35.

(C) *Lien - notice of delinquency*.

(1) Whenever a bill for sewer service remains unpaid for 30 days for monthly service after it has been rendered, the City Treasurer 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.

(2) If the user whose bill is unpaid is not the owner of the premises and the City Treasurer has notice of this, notice shall be mailed to the owner of the premises if his or her address be known to the Treasurer, whenever such bill remains unpaid for the period of 45 days for a monthly bill after it has been rendered.

(3) The failure of the City Treasurer to record such 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 unpaid bills as mentioned in the foregoing section.

(D) *Foreclosure of lien*. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, 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 foreclosure shall be by bill-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 for 45 days in the case of a monthly bill or 105 days in the case of a quarterly bill after it has been rendered.

(E) *Revenues*. All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the City Treasurer separate and apart from his or her private funds and separate and apart from all other funds of the city and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than 10 days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Mayor and City Council. The City Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the Sewerage Fund of the City of La Salle. Said Treasurer shall administer such fund in every respect in the manner provided by statute of the Revised Cities and Villages Act, effective January, 1942.

(F) *Accounts*.

(1) The City Treasurer 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 sewerage system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage 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 the 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 these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(a) Flow data showing total cubic feet received at the wastewater plant for the current fiscal year;

(b) Billing data to show total number of cubic feet billed per fiscal year;

(c) Debt service for the next succeeding fiscal year.

(G) *Notice of rates*. Each user will be notified by the city in conjunction with a regular bill, of the rate and that portion of the user charges or ad valorem taxes which are attributable to wastewater treatment services, including the financial information of division (F) above.

(H) *Access to records*. The IEPA 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 insure compliance with the terms of the special and general conditions to any state grant or federal regulations and conditions of the federal grant.
(Ord. 923, passed 12-12-1977;Ord. 1200, passed 4-3-1989)

§ 51.58 AUTHORITY.

(A) Any duly authorized employee or agent of the city bearing proper credentials and identification shall at any time be permitted to enter upon all properties within the corporate limits of the city or outside the city and contracted for service for the purpose of inspection, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this subchapter.

(B) While performing the necessary work on private properties referred to in this section, the duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless from 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 failure of the company to maintain safe conditions.
(Ord. 923, passed 12-12-1977;Ord. 1200, passed 4-3-1989)

§ 51.59 APPEALS.

The method for computation of rates and service charges established for user charges in § 51.56(C) through (G), shall be made available to a user within 10 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the water committee of the City Council within 14 days after notification of a formal written appeal outlining the discrepancies.
(Ord. 1200, passed 4-3-1989)

§ 51.99 PENALTY.

(A) Any person found to be violating any provisions of §§ 51.01 through 51.08 shall be served by the city with written notice stating the nature of the violation and providing a 10 day limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations;

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than $100 nor more than $500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any person violating any of the above provisions of §§ 51.01 through 51.08 shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.
(Ord. 1677, passed 9-7-1999; Am. Ord. 2157, passed 1-12-2009)

(D) (1) Any user that willfully or negligently violates any provisions of §§ 51.20 through 51.41, any orders or wastewater discharge permits issued thereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation per day or imprisonment for not more than 1 year or both.

(2) Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $1,000 and/or be subject to imprisonment of 1 year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(3) Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to §§ 51.20 through 51.41, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under §§ 51.20 through 51.41 shall, upon conviction, be punished by a fine of not more than $1,000 per day or imprisonment for not more than 1 year or both.
(Ord. 1785, passed 12-9-2002)

(E) Any person, firm or corporation violating any provisions of § 51.57 shall be fined not less than $100 nor more than $500 for each offense.
(Ord. 1200, passed 4-3-1989)

CHAPTER 52: GARBAGE

Section

52.01 Authorization
52.02 Fees
52.03 Individuals authorized to effectuate this chapter
52.04 Timing of placement for collection of residential garbage

52.99 Penalty
Appendix A: Garbage disposal and waste disposal agreement

§ 52.01 AUTHORIZATION.

That the city is hereby authorized to enter into a garbage disposal and waste disposal agreement with Illinois Valley Waste Services consistent with a motion passed on the floor of the City Council of the city on June 6, 2005 to be effective as of February 1, 2006; further provided that such agreement be substantially in the form set forth on attached Appendix A which is hereby made a part hereof together any other modifications as the Mayor, in his or her discretion, deems appropriate.
(Ord. 1952, passed 3-13-2006)

§ 52.02 FEES.

That the fees in reference to city residential units in reference to garbage pick up and the charges in reference to extra cans and/or bags for single-family, 2-family and 3-family residences within the city's jurisdiction as served by the city public water supply and by a public water meter shall be consistent with and accord with the fees and charges set forth in the agreement attached hereto and made a part hereof as Appendix A, which fees and charges shall be the charges to single-family, 2-family and 3-family residences of the city during the term of said agreement.
(Ord. 1952, passed 3-13-2006)

§ 52.03 INDIVIDUALS AUTHORIZED TO EFFECTUATE THIS CHAPTER.

That the Mayor, the City Clerk and such other city officials as are necessary and appropriate in the circumstances are hereby authorized and empowered to sign such documents and to further do and perform such reasonable acts as may be necessary and appropriate in order to carry out and effectuate the intent and purpose of this chapter.
(Ord. 1952, passed 3-13-2006)

§ 52.04 TIMING OF PLACEMENT FOR COLLECTION OF RESIDENTIAL GARBAGE.

Regarding residential garbage collection service, all materials suitable for collection shall be placed in containers at the curb line not earlier than 5:00 p.m. on the evening preceding the day of collection, and not later than 6:00 a.m. on the day of collection, and shall be removed from the curb line not later than the evening of the day of collection.
(Ord. 2097, passed 11-5-2007) Penalty, see § 52.99

§ 52.99 PENALTY.

Any person and/or entity that violates § 52.04 shall, in addition to any other remedies allowable by law, be fined not less than $50 nor more than $500 for

each violation of that section; and each day that a violation exists may constitute a new separate independent violation of § 52.04.
(Ord. 2097, passed 11-5-2007)

APPENDIX A: GARBAGE DISPOSAL AND WASTE DISPOSAL AGREEMENT

THIS AGREEMENT formalized on the 1st day of February, 2006, by and between the City of LaSalle [hereinafter referred to as "City"] and Illinois Valley Waste Services [hereinafter referred to as "Contractor"], furtherance of a prior understanding being formalized as provides herein and as originally agreed to be effective as of February 1, 2006, all consistent with a motion passed on the floor of the City Council of the City of LaSalle on June 6, 2005:

IN CONSIDERATION OF THESE PRESENTS AND COVENANT AND CONDITIONS CONTAINED HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, IT IS HEREBY AGREED AS FOLLOWS:

1. This Agreement, which may from time to time herein be referred to as the "Scavenger Contract," shall be effective for a period of five years commencing on the 1st day of February, 2006 and ending on the 31st day of January, 2011, subject and according to the terms contained herein.

2. That the Contractor shall collect and dispose of the following material:

   (a) Properly contained household kitchen wastes, including cans, bottles, paper goods, food and vegetable matter, attendant on the preparation, use, cooking and serving of foods.

   (b) Properly contained general household trash and refuse, including packaging material, empty cartons, crates, boxes, wrapping materials, newspapers and magazines, cloth material, empty cans, discarded toys, clothing and similar materials.

   (c) Yard waste materials including grass clippings, leaves, weeds, bushes and brush clippings. Loose materials shall be contained in generic 30-gallon paper yard waste bags made for that purpose. Individual branches less than three (3) inches in diameter and brush shall be bundled with biodegradable twine not to exceed four (4) feet in length or two (2) feet in diameter. Christmas trees shall be collected for the two (2) weeks following the holiday.

   (d) Properly contained and prepared household recyclable material, including newspaper and all inserts thereof, paper items, aluminum, tin, glass of all color, and plastic containers that have been rinsed to remove all food residues.

   (e) Large items that one (1) individual can handle including furniture and household appliances that do not contain Freon or other gases, chemicals or other materials known to require special handling prior to recycling or disposal.

   (f) Specifically excluded from the materials to be collected shall be auto parts and tires, earth, sod, rocks, concrete, refuse from remodeling or construction of home, trees or parts thereof with exception of small bundled branches as provided in the paragraph above. Hazardous household and automotive chemicals including, but not limited to, paints and varnishes, thinner and turpentine, pesticides, gasoline and other fuels, flammables and reactive materials, motor oil and coolant shall also be excluded.

3. The collection and disposal of the above items shall be made as follows:

   (a) Regular weekly service. All collections by the Contractor shall be made between the hours of 6:00 a.m. and 6:00 pm. The Contractor will furnish regular scheduled weekly collection service from every single-family unit in the city, according to a schedule approved by the City, using modern, compaction-type refuse collection equipment. All materials suitable for collection shall be placed by residents at the curb for collection by 6:00 A.M.

   (b) All perishable materials to be collected in the regular weekly service shall be placed in regular, standard garbage cans, no larger than 32-gallons in capacity, or suitable plastic garbage bags limited to 40-gallons in capacity of a wall thickness sufficient to hold the materials. Containers shall be loaded not to exceed 40 pounds. Lids shall be kept on containers when placed outside for collection. Items such as empty crates and cartons not to exceed 2 feet by 2 feet by 2 feet shall be stacked neatly alongside garbage containers. Bags or bundles of yard waste and recycling material in designated containers, defined as above, shall be kept separate from other waste materials.

   (c) Yard waste shall only be collected between the first full week in April and the last full week in November of each year.

   (d) Up to one (1) large item per household to be collected in the regular weekly service.

   (e) In the event that the day of service shall fall on a legal holiday, which shall be a day on which the employees of the Contractor do not work, all pick ups during the week of such holiday shall be delayed one day upon the publication of a notice in the newspapers. The following legal holidays shall be observed by the contractor: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

4. Payment for Services:

   (a) For the first year of this agreement the City shall pay the contractor $9.00 per month per residence (Monthly per Residence Fee) to be paid not later than the 15th day of the month following the last day of the month in which Contractor has provided the services contemplated by this Agreement to the City. The amount of the City's payment to the Contractor shall be equal to an amount calculated by multiplying the number of water meters serving single family, two- family and three-family residential units within the jurisdiction of the City by the monthly per residence fee, as increased from time to time as provided for in this Agreement.

   (b) In order for Contractor to calculate the monthly billing, the City shall, on the anniversary date of this agreement. provide to Contractor the number of single family, two-family and three-family residences within its jurisdiction served by the City public water supply and served by a water meter. The parties agree that for Contractor's invoicing purposes during the first year of this agreement, the number of water meters in service within the jurisdiction of the City shall be agreed to as 3,650.

(c) In order to calculate the Monthly Per Residence Fee during the subsequent years of this Agreement, 2007, 2008, 2009 and 2010 through January 31, 2011, the Monthly Per Residence Fee shall be determined by adding to the current year's Monthly Per Residence Fee any increase in the Consumer Price Index established for the year prior to the then current per residence fee, provided however, that in no circumstance shall the increase in the per residence fee increase more than five (5) per cent.

(d) For the first year of this agreement there shall be an additional charge of $1.50 each for any cans or bags in excess of two per household. Residents shall be required to purchase and apply additional waste (Additional Waste) stickers to each extra item at their own expense. For subsequent years subject to this Agreement, 2007, 2008, 2009 and 2010 through January 31, 2011, any applicable cost of living increase in the additional waste sticker shall be determined by adding to the current Additional Waste fee any increase in the Consumer Price Index established the year prior to the effective date. Increases in sticker prices shall not exceed five (5) per cent.

(e) For the first year of this agreement the cost of yard waste collection shall be $1.50 for each bag or bundle of yard waste material. Residents shall be required to purchase and apply yard waste stickers (Yard Waste Sticker) to each bag or bundle of yard waste at their own expense. Any applicable cost of living increase for the Yard Waste sticker For subsequent years subject to this Agreement, 2007, 2008, 2009 and 2010 through January 31, 2011, any applicable cost of living increase shall be determined by adding to the current Yard Waste fee any increase in the Consumer Price Index established the year prior to the effective date. Increases in rates shall not exceed five (5) per cent.

(5) All waste material collected by the Contractor shall be discharged at a certified landfill site, yard waste compost facility or material recycling facility in reference to the items indicated in paragraphs 2(a) through 2(c) above. All costs in connection with landfill disposal shall be the responsibility of the Contractor hereunder.

(6) It is understood that the number of City water meters in service for residences receiving service may not be equal to the number of family units in the City and that the contractor is to be paid on the basis of the number of water meters in single, two and three family residences. All family units are to be served. However, this Contract shall not cover service to four or more multiple family units.

(7) In the event that either fuel costs and/or landfill costs should escalate substantially, either the City or the Contractor may request renegotiation on collection costs upon thirty (30) days written notice to the other party. In the event of any renegotiation amongst the parties, the City would retain and reserve the right to place up for bid garbage services as opposed to continuing to receive service from the present Contractor. However, the City would allow the Contractor herein, the right of first refusal to match the lowest bid of any other capable Contractor in reference to the remaining term of this agreement. In reference to said right of first refusal, upon the City's opening bids, and upon further deciding that one of the bids may be acceptable to the City subject to the right of first refusal, the Contractor shall be provided thirty (30) days written notice of the City's intention to accept the alternative bid, absent that bid being matched by the present Contractor, within said thirty (30) day period.

(8) The Contractor shall also give the City of LaSalle at least sixty (60) days notice if unable to fulfill the obligations under this agreement. This notice shall not relieve the Contractor from any liability for breach of contract.

(9) Upon execution of this Agreement, the Contractor shall provide the City with a performance or surety bond in the amount of Ten Thousand Dollars ($10,000.00), that may be drawn upon by the City only in the event of Contractor's default of this Agreement and which default results the City assuming the duties and performance of the Contractor under this Agreement.

(10) A policy to protect the Contractor against liability under Workers Compensation and Occupational Disease Statutes of the State of Illinois shall be required and shall be the Contractor's responsibility in connection with all of the same. None of the employees of the Contractor are employees of the City.

(11) The Contractor must carry an appropriate policy under comprehensive form to insure the Contractor's motor vehicle liability for its operations within the limits of public liability coverage of not less that $1,000,000.00 for all occurrences in reference to both property damage, personal and other risks.

(12) The contractor must additionally provide a comprehensive general liability policy for its operations other than motor vehicle, with limits of public liability of not less that $1,000,000.00 for all occurrences, and with the same to cover all foreseeable risks including personal injury and property damage with limits of not less than $1,000,000.00.

(13) That any and all insurance policies required by the Contractor to be maintained herein and all certificated of insurance required herein shall provide that the City is an additional insured of the parties hereunder, and shall further provide that the City of LaSalle shall receive no less than thirty (30) days notice prior to the cancellation, revocation or material change in said policies. At least ten (10) days prior to the termination date of any such policy, a renewal policy or certificate showing such renewal shall be delivered to the City embodying the same terms as the original policy.

(14) All policies of insurance furnished to or for the benefit of the City as required herein shall be written by an insurance company with the best financial rating no lower than AA and general policy holders rating no lower than A.

(15) The Contractor shall perform all disposal services rendered hereunder in a neat, orderly and efficient manner; shall use care and diligence in the performance of this contract; and shall provide neat, orderly and courteous employees and personnel on its crews. The Contractor, insofar as possible, shall hire people to carry out the terms of this agreement.

(16) All complaints shall be given prompt and courteous attention and in case of missed scheduled collections, the Contractor shall investigate, and if such allegations are verified, shall arrange for the pick up of all disposal materials not collected, within twenty-four (24) hours after the complaint is received. The Contractor shall provide and publish the number of a telephone to receive complaints or other business in the Daily News Tribune, at least twice a year for the duration of this agreement. Further, the Contractor shall maintain and operate a voicemail system to receive messages after normal business hours and shall promptly investigate and rectify said complaints the following business day.

(17) The parties acknowledge that the City is engaging in a recycling program. The Contractor agrees to cooperate with the City in operation of the recycling program and to do all things reasonably necessary to promote its success, including, but not being limited to, picking up the recycling materials in appropriate recycling containers.

(18) The Contractor shall not assign this Contract or any of the rights hereunder to any separate corporation or entity without the prior written consent of the City, which consent will not unreasonably withheld. It is additionally understood and agreed that notwithstanding any such assignment, the Contractor shall remain fully responsible in reference to all of the duties of the Contractor hereunder.

(19) That the Contractor shall comply at all times with all laws, ordinances and regulations of the City of LaSalle and State of Illinois, at any time, properly applicable to the Contractor's operations under this contract. The Contractor shall also be entitled to provide a scavenger license for the purpose of rendering private disposal service according to the provisions of any applicable ordinances and/or laws.

(20) That this agreement is intended to govern the prospective disposal of the refuse described herein by Contractor in reference to the City.

(21) That in the event that the Contractor shall fail at any time to dispose of garbage and other materials herein provided to be disposed of, the City may, at its option, take over on its own, and dispose of said items, and /or may contract with any other party deemed appropriate by the City to dispose of said items in order to continue to provide for the reasonable expenses incurred by the City in so doing, may be deducted by the City form the compensation due the Contractor hereunder, and in the event that the costs and/or expenses in connection with the same should exceed the amounts owed to the Contractor, the Contractor shall remit the amount of any excess promptly to the City upon being billed for the same.

(Ord. 1952, passed 3-13-2006)

TITLE VII: TRAFFIC CODE

Chapter

70. GENERAL PROVISIONS

71. TRAFFIC REGULATIONS

72. PARKING REGULATIONS

73. EQUIPMENT AND LOADS

74. BICYCLES AND MOTORIZED VEHICLES

75. TRAFFIC SCHEDULES

76. PARKING SCHEDULES

CHAPTER 70: GENERAL PROVISIONS

Section

70.01 Definitions
70.02 Police to direct traffic
70.03 Authority of Chief of Police to designate traffic signals and locations
70.04 Police signals
70.05 Persons propelling pushcarts or riding bicycles or animal to obey traffic regulations

70.99 General Penalty

§ 70.01 DEFINITIONS.

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

MOTOR VEHICLE. Every vehicle, which is self-propelled.

OPERATOR. Any person who is in actual physical control of the vehicle.
(1963 Code, § 9-1-1) (Ord. 468, passed 7-7-1947)

§ 70.02 POLICE TO DIRECT TRAFFIC.

The Police Department is hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict and regulate, and when necessary, temporarily divert or exclude, in the interest of public safety, health and convenience, the movement of pedestrians, animal and vehicular traffic of every kind, in streets, parks and on bridges in this city. All vehicles and the drivers or persons in charge thereof, shall at all times obey all orders given by any police officer or other traffic officers, any of the provisions of this Title to the contrary notwithstanding. The Chief of Police shall make and enforce temporary regulations to cover emergencies or special conditions.
(1963 Code, § 9-2-1) (Ord. 264, passed 9-23-1929)
Penalty, see § 70.99

§ 70.03 AUTHORITY OF CHIEF OF POLICE TO DESIGNATE TRAFFIC SIGNALS AND LOCATIONS.

(A) The Council shall, by resolution, determine and designate the character or type of all official traffic signs and signals. Subject to this determination, the Chief of Police is hereby authorized, and as to those signs and signals required hereunder, it shall be his or her duty to place and maintain, or cause to be placed and maintained, all official traffic signs and signals. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city.
(1963 Code, § 9-3-1(A))

(B) The Chief of Police is hereby authorized to establish and designate and shall thereafter maintain, or cause to be maintained, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his or her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary.
(1963 Code, § 9-3-6)

(C) (1) The Chief of Police is hereby empowered to establish safety zones of such kind and character and at such places as he or she may deem advisable, consistent with the provisions of this Title.

(2) The Chief of Police is also authorized to mark lanes for traffic on street pavements at such places as he or she may deem advisable, consistent with the provisions of this Title.
(1963 Code, § 9-3-7)

(D) (1) The Chief of Police, by and with the consent of the Council, shall have authority to erect stop signals or devices at any intersection of streets, alleys or public places where the public safety so requires, and when any stop sign or device has been erected or installed by such authority all vehicles shall come to a complete stop before proceeding beyond such stop sign or device, and shall yield the right-of-way to vehicles traveling upon the intersecting street, alley or public place.

(2) The Chief of Police, by and with the consent of the Council, shall have authority to erect slow signals or devices at any place upon public streets, alleys or ways where the public safety so requires, and when any slow sign or device has been erected or installed by such authority no operator of any vehicle shall proceed beyond or past such slow sign except in a careful and cautious manner with the vehicle under the complete control of the operator.
(1963 Code, § 9-3-8) (Ord. 264, passed 9-23-1929)

§ 70.04 POLICE SIGNALS.

One blast of a police whistle shall indicate that the east and west traffic must stop and the north and south traffic may proceed; 2 blasts indicates that the north and south traffic must stop and the east and west traffic may proceed. Three or more blasts is a signal alarm, and indicates the approach of danger.
(1963 Code, § 9-3-9) (Ord. 264, passed 9-23-1929)

§ 70.05 PERSONS PROPELLING PUSHCARTS OR RIDING BICYCLES OR ANIMALS TO OBEY TRAFFIC REGULATIONS.

Every person propelling any pushcart or riding a bicycle upon a roadway, and every person driving any animal, shall be subject to the provisions of this section applicable to the operator of any vehicle, except those provisions of this section with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.
(Ord. 264, passed 9-23-1929)

§ 70.99 GENERAL PENALTY.

Whoever violates any provision of this traffic code or other ordinance of this city for which another penalty is not specifically provided, shall be fined not more than $750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

CHAPTER 71: TRAFFIC REGULATIONS

Section

71.01	Turning at intersections
71.02	Limitations on turning around
71.03	Driving while intoxicated
71.04	Right-of-way
71.05	Unattended vehicles
71.06	Starting parked vehicle
71.07	Driving through safety zone prohibited
71.08	Through streets and stop intersections
71.09	Truck traffic
71.10	Use of certain trucks on right-of-way
71.11	Impoundment and towing of vehicles

§ 71.01 TURNING AT INTERSECTIONS.

(A) *Right turns*. The operator of a vehicle intending to turn to the right at an intersection or into an alley or driveway shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street, and in turning, shall keep as close as practicable to the right-hand curb or edge of the street.

(B) *Turning left on "go" signal*. The operator of a vehicle intending to turn to the left at an intersection where traffic is controlled by traffic-control signs or by a police officer, shall proceed to make such left turn with proper care to avoid accident and only upon the "go" signal, unless otherwise directed by a police officer.
(1963 Code, § 9-6-2) (Ord. 264, passed 9-23-1929)

§ 71.02 LIMITATIONS ON TURNING AROUND.

It shall be unlawful for the operator of any vehicle to make a "U" turn, that is to turn such vehicle so as to head in the reverse direction, between street intersections, and it shall likewise be unlawful to make any such turn on any street intersection where the making of such a turn is forbidden by official traffic signs displayed at such intersection.
(1963 Code, § 9-6-3) (Ord. 264, passed 9-23-1929)
Penalty, see § 70.99

§ 71.03 DRIVING WHILE INTOXICATED.

It shall be unlawful for any person, while in an intoxicated condition, to drive any vehicle upon the streets of the city.
(1963 Code, § 9-6-8) (Ord. 264, passed 9-23-1929)
Penalty, see § 70.99

§ 71.04 RIGHT-OF-WAY.

(A) All vehicles traveling upon public streets within the city shall give the right-of-way to other vehicles approaching along intersecting streets from the right, and shall have the right-of-way over those approaching from the left.

(B) In all cases police vehicles, Fire Department vehicles, and vehicles transporting United States Mail and ambulances shall have the right-of-way over other vehicles.

(C) The operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after giving a signal as required by the law, and after affording a reasonable opportunity to the operator of such other vehicle to avoid a collision.
(1963 Code, § 9-6-12) (Ord. 264, passed 9-23-1929)
Penalty, see § 70.99

§ 71.05 UNATTENDED VEHICLES.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of the vehicle, and when standing upon a perceptible grade, without turning the wheels of the vehicle to the curb or the side of the street or highway.
(1963 Code, § 9-9-1) (Ord. 264, passed 9-23-1929)

§ 71.06 STARTING PARKED VEHICLE.

The driver of a parked vehicle about to start shall give moving vehicles the right-of-way and the driver of a parked vehicle shall give a timely and visible warning in some unmistakable manner before starting.
(1963 Code, § 9-9-5) (Ord. 264, passed 9-23-1929)
Penalty, see § 70.99

§ 71.07 DRIVING THROUGH SAFETY ZONE PROHIBITED.

It shall be unlawful for the operator of a vehicle at any time to drive the same over or through a safety zone as defined in this Title.
(1963 Code, § 9-9-9) (Ord. 264, passed 9-23-1929)
Penalty, see § 70.99

§ 71.08 THROUGH STREETS AND STOP INTERSECTIONS.

(A) When any through street established by the city and not a part of any numbered route of the state, intersects any numbered state route, all vehicles and traffic on such local through street shall come to a full stop before proceeding upon the state route, and when moving onto the state route shall yield the right-of-way to vehicles traveling thereon.

(B) Except as hereinbefore limited all vehicles approaching any of said portions of through streets from any street not designated as a through street, or from any alley or driveway shall be brought to a full stop before proceeding upon any portion of said streets designated as through streets, and when moving onto such through streets shall give the right-of-way to vehicles traveling thereon.

(C) The Chief of Police is hereby authorized and required to place and maintain or cause to be placed and maintained on each and every street intersecting a through street, and at or near the property line of the through street, appropriate signs upon the street (and in addition thereto may place and maintain any appropriate marks on the roadway), such signs, devices or marks to bear the word "Stop" and to be located in such position and to be provided with letters of a size to be clearly legible from a distance of at least 100 feet along the street intersecting the through street. All such signs shall be illuminated at night or so placed as to be illuminated by street lights or by the headlights of approaching motor vehicles.
(1963 Code, § 9-7-1) (Ord. 264, passed 9-23-1969)
Cross-reference:
Through streets designated, see Ch. 75, Sch. II

§ 71.09 TRUCK TRAFFIC.

(A) ***TRUCK TRAFFIC*** is defined as a motor vehicle which is designed for carrying more than 10 persons, designed or used for living quarters,

designed for pulling or carrying freight, cargo or implements of husbandry, and designed or used for the carrying of a gross weight of 8,100 pounds or more.

(B) The speed limit of truck traffic is set out in Chapter 75, Schedule I.
(Ord. 1882, passed 1-17-2005)

§ 71.10 USE OF CERTAIN TRUCKS ON RIGHT-OF-WAY.

(A) It is declared to be nuisance and a violation of this section to place tarps on trucks on city streets and/or any city right-of-way.

(B) Any person found guilty and/or pleading guilty to this section shall be fined not less than $50 nor more than $500 for each violation of this section; additionally, each incident of tarping on a given day shall be considered a separate and additional violation of this section.
(Ord. 1883, passed 1-17-2005)

§ 71.11 IMPOUNDMENT AND TOWING OF VEHICLES.

(A) An ***UNLAWFUL VEHICLE*** for purposes of this section shall be defined as including a vehicle when the driver of such vehicle has been charged with any of the following:

(1) Driving under the influence of intoxicating liquor or narcotic drugs, as provided in ILCS Ch. 625, Act 5, §§ 11-501 *et seq.*;

(2) Driving while license is revoked or suspended, as provided in ILCS Ch. 625, Act 5, §§ 6-303 *et seq.*;

(3) Fleeing or attempting to elude a police officer, as provided in ILCS Ch. 625, Act 5, § 11-204;

(4) Aggravated fleeing or attempting to elude a police officer, as provided in ILCS Ch. 625, Act 5, § 11-204.1;

(5) Leaving the scene of an accident - death or injury, as provided in ILCS Ch. 625, Act 5, § 11-401a;

(6) Leaving the scene - failure to report-felony, as provided in ILCS Ch. 625, Act 5, § 11-401a;

(7) Leaving the scene of an accident - vehicle damage, as provided in ILCS Ch. 625, Act 5, § 11-402a;

(8) Failure to give aid or information, as provided in ILCS Ch. 625, Act 5, § 11-403;

(9) Failure to give information after striking unattended vehicle or other property, as provided in ILCS Ch. 625, Act 5, § 11-404;

(10) Failure to report accident to police authority, as provided in ILCS Ch. 625, Act 5, § 11-407;

(11) Reckless driving, as provided in ILCS Ch. 625, Act 5, § 11-503;

(12) Driving with no valid license, but not in cases where the driver has a valid drivers' license but the driver does not have the license on his or her person, as provided in ILCS Ch. 625, Act 5, § 6-101;

(13) Suspended or revoked registration plate, as provided in ILCS Ch. 625, Act 5, § 3-702;

(14) Any violation of Article IV of the Illinois Controlled Substance Act, as provided in ILCS Ch. 720, Act 570, Article IV;

(15) Any violation of the Illinois Cannabis Control Act, as provided in ILCS Ch. 720, Act 550; and/or

(16) Any violation of Article 24 (Deadly Weapons) of the Illinois Criminal Code of 1961, as amended, as provided in ILCS Ch. 720, Act 5, §§ 24-1 *et seq.*.

any of which shall be considered "Class 1 unlawful vehicle hereunder", or wherein the driver of such

vehicle has been charged with a violation of Article 36 of the Criminal Code of the State of Illinois, ILCS Ch. 720, Act 5, §§ 36-1 *et seq.*, generally related to drug seizures, "which shall be considered a Class 2 unlawful vehicle hereunder".

(B) Administrative penalties and regulation of unlawful vehicles as defined within this section, for purposes of this section, is hereby established as follows:

(1) An administrative penalty of $250 is hereby imposed on the owner of record of any vehicle towed or impounded under this section, related to being a Class 1 unlawful vehicle; and, an administrative penalty of $500 is hereby imposed on the owner of record of any vehicle towed or impounded under this section, as a Class 2 unlawful vehicle. In the event that the vehicle would qualify under both Class 1 and Class 2, only a Class 2 administrative penalty shall be imposed. The penalty imposed pursuant to this section shall constitute a debt due and owing the city. A vehicle impounded pursuant to this section shall remain impounded until:

(a) The above referenced penalty is paid to the city and all applicable towing fees are paid to the towing agent, in which case the owner of record shall be given possession of the vehicle;

(b) A bond in the amount of $250 in the case of a Class 1 unlawful vehicle or in the amount of $500 in the case of a Class 2 unlawful vehicle is posted with the Police Department; and all applicable towing fees are paid to the towing agent or alternatively that the owner makes such arrangements with the towing agent as are within the discretion of the towing agent acceptable to the towing agent, at which time the vehicle will be released to the owner of record; or

(c) The vehicle is deemed abandoned in which case the vehicle shall be disposed of in the manner provided law for disposition of abandoned vehicles.

(2) If a bond in the appropriate amount as set forth above is posted with the Police Department, and the applicable towing fees are paid to the towing agent or alternatively other arrangements are made with the towing agent satisfactory to the towing agent in reference to the towing fees, the impounded vehicle, as aforesaid, shall be released to the owner. All bond money posted pursuant to this section shall be deposited and held by the Circuit Clerk of LaSalle County until the Circuit Court of LaSalle County issues a decision in reference to whether the administrative penalty is due. The citation in reference to the potential administrative penalty provided for in this section in reference to the imposition of the above referenced administrative penalty shall be issued only in the event that the owner has posted a bond in the required amount as set forth above, and desires to dispute the administrative penalty as set forth above, or alternatively in the event that the administrative penalty as set forth above, and the applicable towing fees and arrangements are not appropriately made with the towing agent by the owner of the vehicle. In the event that the owner of the vehicle agrees to pay the appropriate administrative penalty as set forth above, and further pay the applicable towing fees or makes other arrangements satisfactory to the towing agent with the towing agent, then no filing shall be made with the Circuit Court in connection with this administrative penalty.

(3) Any motor vehicle that is not reclaimed within 30 days after a final judgment is rendered in favor of the city in reference to the imposition of the administrative penalty by the Circuit Court of LaSalle County and against the owner of record who is in default, may be disposed of as an unclaimed and abandoned vehicle as provided by law, provided, however, that where proceedings have been instituted under State or Federal Drug Asset Forfeiture Laws, the subject vehicle may not be disposed of by the city except as consistent with the proceedings.

(C) The city Code of Ordinances, in reference to providing for towing of vehicles in certain circumstances, are hereby amended to provide for towing the following vehicles:

(1) Unlawful vehicles as defined within this section shall be subject to towing without prior notice, except that the police offer shall notify any person

who identifies themselves to the police officer as the owner of record of the vehicle of the fact of the vehicle seizure and of the owner's rights and remedies including a right to a hearing before the Circuit Court of LaSalle County consistent with the provisions of this section.

(2) Towed vehicles authorized to be towed pursuant to this section shall be impounded at facilities designated by the city Police Department until lawfully claimed or disposed of pursuant to the provisions of this section and pursuant to the provisions of ILCS Ch. 625, Act 5, §§ 1-101 *et seq*.

(3) Release of motor vehicles. Before the owner or person entitled to possession of any impounded vehicle shall be permitted to remove the same, the owner or other person entitled to possession shall furnish evidence of his identity, ownership of the vehicle, or his right to possession, sign a receipt for the vehicle, and pay the administrative penalty to the city (or bond therefore) and pay the amount currently owed for towing and storage fees to the towing operator or make other arrangements satisfactory to the towing operator with the towing operator. The Chief of Police is further authorized to promulgate regulations as to the documents necessary to carry out and effectuate the intent and purpose of these provisions.

(4) Post towing and hearing procedures within the Circuit Court of LaSalle County. The hearing within the Circuit Court of LaSalle County in reference to any person posting bond and desiring a hearing in regard thereto shall be held as promptly as reasonably possible.
(Ord. 2057, passed 3-12-2007; Am. Ord. 2171, passed 6-1-2009)

CHAPTER 72: PARKING REGULATIONS

Section

72.01 Parking prohibited on obstructed roadways
72.02 Passenger and loading zones
72.03 Bus stops and taxicab stands; parking busses and taxicabs
72.04 Parking restricted in certain places
72.05 Parking in alleys south of Third Street
72.06 Standing or parking close to curb
72.07 Parking vehicle for sale prohibited
72.08 Building and shipping entrances; no parking signs
72.09 Parking restrictions after snowfall
72.10 Parking lots
72.11 All-night parking of certain vehicles
72.12 Parking of trucks and other vehicles in residential areas
72.13 Violations; towing of illegally parked vehicles
72.14 Parking prohibited during certain hours
72.15 Parking prohibited after registration expiration
72.16 Parking prohibited across from public or private driveway

72.99 Penalty

Cross-reference:

Parking of certain heavy vehicles on gravel or stone parking lot, see § 73.08

§ 72.01 PARKING PROHIBITED ON OBSTRUCTED ROADWAYS.

Whenever in the course of building operations or other similar operations it becomes necessary in the prosecution of the same to temporarily obstruct a portion of a roadway, the contractor or other person in charge thereof shall notify the Chief of Police of such intended obstruction, whereupon the Chief of Police shall give to the contractor or other person the authority to place "No Parking" signs alongside of such temporary obstruction and on the opposite side of the roadway therefrom and the contractor or other person shall cause such signs to be placed at such places during the obstruction; provided, that the expense of procuring and furnishing such signs shall be borne by the contractor or other person; and provided further, that such signs shall be in form and nature as may be designated from time to time by the Council, by resolution.
(Ord. 1123, passed 12-29-1986)

§ 72.02 PASSENGER AND LOADING ZONES.

(A) The Council shall have authority to determine the location of passenger zones and loading zones and shall erect and maintain or cause to be maintained appropriate signs indicating the same.

(B) It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.03 BUS STOPS AND TAXICAB STANDS; PARKING BUSSES AND TAXICABS.

(A) *Bus stops and taxicab stands.* The Council is hereby authorized to establish bus stops and taxicab stands on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop or taxicab stand shall be designated by appropriate signs.

(B) *Parking in bus stops or taxicab stands*. It shall be unlawful for the operator of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, except that the operator of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

(C) *Parking of buses or taxicabs in other than designated stands*. It shall be unlawful for the operator of any bus or taxicab to stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other parking regulations at any place for the purpose of and while engaged in loading or unloading passengers.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.04 PARKING RESTRICTED IN CERTAIN PLACES.

It shall be unlawful for any operator to stop, stand or park any vehicle upon a street, other than an alley, in such manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic, except that an operator may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.05 PARKING IN ALLEYS SOUTH OF THIRD STREET.

On account of the traffic congestion existing south of Third Street, it shall be unlawful for any operator to park a vehicle within an alley south of Third Street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.06 STANDING OR PARKING CLOSE TO CURB.

Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle with 1 foot of the edge of the roadway, except as provided in the following divisions:

(A) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(B) No vehicle shall remain standing in any street for the purpose of unloading or loading merchandise for a longer period than 30 minutes in any 1 place, unless parked in the manner provided for hereinabove.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.07 PARKING VEHICLE FOR SALE PROHIBITED.

It shall be unlawful for any person to park any vehicle upon a street to display the same for sale.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.08 BUILDING AND SHIPPING ENTRANCES; NO PARKING SIGNS.

Special no parking spaces in front of shipping entrances, and the entrances of churches, hotels, theaters, office buildings or any other buildings where a large number of people are accustomed to gather may be provided and established by compliance with

the following conditions: Any owner or occupant of such building adjacent to a street or alley desiring a certain "No Parking" space immediately in front of the entrance of such building shall make application to the Council setting forth all relevant information and stating the number of feet and the time desired for such purposes. The Council shall have authority to grant or refuse such applications in their discretion or to grant the same with such restrictions or limitations as they may fix. In case such application is granted the Council shall issue to the applicant a permit, setting forth the location of the "No Parking" space, the number of feet frontage and the time limit fixed, and such other limitations as may be pertinent. Such permit may, at any time, be withdrawn, or further limited by the Council. To enforce the provisions of the permit, the holder of the same shall have the right to place "No Parking" signs on the sidewalk, within the time limit fixed in the permit, marking the limits of the no parking space. The signs shall be of exact size, character and description required by the Council, but shall be provided at the expense of the holder of the permit.
(Ord. 1123, passed 12-29-1986)

§ 72.09 PARKING RESTRICTIONS AFTER SNOWFALL.

(A) It shall be unlawful to park any vehicle on any public street in the city limits at any time after 24 hours have elapsed following a snowfall of 3 inches or more until the snow and ice on the public street has been plowed from curb to curb.

(B) Any vehicle parked in violation of division (A) of this section shall be towed away for illegal parking. Motor vehicles towed away for illegal parking shall be stored in an appropriate manner by the entity hired by the city to do the towing and stored in a manner customary with the towing operators business operation, with the vehicle not to be returned to the owner or operator until payment to the towing and storing entity of the usual and customary towing and storage charges of said entity for the full time that said vehicle is in storage.

(C) In addition to that which is otherwise provided within this section, any person or entity violating any provision of this section, shall be subject to a fine of $25, and in the event that this matter should have to be pursued into the court system in order to collect the fine, there shall be in addition to said $25 fine the assessment of all appropriate court costs.
(Ord. 1123, passed 12-29-1986; Am. Ord. 2050, passed 1-15-2007)

§ 72.10 PARKING LOTS.

All off-street parking uncovered shall be rented at the rate of $20 per month by the city.
(Ord. 1462, passed 6-6-1994)

§ 72.11 ALL-NIGHT PARKING OF CERTAIN VEHICLES.

It shall be unlawful for any person to park any semi-tractor, semi-trailer, truck exceeding 5 tons or any school bus on the streets of any residential district from 10:00 p.m. to 8:00 a.m.
(Ord. 1123, passed 12-29-1986) Penalty, see § 70.99

§ 72.12 PARKING OF TRUCKS AND OTHER VEHICLES IN RESIDENTIAL AREAS.

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

VEHICLE. Every device in, upon or by which any personal property and/or person is or may be transported or drawn upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(B) *Findings*. It is deemed to be in the best interests of the city and in the best interests of the general public welfare of the city and further to be an appropriate exercise of the police power of the city

that parking ordinances in reference to certain trucks and/or other large vehicles be updated as provided herein.

(C) *Unlawful parking*.

(1) It shall be henceforth unlawful to park any semi-tractor, freight truck, bus, recreational vehicle, motorized home and/or commercial vehicle over 20 feet in length and/or any motor vehicle with trailer of any length and/or any trailer of any kind of any length anywhere on the public streets and/or public city parking lots in those city areas zoned R-l through R-4 inclusive and/or zoned C-l through C-3 inclusive as set forth within the City of LaSalle Zoning Ordinance heretofore adopted and published as the same has been from time to time amended.

(2) Exceptions to this section and further restrictions shall be the parking of commercial and/or industrial vehicles when they are appropriately loading and/or unloading commercial cargo, and such vehicles as the city's Police Chief may allow for limited periods of time within the appropriate exercise of discretion of the Police Chief.

(D) *Responsibility for compliance*. Each owner and/or operator of a vehicle shall be responsible for compliance with this section as to any vehicle in which such owner and/or operator owns and/or has operated the vehicle.
(Ord. 1734, passed 5-29-2001; Am. Ord. 2462, passed 11-19-2013) Penalty, see § 72.99

§ 72.13 VIOLATIONS; TOWING OF ILLEGALLY PARKED VEHICLES.

That in addition to the sanctions imposed herein, any vehicle parked in violation of any ordinance providing for parking restrictions within the corporate limits of the municipality may be towed away for illegal parking. All motor vehicles towed away for illegal parking shall be stored in a safe place and shall be returned to the owner or operator upon payment of the towing and storage fee as provided for by the towing and storage agent.
(Ord. 1123, passed 12-29-1986)

§ 72.14 PARKING PROHIBITED DURING CERTAIN HOURS.

No vehicle of any sort shall park anywhere on the public streets or ways of the city between the hours of 2:00 a.m. and 7:00 a.m. in order that the cleaning of such streets and ways may be facilitated, provided, however, that this shall not apply on Sundays or public holidays.
(1963 Code § 9-5-10) (Ord. 264, passed 9-23-1929)

§ 72.15 PARKING PROHIBITED AFTER REGISTRATION EXPIRATION.

No person may stop, park or leave standing upon a public street, highway, or roadway a vehicle upon which is displayed an Illinois registration plate or plates, or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under ILCS Ch. 625, Act 5, §§ 3-414 or 3-414.1 of the State of Illinois Vehicle Code.
(Ord. 2081, passed 5-21-2007) Penalty, see § 72.99

§ 72.16 PARKING PROHIBITED ACROSS FROM PUBLIC OR PRIVATE DRIVEWAY.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or under directions of a police officer or traffic control device in front of or directly across from a public or private driveway on any street within the city when such street is 30 feet in width or less, measured from exterior faces of curbstone to exterior face of curbstone, or if no curbstone is present, from the edge of the pavement to the edge of the pavement.
(Ord. 2301, passed 10-17-2011) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) (1) With the exception of specific regulations by ordinance or state statutes which

provide for a higher fine, the amount of the monetary fine per violation for all other parking violations shall be in the amount of $50 per violation, provided that each day the violation occurs constitutes an additional violation. However, in the event that the fine is tendered for payment within 14 days from the issuance of the citation, then in that event, the amount of the fine shall be discounted to be in the amount of $20.

(2) The remedies provided in this division (A) regarding amount of fines are in addition to other remedies as provided by law and/or ordinance, including but not limited to other potential remedies of towing and/or impoundment of vehicles and/or injunctive relief.

(3) In the event that any provision of this division (A) shall be declared invalid, the invalidity of any such provision shall not affect the remaining provisions of this division (A).
(Ord. 2055, passed 3-12-2007)

(B) Any violation of § 72.12 and the terms thereof is expressly declared to be a public nuisance. Any owner and/or occupier found guilty of violating § 72.12 shall be fined not less than $50 nor more than $500 for each violation. Each day during which a violation occurs within the city shall constitute a separate violation.
(Ord. 1734, passed 5-29-2001; Am. Ord. 2462, passed 11-19-2013)2010 S-1

(C) The following minimum and maximum fines are hereby established for the following parking violations:

(1) Wrong parking - not less than $5 nor more than $200;

(2) Parking in safety zone - not less than $5 nor more than $200;

(3) One-hour parking - not less than $15 nor more than $200;

(4) Double parking - not less than $5 nor more than $200;

(5) Too near hydrant - not less than $5 nor more than $200;

(6) Blocking driveway - not less than $10 nor more than $200;

(7) Parked in alley - not less than $5 nor more than $200;

(8) Parked on sidewalk - not less than $10 nor more than $200;

(9) Blocking crosswalk - not less than $5 nor more than $200;

(10) Parking on wrong side of street - not less than $5 nor more than $200;

(11) Overtime parking - not less than $5 nor more than $200;

(12) Snow removal ordinance - not less than $15 nor more than $200;

(13) Other - not less than $5 nor more than $200.
(Ord. 1123, passed 12-29-1986; Am. Ord. 1191, passed 1-9-1989)

(D) The penalty for violation of § 72.15, including by way of plea of guilty or conviction, shall be a monetary fine per violation in the amount of $50 per violation, provided that each day the violation occurs constitutes an additional violation. However, in the event that the fine is tendered for payment within 14 days from the issuance of the citation, then in that event, the amount of the fine shall be discounted to the amount of $20.
(Ord. 2081, passed 5-21-2007)

CHAPTER 73: EQUIPMENT AND LOADS

Section

73.01 Mufflers
73.02 Horns
73.03 Lights
73.04 Use of cleats or lugs prohibited; lug wheels
73.05 Obstructions to operator's view or driving mechanism
73.06 Flag or light at end of load
73.07 Load limits; streets designated
73.08 Parking certain vehicles on gravel or stone parking lot
73.09 Weighing of vehicle; reducing load
73.10 Special overload permit
73.11 Liability for damage to streets
73.12 Excessive engine braking noise prohibited

73.99 Penalty

§ 73.01 MUFFLERS.

(A) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(B) It shall be unlawful to use a muffler cutout on any motor vehicle on a highway.
(1963 Code, § 9-8-2) (Ord. 264, passed 9-23-1929)

(C) It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it shall be unlawful for any person operating any motor vehicle to use a cutout, by-pass or similar muffler elimination appliance.
(1963 Code, § 6-2-31) Penalty, see § 73.99

§ 73.02 HORNS.

(A) A person driving a vehicle within the city must have same properly equipped with a horn, bell or other device for signaling by sound, to give warning of its approach; no horn, bell or other signaling device to be used except as necessary to give warning.

(B) Siren signaling devices shall not be used on any vehicle except those operated by the Police Department, Fire Department, the Sheriff and authorized public utility vehicles when an emergency calls.
(1963 Code, § 9-8-4) (Ord. 264, passed 9-23-1929)

§ 73.03 LIGHTS.

When upon any public highway in the city during the period from 1 hour after sunset to sunrise, every motor bicycle shall carry 1 lighted lamp and every motor vehicle 2 lighted lamps showing white lights, or lights of a yellow or amber tint, visible at least 200 feet in the direction toward which each motor bicycle or motor vehicle is proceeding, and each motor vehicle or trailer shall also exhibit at least 1 lighted lamp which shall be so situated as to throw a red light visible in the reverse direction. No motor vehicle or motor bicycle, except those used for fire apparatus, police patrols or ambulances, shall have any lamps which show a red or green light in the direction in which the motor vehicle or motor bicycle is

proceeding. On approaching another vehicle proceeding in an opposite direction, and when within not less than 250 feet of same, any person in charge of a motor bicycle or motor vehicle equipped with electric headlights shall dim, dip or extinguish such headlights.
(1963 Code, § 9-8-5) (Ord. 264, passed 9-23-1929)

§ 73.04 USE OF CLEATS OR LUGS PROHIBITED; LUG WHEELS.

(A) No vehicle shall be operated at any time over or upon the foregoing designated streets if such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire.
(1963 Code, § 9-10-5) (Ord. 508, passed 7-16-1951)

(B) It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.
(1963 Code, § 6-2-30) Penalty, see § 73.99

§ 73.05 OBSTRUCTIONS TO OPERATOR'S VIEW OR DRIVING MECHANISM.

(A) It shall be unlawful for the operator of any vehicle to drive the same when such vehicle is so loaded, or when there are in the front seat of the vehicle such number of persons, as to obstruct the view of the operator to the front or sides, or to interfere with the operator's control over the driving mechanism of the vehicle.

(B) It shall be unlawful for any passenger in a vehicle to ride in such a position as to interfere with the operator's view ahead, or to the sides, or to interfere with the operator's control over the driving mechanism of the vehicle.
(1963 Code, § 9-8-6) (Ord. 264, passed 9-23-1929)
Penalty, see § 73.99

§ 73.06 FLAG OR LIGHT AT END OF LOAD.

Whenever the load on any vehicle shall extend more than 4 feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such vehicle a red flag not less than 12 inches both to length and width, except that between 1/2 hour after sunset and 1/2 hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least 200 feet from the rear of the vehicle.
(1963 Code, § 9-8-1) (Ord. 264, passed 9-23-1929)
Penalty, see § 73.99

§ 73.07 LOAD LIMITS; STREETS DESIGNATED.

(A) Pursuant to state law, including, but not being limited to, ILCS Ch. 625, Act 5, § 15-316, those streets and highways as are set forth below shall have a maximum weight limitation of 30,000 pounds (15 tons) gross for a maximum 90-day period imposed upon them with no exceptions when in the discretion of the Mayor the streets and/or any of them, by reason of deterioration, rain, snow or other climate conditions will in the sole discretion of the Mayor be seriously damaged or destroyed if not so restricted and posted:

E 3rd, N 31st south for 1/2 mile
E 6th Road, N 29th to N 31st
N 29th Road, E 6th east to US Rt. 6
N 30th, St. Vincent east to E 5th (excluding township portions)
N 31st, E 3rd west to city limits
N 2959th, St. Vincent east to dead end
N 2969th, St. Vincent east to Country Aire Subdivision
N 2979th, St. Vincent east to dead end
N 2999th Road, E 6th east to Utica Township boundary
N 3029th, Illinois 178 west to E 6th

(B) Additionally, and pursuant to state law, including, but not being limited to, ILCS Ch. 625, Act 5, § 15-316, those streets and highways as are set forth below shall have a maximum weight limitation of 30,000 pounds (15 tons) gross for a maximum 90-day period imposed upon them with no exceptions when in the discretion of the Mayor the streets and/or any of them, by reason of deterioration, rain, snow or other climate conditions will in the sole discretion of the Mayor be seriously damaged or destroyed if not so restricted and posted:

Argyle Road from O'Conor Avenue to Sycamore Road
Grant Avenue from Prospect Avenue to N. Crosat Street
LaFayette Street from Kilmer Avenue to Pershing Road
North Crosat Street from O'Conor Avenue to 300 feet north of Baker Avenue
O'Conor Avenue from Prospect Avenue to St. Vincent Avenue
Prospect Avenue from O'Conor Avenue to Garfield Avenue
Tonti Street from end of pavement of North Eleventh Street to Roosevelt Road
Union Street from Fifth Street to 230 feet north of Sixth Street

(C) Additionally, during the entire calendar year, the maximum gross weight of any vehicle on the road surface shall not exceed 30,000 pounds (15 tons) on the following described street situated in the City of LaSalle:

First Street from Bucklin to Union Street

(E) Notwithstanding any division of this section suggesting to the contrary, however, vehicles of legal height and weight limit making service calls, pickups, or deliveries to residences, farms, and non-commercial entities on such roadways are hereby excluded from the provisions of this section for access to and from the residences or farms via the closest non-posted all-weather roadway.

(F) *Penalties*. The penalties for violation of any provision of this section shall include the following:

(1) The penalties as set forth in ILCS Ch. 625, Act 5, § 15-316, pursuant to state law, and pursuant to saying the owner and/or operator of the vehicle may be prosecuted for any such violation with a penalty to be as set forth within the Illinois Compiled Statutes, including, but not limited to, those set forth in ILCS Ch. 625, Act 5, § 15-316, which are hereby adopted and incorporated herein by reference.

(2) An additional penalty shall be a fine for any violation of any provisions of this section pursuant to the provisions of this section, which section violation fine shall not be less than $60 nor more than $750 for each violation of this section, and each occurrence of a violation shall be considered a separate and independent violation of this section for purposes of fines, penalties and enforcements.

(1963 Code, § 9-10-1) (Ord. 756, passed 7-8-1968; Am. Ord. 1962, passed 6-5-2006; Am. Ord. 2034, passed 9-25-2006; Am. Ord. 2262, passed 3-7-2011)

Cross-reference:

Truck routes, see Ch. 75, Sch. V

§ 73.08 PARKING CERTAIN VEHICLES ON GRAVEL OR STONE PARKING LOT.

No motor vehicle, or load transportable by a motor vehicle, weighing over 7,500 pounds, shall be parked in or upon any municipally owned parking lot, the surface of which consists of gravel or crushed stone.

(Ord. 834, passed 10-8-1973) Penalty, see § 73.99

§ 73.09 WEIGHING OF VEHICLE; REDUCING LOAD.

(A) Any police officer having reason to believe that the weight of a vehicle and load is in excess of 10,000 pounds is authorized to require the driver to stop and submit to a weighing of the some either by means of a portable or stationary scale and may require that such vehicle shall be driven to the nearest public scales in the event that such scales are within 2 miles.

(B) Whenever an officer, upon weighing a vehicle and load, as herein provided, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator.
(1963 Code, § 9-10-2) (Ord. 508, passed 7-16-1951)

§ 73.10 SPECIAL OVERLOAD PERMIT.

(A) The Superintendent of Public Works in his or her discretion, upon application in writing and good cause being shown therefor, may issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size, weight or load exceeding the maximum specified by this chapter upon the aforesaid streets. Where a permit is sought for overweight, the application shall show that the load to be moved by the vehicle or combination of vehicles cannot reasonably be dismantled or disassembled.

(B) The Superintendent of Public Works is authorized to limit the number of trips on the streets indicated or otherwise prescribe the limits of operation of such vehicle, when necessary to assure against undue damage to the street foundations, surfaces or structures, and may require such undertaking or other security as may be necessary to compensate the city for injury to any street or road structure.
(1963 Code, § 9-10-4) (Ord. 508, passed 7-16-1951)

§ 73.11 LIABILITY FOR DAMAGE TO STREETS.

(A) Any person driving any vehicle, object, or contrivance upon any of the streets designated herein shall be liable for all damage which the streets or structures may sustain as a result of any illegal operation, driving or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight herein provided for, but authorized by a special permit issued as provided in this chapter.

(B) Whenever such driver is not the owner of such vehicle, object, or contrivance but is so driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

(C) Such damage may be recovered in a civil action brought by the city.
(1963 Code, § 9-10-6) (Ord. 508, passed 7-16-1951)

§ 73.12 EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.

(A) For purposes of this section, ***COMPRESSION/RELEASE ENGINE BRAKING*** is defined as any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in excessive, loud, unusual or explosive noise from such vehicle or otherwise known as "jake-braking".

(B) No person shall operate or cause to be used or operated within the city any compression/release engine brake on any vehicle; provided, however, this prohibition shall not apply if operation of the brake is necessary in an emergency situation to avoid imminent injury to persons or damaged property.

(C) The city shall cause to have appropriate signs posted that are prepared consistent with the Illinois Vehicle Code, specifically ILCS Ch. 625, Act 5, § 12-602.1 thereof, in reference to the size, wording and location of signs on state highways which signs shall include the language "excessive engine braking noise prohibited", and as aforesaid, be compliant with ILCS Ch. 625, Act 5, § 12-602.1 of the Illinois Vehicle Code as well as being compliant with such other rules as may be adopted by the Illinois Department of Transportation regarding the erection and placement of said signs as provided within ILCS Ch. 625, Act 5, § 12-602.1.

(D) Any person convicted of a violation of this section and/or placed on court supervision for a

violation of this section shall be fined $75 as an equipment violation and as a violation of this section.
(Ord. 1835, passed 3-29-2004; Am. Ord. 2085, passed 7-2-2007)

§ 73.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 70.99.

(B) Anyone parking a motor vehicle or load transportable by a motor vehicle in violation of § 73.08 of this chapter, shall upon conviction be fined not less than $10 nor more than $200 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 834, passed 10-8-1973)

(C) The owner of any vehicle who knowingly operates or permits the operation of such vehicle in violation of the provisions of §§ 73.04, 73.07, 73.09 through 73.11, or the driver of any such vehicle shall, upon conviction thereof, for the first offense be fined not more than $150, and for the second offense with the same vehicle within a period of 1 year shall be fined not less than $50 nor more than $250,and for the third or subsequent offense with the same vehicle within a period of 1 year after date of such first offense, shall be fined not less than $150 nor more than $350.
(1963 Code, § 9-10-3) (Ord. 508, passed 7-16-1951)

(D) Any person and/or entity found guilty of violating § 73.07(C) shall be fined not less than $75, nor more than $500, for each offense.
(Ord. 1962, passed 6-5-2006)

CHAPTER 74: BICYCLES AND MOTORIZED VEHICLES

Section

74.01 Effect of regulations
74.02 License required; application
74.03 Licenses issued
74.04 Transfer of bicycle ownership
74.05 Attachment of license plate
74.06 Inspection of bicycles
74.07 Right-of-way on sidewalks
74.08 Speed of bicycles
74.09 Trick riding
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74.11 Riding bicycles in parks
74.12 Bicycle dealers
74.13 Operation of certain motorized vehicles

74.99 Penalty

Cross-reference:

Persons riding bicycles or animal to obey traffic regulations, see § 70.05

§ 74.01 EFFECT OF REGULATIONS.

(A) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

(C) The regulations applicable to bicycles shall apply whenever any bicycle is operated upon any highway or public way or upon any patio set aside for the exclusive use of bicycles subject to those exceptions stated herein.
(Ord. 735, passed 9-5-1967)

§ 74.02 LICENSE REQUIRED; APPLICATION.

(A) No bicycle shall be ridden on the streets of the city or public way by the owner or any other person unless properly licensed.

(B) Application for a license to own and operate a bicycle shall be made to the Chief of Police upon a form to be provided by the Chief of Police. The application shall be accompanied by a fee of $0.50 to be paid at the time of issuance of the license, which fee shall be in full payment of said license for that calendar year.
(Ord. 735, passed 9-5-1967)

§ 74.03 LICENSES ISSUED.

The Chief of Police shall have authority to issue, upon written application, bicycle licenses which shall be effective for 1 year. All such licenses shall be dated October 1 of the year issued. The Chief of Police shall register all licenses issued and shall keep records of all fees collected for issuance of such licensee. Said records shall be public records. All license fees collected by the Chief of Police shall be turned over the City Treasurer.
(Ord. 735, passed 9-5-1967)

§ 74.04 TRANSFER OF BICYCLE OWNERSHIP.

Upon the sale or transfer of a licensed bicycle, the licensee thereof shall remove and surrender to the Chief of Police the attached license plate, or may have such plate assigned gratis to another bicycle owned by him or her.
(Ord. 735, passed 9-5-1967)

§ 74.05 ATTACHMENT OF LICENSE PLATE.

Upon the issuance of a license, such license shall be firmly attached to the frame of the bicycle in such a position as to be plainly visible from the rear. The removal of such plate, except by proper authority or upon transfer of ownership, shall be a violation of this chapter.
(Ord. 735, passed 9-5-1967)

§ 74.06 INSPECTION OF BICYCLES.

Under the supervision of the Chief of Police each bicycle shall be inspected before licensing and shall have the authority to refuse to issue a license plate for any such bicycle found to be in an unsafe mechanical condition.
(Ord. 735, passed 9-5-1967)

§ 74.07 RIGHT-OF-WAY ON SIDEWALKS.

Pedestrians shall have the right-of-way at all times over bicycles and a person riding a bicycle upon a sidewalk or sidewalk crossing shall either turn off the sidewalk when meeting or passing pedestrians or shall dismount until the pedestrians have passed. No bicycle shall be ridden at any time on a public sidewalk in front of any place of business or in front of any public building. No person of the age of 12 years or older shall ride a bicycle at any time on a public sidewalk in front of a private residence except those persons actually delivering messages, mail, newspapers, magazines, advertising matter, or merchandise.
(Ord. 735, passed 9-5-1967)

§ 74.08 SPEED OF BICYCLES.

No person riding a bicycle shall ride faster than is reasonable and proper in regard to the safety of the rider and others.
(Ord. 735, passed 9-5-1967) Penalty, see § 74.99

§ 74.09 TRICK RIDING.

No rider of a bicycle shall remove both hands from the handle-bars, or feet from the pedals, or practice any acrobatic or fancy riding on any street; nor shall any person operating a bicycle upon a public highway participate in any race for speed or endurance contest with any other vehicle, except under permit from and under the supervision of the Chief of Police.
(Ord. 735, passed 9-5-1967) Penalty, see § 74.99

§ 74.10 PARKING BICYCLES.

No person shall park a bicycle upon a roadway. Bicycles parked in an alley, in a public driveway, on a sidewalk, or on a public path must be in such a position as not to interfere with the safety or movement of the vehicular or pedestrian traffic.
(Ord. 735, passed 9-5-1967) Penalty, see § 74.99

§ 74.11 RIDING BICYCLES IN PARKS.

No person shall ride a bicycle in any public park within the corporate limits of the city.
(Ord. 1070, passed 6-4-1984) Penalty, see § 74.99

§ 74.12 BICYCLE DEALERS.

All persons engaged in the business of buying or selling new or secondhand bicycles are required to make a written report each month to the Chief of Police giving the name and address of the person from or to whom each bicycle is purchased or sold, the description thereof, the frame number thereof and the number of the license plate found thereon.
(Ord. 735, passed 9-5-1967) Penalty, see § 74.99

§ 74.13 OPERATION OF CERTAIN MOTORIZED VEHICLES.

(A) Any motorized vehicle which cannot be licensed as a motor vehicle for use on Illinois highways under the statutes of the State of Illinois shall not be operated on the streets, alleys or sidewalks within the corporate limits of the city, or in any park or other city owned property within the corporate limits.

(B) Any motorized vehicles, commonly known as snowmobiles, minibikes, trailbikes, all terrain vehicles and other similar vehicles which are not licensed for use on Illinois highways under statutes of the State of Illinois shall not be operated on the streets, alleys, sidewalks or within the parks of the city.
(Ord. 890, passed 11-15-1976) Penalty, see § 74.99

§ 74.99 PENALTY.

(A) Every person convicted of a violation of any provision in this chapter for which no specific penalty is otherwise provided shall be punished by a fine of not less than $5 nor more than $50 or by revocation of such person's license for a period not to exceed 6 months or both such fine and license revocation.
(Ord. 735, passed 9-5-1967; Am. Ord. 1070, passed 6-4-1984)

(B) Any person operating a vehicle in violation of § 74.13 shall be subject to a fine of not less than $25 nor more than $50.
(Ord. 890, passed 11-15-1976)

CHAPTER 75: TRAFFIC SCHEDULES

Section

I. Speed limits
II. Through streets
III. Stop intersections
IV. One-way streets and alleys
V. Truck routes
VI. Yield intersections
VII. Miscellaneous traffic signs

SCHEDULE I. SPEED LIMITS.

Speed limits are set on the following city streets.

Street	*Location*	*Speed Limit (m.p.h)*	*Ord. No.*	*Passage Date*
24th Street	Between Chartres Street and Creve Coeur	20	2350	5-8-2012
North/south alley	In the block bounded by Linden Street and Creve Coeur Street on the east and west and bounded by Pershing Street and Balboa Street on the north and south	10	2084	7-2-2007
Ator Drive	Within the city	25	2195	10-19-2009
Bucklin Street	Between Eleventh Street and O'Conor Street	25	912	7-25-1977
Chartres Street	Between Eleventh Street and Raccuglia Drive	30	1731	5-14-2001
Creve Couer Street	Between Third Street and Fourth Street	25	1345	9-28-1992
Creve Couer Street	Between Fourth Street and Eighth Street	20	1345	9-28-1992
Creve Couer Street	Between Eighth Street and Eleventh Street	25	1345	9-28-1992

Street	*Location*	*Speed Limit (m.p.h)*	*Ord. No.*	*Passage Date*
East Third Road	Raccuglia Drive north to the Illinois Cement Company premises entrance.	30	2111	2-25-2008
Eighth Street	East and west, from Joliet Street to Sterling Street inclusive and on Sterling Street north and south between Fifth Street and Eleventh Street inclusive.	15	1882	1-17-2005
North LaHarpe Street	Between Eighth Street and Porter Avenue (for vehicles including trucks weighing in excess of 7,500 pounds) northbound and southbound	15	2210	2-1-2010
Porter Avenue	From LaHarpe Street east to the end of Porter Avenue eastbound and westbound	15	2210	2-1-2010
Tonti Street	Between Eleventh Street and O'Conor Street	25	1346	9-28-1992

Penalty, see § 70.99

SCHEDULE II. THROUGH STREETS.

The following streets and parts of streets are hereby declared to constitute through streets for the purpose of this section.

Street	*Location*
Creve Couer Street	Between Third Street and Fifteenth Street
Crosat Street	For northbound and southbound traffic at the intersection of Crosat and Sixth Street
Eleventh Street	Between the east line of Joliet Street and the west line of St. Vincent's Avenue
Fifth Street	Between the east city limits and the west line of Union Street
First Street	Between the right-of-way of the Illinois Central Railway and the west city limits
Joliet Street	Between Canal Street and Eleventh Street
Marquette Street	Between Canal Street and Third Street
St. Vincent's Avenue	Between Eleventh Street and the north city limits
Third Street	Between the east line of Union Street and the west city limits
Union Street	Between Third Street and Fifth Street

(1963 Code, § 9-7-1) (Ord. 264, passed 9-23-1969; Am. Ord. 1603(a), passed 6-2-1997) Penalty, see § 70.99

Cross-reference:

Through streets and stop intersections, see § 71.08

SCHEDULE III. STOP INTERSECTIONS.

Stop signs are hereby formally authorized to be kept and maintained at the following locations at the following intersections, on the following streets within the city:

Intersection	*Location of Stop Sign*	*Ord. No.*	*Date Passed*
Buck Street and 4th Street	Stop for northbound and southbound traffic of Buck Street	2118	4-7-2008
Campbell Street and O'Conor Street	4-way stop	1675	8-23-1999
Creve Coeur Street and Pershing	Stop for northbound and southbound on Creve Coeur Street	1784	11-11-2002
Fifth and Chartres Streets	3-way stop, stop for northbound traffic on Chartres Street and stop for eastbound and westbound traffic on Fifth Street	717; 2143	2-6-1967; 10-20-2008
Fourth Street and Gooding Street	4-way stop, east and west for Fourth Street and north and south for Gooding Street	1860	9-27-2004
Fourth Street and Marquette Street	Southbound traffic	1559	1-16-1996
LaHarpe Street and 15th Street	Stop for northbound and southbound	1765	4-29-2002
Malcolm Avenue and 24th Street	Northbound and southbound traffic on Malcolm Avenue	1559	1-16-1996
Mary Senica Avenue and Mary Senica Court		1762	4-15-2002
O'Conor Avenue and Bucklin Street	Existing stop signs at the intersection of O'Conor Avenue and Bucklin Street shall be "bagged" during school hours	2142	10-20-2008
Progress Parkway and Murphy Drive	3-way stop, stop on the southwest corner of intersection of Murphy Drive and Progress Parkway regulating eastbound traffic on Progress Parkway, stop at the southeast corner of the same intersection regulating northbound traffic on Murphy Drive, stop on the north side of Progress Parkway at said intersection regulating westbound traffic on Progress Parkway	2102	11-19-2007

Intersection	*Location of Stop Sign*	*Ord. No.*	*Date Passed*
Seventh and Wright Streets	for north/south traffic	2354	6-5-2012
Sixth and Chartres Street	3-way stop, stop for southbound traffic on Chartres Street and stop for eastbound and westbound traffic on Sixth Street	717; 2144	2-6-1967; 10-20-2008
Sixth and Crosat Street	Southbound traffic on Crosat Street	1559	1-16-1996
2nd Street and Tonti Street	4-way stop for eastbound and westbound traffic	1669	6-28-1999
2nd Street and Union Street	Stop for eastbound traffic on 2nd Street	2117	4-7-2008
8th Street and Crosat Street	4-way stop for northbound and southbound traffic	1669	6-28-1999
11th and Sterling Streets	Stop for southbound traffic at the north side of the intersection	2192	10-5-2009

Penalty, see § 70.99

SCHEDULE IV. ONE-WAY STREETS AND ALLEYS.

A sign indicating the direction of traffic shall be erected and maintained at every intersection where movement in the opposite direction is prohibited. The following streets and alleys are designated 1-way in the direction indicated.

Street	*Location*	*Direction of Traffic*	*Ord. No.*	*Date Passed*
Alley	District bounded by Second Street on the north, Hennepin Street on the east, First Street on the south and Bucklin Street on the west	West	548	5-2-1955
Alley	Between Fifth and Sixth Streets, Joliet and Hennepin Streets	East	858	11-18-1974
Bucklin Street	From O'Conor Street to Roosevelt Street, during school hours; also for 1 hour before school starts and for ½ hour after school ends, on each school day	South	2142	10-20-2008
Canal Street	One block between the intersection of Route 351 and Hennepin Street	East	2170	5-4-2009
Canal Street	One block between the intersection of Route 351 and Marquette Street	West	2244	9-7-2010

(1963 Code, §§ 9-7-2; 9-7-3) (Am. Ord. 1286, passed 4-29-1991) Penalty, see § 70.99

SCHEDULE V. TRUCK ROUTES.

The following are designated as Class II Truck Routes:

Cannon Parkway from Station 393+80 east to Station 413+00

Murphy Drive from U.S. Route 6 north to Cannon Parkway
(Res. passed 6-17-1996)

SCHEDULE VI. YIELD INTERSECTIONS.

The following are designated yield intersections:

Street	*Intersection*	*Direction*	*Ord. No.*	*Date Passed*
Cleveland Street	Cleveland and Grant Streets	Northbound and southbound traffic on Cleveland Street	1892	2-28-2005
Creve Coeur Street	First Street and Creve Coeur Street	Northbound traffic on Creve Coeur Street	2129	6-16-2008
Hennepin Street	Grant Street and Hennepin Street	Northbound and southbound traffic on Hennepin Street	1853	7-19-2004

SCHEDULE VII. MISCELLANEOUS TRAFFIC SIGNS.

The following traffic signs shall be erected:

Street	*Location*	*Sign, direction*	*Ord. No.*	*Date Passed*
—	—	Sign indicating "slow/children playing" so eastbound and westbound motorists are sensitive to children playing in the vicinity, though it is understood that there is no enforceable penalty for violation	2193	10-5-2009
Bucklin Street and Roosevelt Street	Intersection of Bucklin Street and Roosevelt Street	Barricades with one-way south do not enter signs, from 1 hour prior to the commencement of school on each school day and until ½ hour after school lets out on each school day	2142	10-20-2008
Garfield Avenue	Between Donahue Street and Creve Coeur Street	2 Children at Play signs placed to provide guidance to eastbound and westbound traffic	1916	7-18-2005
LaHarpe Street	300 block	Sign indicating "slow - children playing"	2360	7-17-2012
Linden Street	1400 block	Sign indicating "slow - children playing"	2360	7-17-2012
O'Conor Street and Bucklin Street	Intersection of O'Conor Street and Bucklin Street	Barricades with one-way south signs	2142	10-20-2008

CHAPTER 76: PARKING SCHEDULES

Schedule

I. Parking prohibited at all times
II. Parking time limited
III. Parking prohibited at certain times
IV. Manner of parking designated
V. Disabled parking
VI. Parking permitted

SCHEDULE I. PARKING PROHIBITED AT ALL TIMES.

Parking is prohibited on the following streets or parts of streets as indicated.

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
Airport Road/Chartres Street, FAU Route 6104		From the intersection of LaSalle Road southerly 7,336 feet	1064	4-23-1984
Aplington Street	Both		1123	12-29-1986
Baker Avenue	Both	Within 30 feet of St. Vincent's Avenue	1123	12-29-1986
Baker Avenue		From 220 feet west of Malcolm Avenue to 120 feet east of Malcolm Avenue, parking limited to1 side only	998	11-24-1980
Baker Avenue	North	Between Crosat Street and St. Vincent's Avenue	1123	12-29-1986
Bucklin Street	West	From Pershing Road to Balbo Road	1117 2251	9-8-1986 11-29-2010
Bucklin Street	West	From Lindberg Street to Balbo Street	1173	5-31-1988
Bucklin Street	West	From Eleventh Street to Lindberg Avenue	1219	8-7-1989
Campbell Avenue	East	North of the stop sign at O'Conor Avenue to north of the first driveway (inclusive)	2161	2-23-2009
Campbell Avenue	West	Between O'Conor Avenue to Roosevelt Road (inclusive)	2161	2-23-2009
Canal Street	South	Between Hennepin Street and Union Street	1123	12-29-1986
Canal Street	North	Between Hennepin Street and Joliet Street	1123	12-29-1986

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
Central Avenue	Both	From Fourth Street to Fifth Street	1123	12-29-1986
Chartres Street	Both	From Eleventh Street to the city limits	1123	12-29-1986
Chartres Street	Both	Between Fifth Street and Sixth Street	1123	12-29-1986
Chartres Street	Both	From Fourth Street to Sixth Street	1129	3-9-1987
Chartres Street	Both	Between Sixth Street and Seventh Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers or to load, unload or deliver merchandise or material	1302	9-16-1991
Chartres Street	West	Between Second Street and Third Street	1123	12-29-1986
Chartres Street	West	From Sixth Street to Ninth Street	1129	3-9-1987
City Diamond Alley	Both	Below 100 Block of 3rd street which is commonly known as the Alley Diamond in J.F. Noonan's Subdivision Lots 1 through 3 of Block 99 of the Original Town of the City of LaSalle	1868	11-1-2004
Creve Coeur Street	Both	From Third Street to Seventh Street	1129	3-9-1987
Creve Coeur Street	West	From Ninth Street to Tenth Street	1141	8-10-1987
Creve Coeur Street	West	From Ninth Street to Eighth Street	1173; 1852	5-31-1988; 7-19-2004
Creve Coeur Street	West	North of O'Conor Street	1123	12-29-1986
Creve Coeur Street	West	From Sixth to Eighth Street	1219	8-7-1989
Creve Coeur Street	East	From Garfield Avenue to Edwards Avenue	1219	8-7-1989
Creve Coeur Street	East	From Tenth Street to Eleventh Street	1117	9-8-1986
Creve Coeur Street	East	From Third Street to Sixth Street	1327	6-8-1992
Crosat Street	East	1400 block	1827 1880	11-24-2003 12-20-2004
Crosat Street	East	Between First Street and Second Street	1123	12-29-1986
Crosat Street	East	Between Eighth Street and Eleventh Street	1123	12-29-1986
Crosat Street	East	Between Sixth Street and Seventh Street	1123	12-29-1986
Crosat Street	East	Between Roosevelt Road and O'Conor Avenue	1123	12-29-1986
Crosat Street	West	From the point 40 feet north of the street corner at the intersection of 11th and Crosat Street, then south to the street corner	2292	8-8-2011
Edwards Avenue		From St. Vincent's Avenue to Malcolm Avenue	1327	6-8-1992

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
Eighth Street	South	Within 30 feet of Joliet Street	1123	12-29-1986
Eleventh Street	North	From Crosat Street to Joliet Street	1123	12-29-1986
Eleventh Street	Both	Between Marquette Street and Joliet Street	1123	12-29-1986
Eleventh Street	Both	Between Joliet Street and Hennepin Street	1123	12-29-1986
Eleventh Street	South	Between Tonti Street and Crosat Street	1123	12-29-1986
Eleventh Street	South	Between Third Street and Fourth Street	1123	12-29-1986
Eleventh Street	Both	From Joliet Street west to the city limits	752; 1123	5-13-1968; 12-29-1986
Eleventh Street		From Airport Road/Chartres Street to Bucklin Street, and at such locations immediately adjacent to the improvement as determined by the state	1064	4-23-1984
Fifth Street	Both	From Creve Coeur Street to Peru Street	1129	3-9-1987
Fifth Street	Both	From Union Street and extending easterly 0.39 mile to the east end of the Little Vermilion River Bridge	2052	2-12-2007
Fifth Street	North	Within 30 feet of Joliet Street	1123	12-29-1986
Fifth Street	North	Between Creve Coeur Street and Lafayette Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers or to load, unload or deliver merchandise or material	1302	9-16-1991
Fourth Street	Both	From Chartres Street to Creve Coeur Street	1129	3-9-1987
Fourth Street	South	Within 30 feet of Central Street	1123	12-29-1986
Garfield Avenue	North	From Creve Coeur Street to Donoghue Street	1173	5-31-1988
Garfield Avenue		From Creve Coeur Street to Malcolm Avenue, parking limited to 1 side only	998	11-24-1980
Grant Avenue	North	From Cleveland Avenue to St. Vincent's Avenue	1123	12-29-1986
Grant Street	North	Between St. Vincent's Avenue and Hennepin Street	1620	9-29-1997
Grant Street	South	Between LaHarpe Street and Hennepin Street	1123	12-29-1986
Gunn Avenue	South	From the driveway on the south side of Gunn Avenue closest to the Gunn Avenue intersection with Chartres Street, then west back to the intersection of Gunn Avenue and Chartres Street	2303	10-31-2011
Hennepin Street	Both	From Lincoln Avenue to Grant Street	1219	8-7-1989

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
Hennepin Street	East	Between Third Street and Fourth Street	1123	12-29-1986
Hennepin Street	East	From Ninth Street to Tenth Street	1117	9-8-1986
Hennepin Street	East	Between Grant Street and Baker Avenue	1123	12-29-1986
Hennepin Street	East	From Fifth Street to Sixth Street	1219	8-7-1989
Hennepin Street	West	Between 24th Street and 25th Street	1123	12-29-1986
Joliet Street	Both	From First Street and extending southerly 0.27 mile to the city's south corporate limits	1738	6-25-2001
Joliet Street	Both	From 5th Street southerly 0.16 mile to 3rd Street	1324	5-11-1992
Joliet Street (U.S. 6 and Ill. Rt. 351)	Both	From its intersection with 5th Street and extending southerly 800 feet to 3rd Street	1171	5-31-1988
Joliet Street (Ill. Rt. 351)	Both	From its intersection with U.S. Route 6 (5th Street) and extending northerly 400 feet to 6th Street	1171	5-31-1988
Joliet Street	East	Between Seventh Street and Eighth Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers, or to load, unload or deliver merchandise or material	931	3-6-1978
Joliet Street	East	From 3rd Street southerly 0.15 mile to 1st Street	1324	5-11-1992
Joliet Street	East	From Fifth Street north to 200 feet north of Eighth Street	1430	8-16-1993
Joliet Street	East	From 200 feet south of 11th Street north to Walnut Road	1430	8-16-1993
Joliet Street	East	From O'Conor Avenue north to Civic Road	1430	8-16-1993
Joliet Street	West	Between Fifth and Sixth Streets	1430	8-16-1993
Joliet Street	West	200 feet south to 200 feet north of 11th Street	1430	8-16-1993
Joliet Street	West	From O'Conor Avenue north to Civic Road	1430	8-16-1993
Joliet Street		Between Third Street and Seventh Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers, or to load, unload or deliver merchandise or material	931	3-6-1978
Lafayette Street	East	Within 40 feet of Third Street	1123	12-29-1986
Lafayette Street	East	From 328 Lafayette Street to Fourth Street (inclusive)	1913	6-20-2005
Lafayette Street	East	Between O'Conor Avenue to Roosevelt Road (inclusive)	2161	2-23-2009

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
LaHarpe Avenue	East	Between Ninth Street and Eleventh Street	1123	12-29-1986
LaHarpe Street	East	Between Ninth Street and Eleventh Street	1123	12-29-1986
LaHarpe Street	East	Between Fourth Street and Fifth Street	1123	12-29-1986
LaHarpe Street	East	Within 30 feet of the intersection with Porter Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers or to load, unload or deliver merchandise or material	1302	9-16-1991
LaHarpe Street	West	Between Elm Road and Porter Avenue	1123	12-29-1986
LaHarpe Street	West	Between Eleventh Street and Fifteenth Street	1304	10-28-1991
Lincoln Avenue	South	Between Hennepin Street and St. Vincent's Avenue	1123	12-29-1986
Lindberg Road	Both	Between Illinois Street and St. Vincent's Avenue	1123	12-29-1986
Malcolm Avenue	East	From Edwards Avenue to 23rd Street	1123	12-29-1986
Malcolm Street	West	From O'Conor Avenue north to Lincoln Avenue	752; 1123	5-13-1968; 12-29-1986
Maple Avenue	North	From Tonti Street to St. Vincent's Avenue	1123	12-29-1986
Marquette Street	East	Between Canal Street and First Street	1123	12-29-1986
Marquette Street	East	Between Third Street and Fourth Street	1123	12-29-1986
Marquette Street	East	From Eleventh Street to Lindberg Road	1123	12-29-1986
McArthur Avenue	North	Between St. Vincent's Avenue and Hennepin Street	1123	12-29-1986
Murphy Drive	Both	Within the city	2222	5-3-2010
Ninth Street	Both	Within 30 feet of Sterling Street	1123	12-29-1986
Ninth Street	North	Block involving 217 Ninth Street that is east of the driveway at 217 Ninth Street	2094	10-22-2007
Ninth Street	North	Block involving 745 Ninth Street that is east of the driveway at 745 Ninth Street	2095	10-22-2007
O'Conor Avenue	South	From Chartres Street to Lafayette Street	1123	12-29-1986
O'Conor Avenue	South	From Illinois Street to St. Vincent's Avenue	1123	12-29-1986
O'Conor Avenue	North	Within 30 feet of St. Vincent's Avenue	1123	12-29-1986
O'Conor Avenue	Both	Between Crosat Street and the east line of Chandler's Subdivision extended northerly	1123	12-29-1986
O'Conor Avenue	Both	From North Tonti Street west to a point 300 feet east of St. Vincent Avenue	752	5-13-1968

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
O'Conor Avenue	North	From a point 300 feet east of St. Vincent Avenue west to St. Vincent Avenue	752	5-13-1968
O'Conor Avenue	North	From Malcolm Street west to Airport Road	752	5-13-1968
O'Conor Avenue	North	From a point 300 feet east of St. Vincent's Avenue west to St. Vincent's Avenue	1123	12-29-1986
O'Connor	South	From 50 feet to the east and 50 feet to the west of Tonti Street	2267	4-18-2011
Porter Avenue	North	Between LaHarpe Street and Zinc Street	1123	12-29-1986
Porter Street	South	Within 30 feet of the intersection with LaHarpe Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers or to load, unload or deliver merchandise or material	1302	9-16-1991
Progress Parkway	Both	Within the city	2222	5-3-2010
Roosevelt Road	North	Between Illinois Street and North St. Vincents Avenue	1123	12-29-1986
Roosevelt Road	North	Between Crosat Street and Tonti Street	1123	12-29-1986
Roosevelt Road		From Creve Coeur Street to St. Vincent's Avenue	1327	6-8-1992
Second Street	South	Between Hennepin Street and Joliet Street	1123	12-29-1986
Second Street	South	From the last parking space prior to the corner for eastbound traffic on the southwest corner of the intersection of Second Street and Wright Street to the corner of Second and Wright Streets	2397	11-20-2012
Sixth Street	Both	From Creve Coeur Street to Chartres Street	1129	3-9-1987
Sixth Street	Both	From Joliet Street to Marquette Street	1219	8-7-1989
Sixth Street	South	Between LaHarpe Street and Crosat	1123	12-29-1986
Sixth Street	North	Within 30 feet of Union Street	1123	12-29-1986
Sixth Street	North	From Bucklin Street to Creve Coeur Street	1129	3-9-1987
Sobieski Street	West	Between Roosevelt Street and Walnut Street	1631	12-29-1997
St. Vincent's Avenue	East	From Eleventh Street to Maple Avenue	1123	12-29-1986
St. Vincent's Avenue	East	From Eleventh Street to McArthur	2247-A	10-4-2010

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
St. Vincent's Avenue	East	From Maple Street north to the city limits	2247-A	10-4-2010
St. Vincent''s Avenue	East	From O'Conor Avenue to the city limits	1123	12-29-1986
St. Vincent's Avenue	West	From Eleventh Street to the alley located just south of Lincoln Junior High School	2247-A	10-4-2010
St. Vincent's Avenue	West	From Eleventh Street to Lindberg Avenue	1123	12-29-1986
St. Vincent's Avenue	West	From Lindberg Street north to the city limits	2247-A	10-4-2010
St. Vincent's Avenue	West	From O'Conor Avenue to the city limits	1123	12-29-1986
St. Vincent Avenue (Illinois 351)	Both	From 400 feet south of Civic Road northerly to Interstate 80 for a distance of 500 feet both east and west of St. Vincent Ave. (Illinois 351)	1873	12-6-2004
Sterling Street	East	Between Fourth Street and Fifth Street	1123	12-29-1986
Sterling Street	Both	Between Ninth Street and Eleventh Street, inclusive	1123 1884	12-29-1986 1-17-2005
Tenth Street	Both	Between Creve Coeur Street and Lafayette Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers or to load, unload or deliver merchandise or material	1302	9-16-1991
Third Street	South	Within 30 feet of Crosat Street	1123	12-29-1986
Third Street	South	Within 30 feet of Tonti Street	1123	12-29-1986
Third Street	South	Between Joliet Street and Hennepin Street	1123	12-29-1986
Third Street		Intersections with Bucklin Street and Joliet Street	731	8-7-1967
Third Street		Between Joliet Street and Bucklin Street, except in an emergency, or except for such length of time only as may be necessary to take on or let off passengers, or to load, unload or deliver merchandise or material	931	3-6-1978
Third Street	Both	Between Joliet Street and the west city limits	1123	12-29-1986
Tonti Street	East	From Eleventh Street north 400 feet	1117	9-8-1986
Tonti Street	East	Between Fifth and Sixth Street	1304	10-28-1991
Tonti Street	East	Between Roosevelt Road and O'Conor Avenue	1123	12-29-1986

Street	*Side*	*Location*	*Ord. No.*	*Date Passed*
Tonti Street	West	Between Fourth Street and Fifth Street	1123	12-29-1986
Wright Street	East	Directly across the street from the point 20 feet south of the southern boundary line of the address of 527 Wright Street then north to the alley between Fifth Street and Sixth Street	2212	3-22-2010
Wright Street	West	Directly across the street from the point 20 feet north of the northern boundary line of the address of 527 Wright Street then south to the alley between Fifth Street and Sixth Street	2212	3-22-2010
F.A. Route 623 U.S. 6		Any portion of the 2-lane roadway from Union Street east to the corporate limits of the city	888	9-7-1976
3rd Street	Both	From Joliet Street westerly 0.60 mile to LaSalle's west corporate limits	1324	5-11-1992
5th Street (U.S. Route 6)	Both	From its intersection with Joliet Street and extending easterly 400 feet to Hennepin Street	1171	5-31-1988
8th Street	South	Between Bucklin Street and Lafayette Street	1763	4-15-2002
11th Street		From Bucklin Street to St. Vincent's Avenue	1327	6-8-1992
14th Street		From Chartres Street to Malcolm Avenue	998	11-24-1980
23rd Street	Both	From Bartley Street to St. Vincent's Avenue	1123	12-29-1986
24th Street	Both	From Edwards Avenue to St. Vincent's Avenue	1123	12-29-1986
25th Street	South	Between Hennepin Street and St. Vincent's Avenue	1123	12-29-1986
Alley	South	Between Sixth and Seventh Street on the west side of Chartres Street	1129	3-9-1987

Penalty, see § 72.99

SCHEDULE II. PARKING TIME LIMITED.

(A) Parking on the following streets or parts thereof shall be limited as indicated:

Street	*Location*	*Limit*	*Ord. No.*	*Date Passed*
Chartres Street	Between posted signs on the west side of Chartres Street between Third and Fourth Street	30 minutes	1950	2-27-2006
Crosat Street	Between posted signs on east side of Crosat Street from Fifth Street north to the alley only in the block between Fifth Street and Sixth Street on the east side of Crosat Street	1-hour	1951	2-27-2006
Eighth Street	Both sides from Crosat Street to Tonti Street	1 hour, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997
First Street	Between Bucklin and Hennepin Street	3 hours per day, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997
First Street	In front of premises at 814 First Street	One 15-minute parking space	1914	6-20-2005
First Street	821 First Street	One 15-minute parking space	2152	11-3-2008
First Street	825 First Street	One 15-minute parking space	2152	11-3-2008
First Street	848 First Street	15-minute parking	2461	11-5-2013
First Street	In front of the Canal Quarter building on the southwest corner of First Street and Joliet Street	One 15-minute parking space	2124	5-5-2008
Gooding Street	From First Street to Third Street	3 hours per day , between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997
Gooding Street	225 Gooding	15 minutes	1129	3-9-1987
Joliet Street	From Canal Street to Third Street	3 hours per day, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997

Street	*Location*	*Limit*	*Ord. No.*	*Date Passed*
Marquette Street	From Canal to Third Street	3 hours per day, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997
Second Street	Between Gooding Street and Hennepin Street, except between Marquette Street and Gooding Street	3 hours per day, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630 2252	12-15-1997 11-29-2010
Second Street	South side of Second Street, in front of 426 Second Street	Three 15-minute parking spaces in front of 426 Second Street	1877	12-6-2004
Second Street	Remainder of south side of Second Street between Wright Street and Bucklin Street	2 hours	1877	12-6-2004
Sixth Street	On the east half of the south side of the street to River Street	30 minutes	1129	3-9-1987
Third Street	South side, between Hennepin Street and Tonti Street	1 hour, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997
Wright Street	From First Street to Second Street	3 hours per day, between 9:00 a.m. and 5:00 p.m. on Monday through Saturday	1630	12-15-1997

(B) The fine for violation of parking on Eighth Street, as set forth by Ordinance No. 1630, shall be $25 per violation. It is additionally provided that each day in which said violation occurs, shall constitute an additional violation. It is further provided, however, that in the event that the fine is tendered for payment within 14 days from the issuance of the citation, then in that event, the fine for the above violations shall be discounted to be in the amount of $10.
(Ord. 2055, passed 3-12-2007)

SCHEDULE III. PARKING PROHIBITED AT CERTAIN TIMES.

Parking is prohibited in the following locations during the times indicated.

Street	*Location*	*Time*	*Ord. No.*	*Date Passed*
Chartres Street	East side from Sixth Street to Ninth Street	During school hours	1129	3-9-1987
Crosat Street	East side within 60 feet of Fifth Street	Between the hours of 9:00 a.m. and 5:00 p.m.	1123	12-29-1986
Eighth Street	Both sides, between Lafayette Street and Creve Couer Street	During school hours	2308	11-28-2011
Fifth Street	South side between Bucklin and Lafayette	During school hours	1692	12-13-1999
Fourth Street	North side of the 200 block	During school hours	2255	12-13-2010
Fourth Street	South side of the 200 block which is between Lafayette Street and Creve Coeur Street	During school hours	1782	10-14-2002
Hennepin Street	East side, for the first 200 feet north of 11th Street	During school hours	1781	10-14-2002
Lincoln Avenue	South side, between Malcolm Avenue and Campbell Avenue	Between the hours of 8:00 a.m. and 8:30 a.m. and between the hours of 2:30 p.m. and 3:00 p.m. on school days	2044	11-20-2006
Malcolm Avenue	East side, north of O'Conor, allowing 3 residential permits per household residence	During school year of Northwest School	2123	4-21-2008
Marquette Street	Along the east curb line between Third Street and the alley entrance next south of Third Street	During the hours of 6:30 p.m. and 7:00 a.m. daily	264	9-23-1929
Seventh Street	North side, between Chartres Street and Peru Street	During school hours	1129; Am. Ord. 1602	3-9-1987; 6-2-1997
Seventh Street	Both sides, from Chartres Street to Creve Coeur Street	During school hours	1129	3-9-1987
Sixth Street	North side between Bucklin and Lafayette	During school hours	1692	12-13-1999

(1963 Code, § 9-5-10) Penalty, see § 72.99

SCHEDULE IV. MANNER OF PARKING DESIGNATED.

Parking shall be in the manner indicated on the following streets or parts thereof.

Street	*Location*	*Manner of Parking*
Fourth Street	North side between Wright Street and Joliet Street	Parallel parking only
Fourth Street	South side between Wright Street and Joliet Street	45-degree angle parking
LaHarpe Street	East side between Eleventh Street and Fifteenth Street	Parallel parking only
Second Street	North side between Marquette Street and Gooding Street	Diagonal parking only
Second Street	South side between Marquette Street and Gooding Street	Parallel parking only
Tonti Street	West side between Fifth Street and Sixth Street	Parallel parking only
Wright Street	West side between First Street and Second Street	45-degree angle parking
Wright Street	East side between First Street and Second Street	Parallel parking only

(Ord. 1304, passed 10-28-1991; Am. Ord. 2252, passed 11-29-2010; Am. Ord. 2295, passed 8-22-2011) Penalty, see § 70.99

SCHEDULE V. DISABLED PARKING.

There shall be disabled parking in the following areas:

Street	*Location*	*Manner of Parking*	*Ord. No.*	*Date Passed*
4th Street	247 4th Street	Handicapped parking space	2227	5-17-2010
9th Street	Chartres side of 101 9th Street	Handicapped parking space	1928	8-29-2005
Argyle Street	1427 Argyle Street	Handicapped parking space	2031	8-28-2006
Chartres Street	228 Chartres Street	Handicapped parking space	2456	10-8-2013
Gooding Street	621 Gooding Street	Handicapped parking zone	1833	2-2-2004
Hennepin Street	1168 Hennepin Street	Handicapped parking space	2437	6-4-2013
Joliet Street	Northwest corner of Joliet Street and First Street	Handicapped parking space	2334	4-10-2012
LaHarpe Street	1536 LaHarpe Street	Handicapped parking space	2463	12-3-2013
Maple Road	450 Maple Road	Handicapped parking space	1876	12-6-2004
Seventh Street	930 Seventh Street	Handicapped parking space	2394	11-6-2012
Seventh Street	1227 Seventh Street	Handicapped parking space	2432	5-7-2013
Sterling Street	438 Sterling Street	Handicapped parking space	1918	8-15-2005
Wright Street	122 Wright Street	Handicapped parking space (2 total)	2056	3-12-2007

SCHEDULE VI. PARKING PERMITTED.

Street	*Location*	*Ord. No.*	*Date Passed*
Bucklin Street	Both sides between Roosevelt Street and O'Conor Street	2142	10-20-2008
Bucklin Street	East side from Pershing to Balbo	2251	11-29-2010
City owned parking lots	Between Canal Street and Third Street and between Bucklin Street and Hennepin Street inclusive: parking shall be free of charge and open to the general public, except that the parking lot on the south side of Second Street between Joliet Street and Marquette Street shall remain a reserved parking lot with assigned spaces to be rented at the monthly rate of $20 per month on a month-to-month basis	2252 2295	11-20-2010 8-22-2011
Creve Couer Street	East side between 8th Street and 9th Street	1852	7-19-2004
O'Connor	North side from St. Vincent's Avenue to Crosat Street	2267	4-18-2011

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any person to allow any domestic animal of the species of horse, mule, cattle, sheep, swine, or goat to run at large at any time within the city.
(1963 Code, § 6-3-1) Penalty, see § 90.99

§ 90.02 INJURING BIRDS.

It shall be unlawful for any person to kill or wound, or attempt to kill or wound, by use of a firearm, slingshot, bow and arrow or otherwise, any bird, or to take the eggs or young of any bird.
(1963 Code, § 6-2-6) Penalty, see § 90.99

§ 90.03 REMOVAL OF EXCREMENT.

(A) It is hereby declared to be unlawful and to be a nuisance for any person to cause or allow a dog or cat to be on premises, public or private, not owned or possessed by such person unless such person has in said person's immediate possession an appropriate device for removing excrement and/or waste that may be left on the premises by the dog or cat, and further having an appropriate container for deposit of excrement and/or waste; it shall further be unlawful and a nuisance for said person to fail to remove any such excrement and/or waste deposited by a cat or dog from any premises not owned or possessed by such person.

(B) It is expressly provided that this section shall not apply to a vision impaired, legally blind individual, or to a person who is handicapped to the extent that said person would qualify to use a handicapped parking space.
(Ord. 2109, passed 2-11-2008) Penalty, see § 90.99

DOGS AND CATS

§ 90.15 DEFINITIONS.

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

ADMINISTRATOR. A veterinarian licensed by the State of Illinois, and appointed by the County of

LaSalle, pursuant to the Act commonly known as the Animal Control Act, ILCS Ch. 5, Act 5, §§ 1 *et seq*. or said person's fully authorized representative.

ANIMAL. Any animal, other than man, which may be affected by rabies.

CITY. The City of LaSalle, LaSalle County, Illinois.

DANGEROUS DOGS.

(1) Any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal; or

(2) A dog that, without justification, bites a person and does not cause serious physical injury.

ENCLOSURE. A fence or structure of at least 6 feet in height, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a dangerous dog in connection with other measures which may be taken by the owner or keepers such as tethering of a dangerous dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom, and shall be designed to prevent the animal from escaping the enclosure and shall have a minimum dimension of 5 feet by 10 feet. Additionally, the enclosure shall be double gated at the entrance, with there being at least a 1-foot foyer area between the 2 gates at the entrance. If the enclosure has no bottom secured to the sides, then the sides must be embedded into the ground no less than 2 feet. Additionally, the enclosure must provide protection from the elements for the dog.

LEASH. A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or cat, and it shall be of sufficient strength to keep the dog or cat under control.

OWNER. Any person having a right of property in a dog or cat or who keeps or harbors a dog or cat, or who has it in his or her care, or acts as a custodian, or who knowingly permits a dog or cat to remain in or about any premises occupied by said person.

PERSON. Any person, firm, corporation, partnership, society, association, or other legal entity, any public or private institution of the State of Illinois, any corporation or political subdivision, or any other business unit.

VICIOUS DOGS. A dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that t has been found to be a "dangerous dog" upon 3 separate occasions.
(Ord. 1724, passed 1-8-2001; Am. Ord. 2447, passed 7-2-2013)

§ 90.16 LICENSING AND REGISTRATION OF DOGS AND CATS.

(A) Every person who is the owner (as defined within this subchapter) of a dog or a cat in the city shall, commencing on the thirtieth day of June, register said dog or cat with the city on a form indicating the owner of the dog or cat, the breed of dog or cat, the sex of the dog or cat, certification that the dog or cat has been appropriately vaccinated for rabies, and further providing proof of liability insurance in a minimum amount of $50,000, except that regarding dangerous dogs; the minimum amount then shall be $100,000. License fees for dogs and cats shall be in the amount of $5 per animal per year, except that regarding dangerous dogs; the license fee shall be in the amount of $25 per year. License fees shall be due and payable on or before the thirtieth day of June each year.

(B) Additionally, all dangerous dogs as defined herein, shall be registered as such and be subject to the further provisions contained herein in reference to dangerous dogs.

(C) The City Comptroller shall keep a record of all dog and cat licenses paid and shall furnish to each person paying such license a metal tag having stamped thereon numbers indicating the year for which the license is paid, and in connection with dangerous dogs, the tag shall indicate that the dog is a dangerous dog. A duplicate to replace a lost or destroyed tag may be issued by the City Comptroller upon the payment of the fee of $2.

(D) The Mayor shall have the power upon request of the City Comptroller, to deputize such persons who are licensed doctors of veterinary medicine within the State of Illinois for the purposes of assisting in the performance of the City Comptroller's duties with respect to registration of dogs and cats, and of dangerous dogs, as may be appropriate and necessary in connection with carrying out the intent and purpose of carrying out this subchapter. The Animal Control Administrator of the County of LaSalle, is automatically deputized as 1 of such persons authorized to assist in the performance of such duties.
(Ord. 1724, passed 1-8-2001)

§ 90.17 DOGS AND CATS AT LARGE.

(A) It shall be unlawful to permit any dog or cat required to be licensed pursuant to the provisions of this subchapter to be on any public street, sidewalk, alley or other public place, unless such dog or cat has a collar firmly attached around its neck with a license tag, and further on a leash, and in the case of a dangerous dog, it is further in compliance with remainder of the terms and provisions contained herein, in respect to dangerous dogs.

(B) It is expressly found to be unlawful to permit any dog or cat to run at large within the municipality. Any such animal found upon any public streets, sidewalk, parkway, or any unenclosed place, shall be deemed running at large unless such dog or cat is firmly held on a leash or is in an enclosed vehicle or is otherwise in the firm possession and control of its owner; and in the case of a vicious dog is further in compliance with the remainder of the terms and provisions herein concerning dangerous dogs.

(C) It is expressly found to be unlawful for any person to permit any dog or cat to be within a city park of the city, with the exception that it shall be lawful to be within the planned dog park of LaSalle Rotary Park within the city provided that within the City of LaSalle Rotary Park, the dog and/or cat is otherwise compliant with the terms and provisions of this subchapter and the rules as may be promulgated in connection with the City of LaSalle Rotary Park.

(D) Additionally, these provisions shall not apply to a professionally trained dog for law enforcement, including but not limited to those dogs that are commonly known as K-9 control dogs.
(Ord. 1724, passed 1-8-2001; Ord. 2447, passed 7-2-2013) Penalty, see § 90.99

§ 90.18 DISTURBING THE PEACE AND/OR ALLOWING A NUISANCE.

No person owning any dog or cat shall suffer or permit such animal to disturb the peace and quiet of the neighborhood by barking or making other loud or unusual noises.
(Ord. 1724, passed 1-8-2001; Ord. 2447, passed 7-2-2013) Penalty, see § 90.99

§ 90.19 NUISANCE CONDITIONS; IMPOUNDMENT.

(A) Any dog or cat required to be licensed hereunder found in the city without a license or running at large under conditions set forth above is hereby declared to be a nuisance and may be impounded by the Police Department or such other person or persons appointed to the position of Animal Control Administrator of the County of LaSalle. Any such dog or cat so impounded may be redeemed by the owner upon payment of the fees in connection with the impoundment set by the Animal Control Administrator of the County of LaSalle. In the event

that the dog or cat so impounded is registered and licensed in the City of LaSalle, the city shall send a notice to the registered owner of such dog or cat so impounded by certified mail with return receipt requested at said owner's last known address after the animal becomes impounded. In the event that an owner notifies the city that the owner's animal has been lost, and gives the city a description of the animal, the city shall thereafter through its Police Department, notify the owner within 24 hours of impoundment if the animal is located and impounded. Any dog or cat left by its owner with the city for disposition, is not to be regarded as unclaimed or unredeemed, but is to be disposed of as authorized by the owner.

(B) Any reasonable costs in connection with impoundment authorized by the Chief of Police and/or the LaSalle County Animal Control Administrator, shall be borne and paid for by the owner of the dog.

(C) In connection with apprehension and/or impoundment in furtherance of enforcement of this subchapter, a police officer may within said officer's discretion, tranquilize the dog if the dog approaches the officer in a menacing fashion and/or if the officer otherwise reasonably perceives that tranquilization is appropriate in the circumstances; additionally, a police officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion that the officer reasonably perceives that the dog is about to attack.
(Ord. 1724, passed 1-8-2001)

§ 90.20 DISPOSITION OF IMPOUNDED ANIMALS.

(A) Any animals impounded by the City of LaSalle, may be turned over at the city's discretion, as exercised by the Chief of Police of the City of LaSalle, through the Animal Control Administrator of the County of LaSalle at any time following impoundment. Further, following the expiration of 7 days of impoundment, if the dog has not been previously turned over to the County of LaSalle Animal Control Administrator, the city may either destroy such animal or deliver the same to an institution requiring live dogs or cats for scientific or educational activities within the State of Illinois, and licensed by the State of Illinois pursuant to the provisions of appropriate statutes, unless the owner of the dog or cat has made an appropriate provision for paying on a regular basis, the fees of impoundment while the animal is impounded.

(B) No animal impounded by the city shall be released from the pound, unless the owner or person who claims ownership, shall exhibit to the City Comptroller that such animal has been vaccinated by a doctor of veterinary medicine licensed within the State of Illinois, for rabies with a 1-year vaccine within a 12-month period, or with a 3-year vaccine within a 3-year period, prior to impoundment.
(Ord. 1724, passed 1-8-2001)

§ 90.21 PROVISIONS REGARDING DANGEROUS DOGS.

(A) All dangerous dogs shall be registered with the city as a dangerous dog, and shall be further in compliance and subject to the remainder of the provisions contained herein regarding dangerous dogs. Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping, or maintaining a dangerous dog which is not registered with and licensed by the city in accordance with this subchapter shall file with the Police Department a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog.

(B) The Police Department shall, upon receipt of such affidavit, inquire of the City Comptroller to determine if the dog is currently registered. The City Comptroller shall notify the Police Department of this fact and if the dog is not registered and otherwise in compliance with this subchapter, the Police Department shall serve notice upon the owner of the alleged dangerous dog, which notice shall include the requirement that the owner shall bring the alleged dangerous dog to the Animal Control Administrator of

LaSalle County or in the discretion of the Police Chief to another licensed veterinarian for inspection to determine whether this dog is a dangerous dog by definition as set forth in this subchapter.

(C) In the event that it is determined by the Animal Control Administrator of LaSalle County, or such other licensed veterinarian as was appointed by the Chief of Police to perform the inspection, that said dog is a dangerous dog as defined within this subchapter, the owner shall be cited for not having voluntarily complied with the provisions of this subchapter regarding dangerous dogs. Additionally, pending trial and/or other disposition of the citation for violation of this provision, the Chief of Police and/or such other representative as the Chief of Police may from time to time designate, may impound the dog and/or turn possession of the dog over to the LaSalle County Animal Control Administrator for appropriate action. Alternatively, in the event that the owner then demonstrates proof of compliance with the registration and other provisions herein regarding dangerous dogs, further provided that the owner pays any impoundment costs, the dog may be released by the Police Department within its discretion to the owner provided the dog has not also been alleged to be a vicious dog as defined herein. The provisions and remedies regarding vicious dogs herein are intended to be administered in addition to, and not to the exclusion of, the remedies in reference to dangerous dogs.

(D) Additional provisions that dangerous dogs shall be subject to in connection with this subchapter include the following:

(1) At the time of registration and licensing, each owner of any dangerous dog, shall provide to the City Comptroller of LaSalle, in addition to the other requirements herein in reference to all dogs and cats, proof of insurance in the amount of at least $100,000 for any acts of property damage or liability incurred related to injury inflicted by such dog. Such insurance shall name the city as co-insured solely for the purpose of notice of cancellation of the policy.

(2) Each dog licensed and registered as a dangerous dog, shall be provided by the city a current dangerous dog collar of an approved color for the purpose of identification, which collar is to be worn by the dog at all times as proof of registration. If when due to the length of the dog's hair the collar is not visible, an approved colored lead or chain shall be used.

(3) A dangerous dog collar can be removed from a dangerous dog, solely for the purpose of grooming, or purposes of other care when the dog is secured indoors or in an enclosure as defined herein.

(4) While on the inside of a building on the owner's property, a dangerous dog must be securely confined indoors.

(5) While on the owner's property outside of a building, a dangerous dog must be securely confined in an appropriate enclosure as determined and defined herein.

(6) The owner of a dangerous dog, shall display a sign on said owner's premises facing out from all sides of the premises, warning that there is a dangerous dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare, or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

(7) A dangerous dog may be off the owner's premises only if it is muzzled, and restrained by a leash not exceeding 3 feet in length and under the control of an adult able bodied person. The muzzle must be made in a manner that will not cause injury to the dog, or interfere with its vision or aspiration, but must prevent it from biting any person or animal.
(Ord. 1724, passed 1-8-2001)

§ 90.22 PROVISIONS REGARDING VICIOUS DOGS.

(A) No person shall harbor, keep, possess, maintain and/or act as the custodian of any vicious dog as defined in this subchapter within the city limits. Any dog alleged to be vicious by verified complaint may be impounded by the Chief of Police of the city, or by the Chief's designee, in a humane facility for the keeping of dogs and/or the Chief of Police may within his or her discretion, transfer physical control of the alleged vicious dog to the Administrator of the LaSalle County Animal Control Department, consistent with the statute of such cases made and provided, pending disposition of the verified complaint upon which the citation for violation of this subchapter shall be issued, and/or further pending such other action and/or disposition as may have been undertaken by the LaSalle County Animal Control Department pursuant to its appropriate jurisdictional remedies.

(B) No person shall return to or harbor within the city limits of the City of LaSalle, Illinois, a dog previously determined by either LaSalle County Animal Control Administrator, or by a court of competent jurisdiction, to meet this subchapter's definition of vicious dog, unless it has been determined by a higher court of competent jurisdiction, that the determination as to the dog being vicious is erroneous; or alternatively, that it has later been determined by the Animal Control Administrator, and/or another court of competent jurisdiction, that the dog no longer meets the definition of vicious dog as defined within this subchapter. Any such vicious dog located as being harbored in and/or having returned to the City of LaSalle, may be impounded by the Police Department, and/or at the discretion of the Chief of Police, jurisdiction upon impoundment may be transferred to the LaSalle County Animal Control Department in care of the LaSalle County Animal Control Administrator.
(Ord. 1724, passed 1-8-2001)

§ 90.23 EXCEPTIONS.

No dog shall be determined vicious if it bites, attacks or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused the dog or is a professionally trained dog for law enforcement, including but not limited to, those dogs that are commonly known as K-9 control dogs.
(Ord. 1724, passed 1-8-2001)

§ 90.24 REMEDIES CUMULATIVE.

The remedies as provided to the City of LaSalle contained herein, in reference to the registration of dogs and cats, and registration and other provisions in reference to dangerous dogs and the provisions in reference to vicious dogs as said terms have been defined herein, are intended to be in addition to and not to the exclusion of the remedies of the LaSalle County Animal Control Department and the State of Illinois. The Chief of Police, and/or such other representatives of the City of LaSalle as deemed appropriate shall cooperate with the LaSalle County Animal Control Department in connection with any appropriate and/or reasonably needed investigations.
(Ord. 1724, passed 1-8-2001)

§ 90.99 PENALTY.

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

(B) For each violation of §§ 90.15 through 90.24, the court shall assess a fine of not less than $50, and not more than $750 for each offense. Each day a violation occurs shall constitute a separate offense, and dependent upon the facts and circumstances, more than 1 offense of §§ 90.15 through 90.24 and more than 1 offense of any

particular section of that subchapter may occur on a single day. In addition to the foregoing penalties, any person who violates §§ 90.15 through 90.24 shall pay all expenses, including shelter, food, handling, veterinary care, and expert testimony fees necessitated by the enforcement of §§ 90.15 through 90.24. Further, upon a finding and holding by the court that a licensee has violated §§ 90.15 through 90.24, the City of LaSalle, at the discretion of the Mayor, may revoke the license of the dog or cat and order the former holder of the license to remove the dog or cat from the city.
(Ord. 1724, passed 1-8-2001)

(C) The penalty for violation of § 90.03 shall be a minimum of $50, and a maximum of $750 for each violation; and each violation of any portion of § 90.03 shall constitute a separate offense.
(Ord. 2109, passed 2-11-2008; Ord. 2447, passed 7-2-2013)

CHAPTER 91: NUISANCES

Section

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GENERAL NUISANCE REGULATIONS

§ 91.01 CONDITIONS DECLARED AS NUISANCES.

The following acts, conduct and conditions are hereby declared and defined to be nuisances and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the city or within the extra territorial zoning jurisdiction of the city are hereby declared to be unlawful and prohibited.

(A) Any act or offense which is a nuisance according to the common law or statutes of the State of Illinois or declared or defined to be a nuisance by the ordinances of the city.

(B) Any condition or use of any premises or buildings or improvements located thereon which is detrimental to the property of others or which causes or tends to cause diminution in value of other property

in the neighborhood in which the premises are located, or which causes unreasonable disturbance to another.

(C) Any condition or use of any premises or buildings or improvements located thereon which is detrimental to the public good or which causes an unreasonable disturbance to another.

(D) Anything which shall constitute the unreasonable, unwarrantable or unlawful use by a person or property, real or personal, or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to the right of another or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance.

(E) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(F) To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exaltations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(G) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and rights-of-way.

(H) To keep or deposit on or scatter over any premises lumber, junk, trash, debris, or unused, unusable or inoperative objects, or equipment such as automobiles, furniture, stoves, refrigerators, or containers.

(I) To allow the emission of unnecessary noise from the premises including, but not limited to the keeping of animals which cause an unreasonable disturbance to another or to the public.

(J) The accumulation of waste, refuse, trash or other deleterious substances on the premises of private residences, commercial institutions and in the streets and alleys which may cause the increase of danger of fire or the spread of infectious, contagious and epidemic diseases or anything thereof which shall constitute a public menace.

(K) Any act by an owner, occupant or agent of any owner or occupant of lots, parcels or areas which permits the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premise.

(L) To permit, allow or to keep any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease carrying pests, animals or insects, provided that the presence of earthworms and a compost pile shall not constitute a nuisance.

(M) To place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind on any premises in the city without the consent of the owner or tenant in possession thereof.

(N) To own, maintain or keep a dwelling unit unfit for human habitation or dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof or detrimental to the public good.

(O) To store or place any materials in a manner which may harbor rats.

(P) To maintain or permit the existence of any dangerous or unsanitary building or structure.

(Q) Any other uses or conditions of property which, due to their existence, create an environment which could be prejudicial or detrimental to the public health or welfare.

(R) To park a semi-tractor and/or semi-trailer and/or to allow a semi-tractor and/or semi-trailer to remain on premises in R-1 through R-4 inclusive (as said zoning has been defined as set forth within City of LaSalle Ordinance No. 590 as amended) for any purpose other than delivery and/or pick up of personal property at the residence.

(S) The allowance of the commission (which shall be determined by either plea of guilty or

conviction) of 4 or more city ordinance violations on the premises in a 1 year period and/or the occurrence of 4 or more police service calls to the premises in a 1 month time period and/or the occurrence of 6 or more police service calls to the same premises within a 3-month time period, all of which shall be considered unreasonably high and to constitute a nuisance in reference to the premises.

(T) The open storage of junk, refuse, scrap, disabled or damaged vehicles, whether awaiting repair or not, is prohibited in the city. For the purpose of interpretation, open storage shall be any storage not contained completely within a building or structure enclosed on all sides by walls and by a solid roof on the top.
(Ord. 1187, passed 9-19-1988; Am. Ord. 1771, passed 6-24-2002; Am. Ord. 2080, passed 5-21-2007; Am. Ord. 2213, passed 4-6-2010) Penalty, see § 91.99

§ 91.02 DUTY TO MAINTAIN PROPERTY.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any person keep or maintain such premises in a manner causing, substantial diminution in the value of the other property in the neighborhood in which the premises are located or which shall be harmful to anyone or the public at large, nor shall any person allow the keeping of any animals which shall cause unreasonable disturbance to others.
(Ord. 1187, passed 9-19-1988) Penalty, see § 91.99

§ 91.03 ABATEMENT OF NUISANCE BY OWNER.

The owner, owners, tenants, lessees, and/or occupants of any lot within the corporate limits of the city or within the extra-territorial jurisdiction of the city upon which such storage is made, and also the owner, owners, and/or lessees of said personalties involved in such storage (all of whom are hereinafter referred to collectively as owners) shall jointly and severally abate said nuisance by the prompt removal of said personalty and to completely enclose buildings authorized to be used for such storage or such other manner necessary to abate such nuisance.
(Ord. 1187, passed 9-19-1988)

§ 91.04 FAILURE OF OWNER TO ABATE.

If said owners shall allow said nuisance to exist or fail to abate the nuisance, they, and each of them, upon conviction thereof, shall be fined as set forth in § 91.99. In addition to the fine the owners shall be ordered to abate the nuisance within a designated time, after which the building inspector may proceed to abate the nuisance according to the provisions of § 91.05.
(Ord. 1187, passed 9-19-1988)

§ 91.05 SUMMARY ABATEMENT BY CITY.

(A) Whenever, in the opinion of the Building Inspector of the city, the maintenance or a continuance of a nuisance creates an imminent threat of serious injury to persons or serious damage to persons or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating nuisance, and/or the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, the Building Inspector shall proceed to abate such nuisance; provided, further, that whenever the owner, occupant, agent or person in possession, charge or control of the real or personal property which has become a nuisance is unknown or cannot regularly be found, the Building Inspector may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond initial summary abatement and any other additional emergency abatement, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably possible.

(B) When any personalty has been removed and placed in storage by the city, as provided for herein, said personalty shall be sold by the city after the last of 30 days. If the proceeds of such sale are insufficient to pay the cost of abatement, the owner shall be liable to the city for the balance of the cost, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of the cost, the balance shall be paid to said owners or deposited in the city treasury for their use.

(C) The Building Inspector or his or her duly authorized representative shall compile the cost of such work done and improvements made in abating such nuisance and shall charge the same against the owner of the premises. It is hereby provided that general overhead of administrative expenses of inspection, locating the owner, issuing a notice, reinspection and ordering such work, together with all necessary incidents of same, shall require a charge of $100 for each lot, series of 2 or more adjacent and contiguous lots, or tracts or parcels of acreage, and such minimum charge is hereby established and declared to be an expense of such work and improvement. Notwithstanding thereof, any tabulation of recorded cost, a minimum charge of $200 shall be assessed against each lot so improved upon the terms of this section, but such sum of $200 is hereby expressly stated to be a minimum charge only, and shall have no obligation when the tabulated cost of the work shall exceed such minimum charge.
(Ord. 1187, passed 9-19-1988)

§ 91.06 COSTS OF ABATEMENT CONSTITUTE LIEN ON PROPERTY.

The Building Inspector shall compile such cost of the work and after charging the same against the owner of the premises, the Building Inspector shall certify a statement of such expense and shall file the same with the County Recorder which shall create a lien upon the property. For any such expenditures and interest, suit may be instituted by the City Attorney and recovery and foreclosure had in the name of the city; and the statements so made, as aforesaid, or a certified copy thereof, shall be prima facie evidence of the amount expended in any such work or improvements.
(Ord. 1187, passed 9-19-1988)

WEEDS

§ 91.20 DEFINITION; DECLARATION OF NUISANCE.

(A) For the purpose of this subchapter ***WEEDS*** are defined as follows: jimson, burdock, ragweed, thistle, cocklebur, wild lettuce, smartweed, dog fennel, wild carrot, wild parsnip, hogweed, dandelions, or other weeds or grass of any description in excess of 6 inches high found existing on any lot and/or tract of land in the city.

(B) Weeds, as defined in division (A) above of this section, are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds including, but not being limited to, grass in excess of 6 inches to exist in any such place.
(Ord. 1735, passed 5-29-2001) Penalty, see § 91.99

§ 91.21 COMPLIANCE WITH REGULATIONS REQUIRED.

It shall be the duty of each and every owner and occupier of land, jointly and severally, to comply with the terms and provisions of this subchapter as to each and every lot or tract of land in which any person and/or entity has an ownership and/or lease hold interest.
(Ord. 1735, passed 5-29-2001)

§ 91.22 NOTICE TO ABATE.

(A) The Chief of Police, or any other officer or other city agent appointed by the Chief of Police, or the Building Inspector, or any other city agent appointed by the Building Inspector, is authorized to serve or cause to be served a notice upon any owner and/or occupier of any premises on which weeds as

defined herein are permitted to exist in violation of the provisions of this subchapter and to demand the abatement of the nuisance within 3 days. Notice to an occupant shall be deemed sufficient if delivered to an adult resident occupying the premises that are in violation of this subchapter; notice to an occupant shall also be deemed sufficient as to any occupants if sent by certified mail to the person or entity to whom the water bill and/or garbage bill for the property is then being sent; notice shall also be deemed sufficient to an occupant if the premises are posted with the notice in the form of a red tag on the front door of the premises. Notice to each and every owner shall be deemed sufficient if personally served on or sent by certified mail to the person or entity to whom was sent the tax bill for the general taxes on the property for the preceding year; notice to each and every owner shall also be deemed sufficient if the notice is posted on the front door of the premises in the form of a red tag providing the notice.

(B) Additionally, if the property is in compliance within 3 days of the original notice of alleged violation, the city may, (but is not required), if so requested, issue a certificate of remediation to the party or parties involved in the alleged violation. However, it is specifically provided herein that neither remediation nor the issuance of a certificate of remediation is a defense per se to an alleged violation of this subchapter. Remediation may be considered by the city as a factor in the penalty sought for violation of this subchapter.
(Ord. 1735, passed 5-29-2001; Am. Ord. 2235, passed 6-28-2010)

§ 91.23 ABATEMENT BY CITY.

In addition to other remedies provided herein, if the person so served does not abate the nuisance within 3 days, the city may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expenses shall be charged to and paid by any owner and/or occupant in violation of this subchapter.
(Ord. 1735, passed 5-29-2001)

§ 91.24 LIEN; NOTICE AND RELEASE.

(A) In addition to the other remedies provided herein, and otherwise by law, charges for such weed removal shall be a lien on the premises. Whenever a bill for such charges and/or fine remain unpaid for 30 days after it has been rendered, the City Clerk may file with the Recorder of Deeds of LaSalle County, a statement of lien claim. The statement of lien claim shall consist of a sworn statement setting out:

(1) A description of the real estate sufficient for identification thereof;

(2) The amount of money representing the costs and expense incurred or payable for the service of remediation and also including the costs and expense of recording the lien, all of which shall be included within the lien; and

(3) The date or dates when such costs and expense was incurred by the municipality.

(B) Notice of such lien claim shall be personally served on or sent by certified mail to the person to whom was sent a tax bill for the general taxes on the property for the last preceding year. The notice of lien shall be delivered or sent after the cutting of weeds on the property. The notice shall state the substance of that which is set forth above herein, and shall contain a copy of this subchapter, and shall further identify the property by common description and the location of the weeds cut.

(C) Upon the payment of the costs and expense after notice of lien has been filed, any lien so filed shall be released by the city, and the release may be filed of record as in the case of filing the notice of lien. All of the recording costs in connection with recording of the lien and in connection with the recording of the release shall be borne by the releasee.
(Ord. 1735, passed 5-29-2001; Am. Ord. 2235, passed 6-28-2010)

§ 91.25 FORECLOSURE OF LIEN.

The property subject to a lien for unpaid weed cutting charges or fine, may be foreclosed in the name of the city as in the case to the foreclosure of statutory liens or as is otherwise allowable by law with the foreclosure proceeding to allow collection, among other things allowable by law, in addition to the reasonable costs of the foreclosure proceeding, including attorneys fees, title expenses and other reasonable and customary costs in foreclosure proceedings.
(Ord. 1735, passed 5-29-2001)

§ 91.26 REMEDIES CUMULATIVE.

Each remedy herein and otherwise allowable by law in reference to any violation coming potentially within the parameters of this subchapter is intended to be cumulative and independent 1 to each of the other. The city may pursue 1 and/or more of the available remedies in the set of circumstances as the city in its discretion deems appropriate. These remedies are not to the exclusion of 1 to another.
(Ord. 1735, passed 5-29-2001)

NOISE POLLUTION

§ 91.40 SCOPE.

This subchapter applies to the control of all sound originating within the jurisdictional limits of the city.
(Ord. 2254, passed 12-13-2010)

§ 91.41 DEFINITIONS.

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

A BAND LEVEL. The total sound level of all noise as measured with a sound level meter using the "A" weighing network. The unit is the dbA.

BAND PRESSURE LEVEL OF A SOUND FOR A SPECIFIED FREQUENCY BAND. The sound pressure level for the sound contained within the restricted band.

COMMERCIAL DISTRICT.

(1) (a) An area where offices, clinics and the facilities needed to serve them are located.

(b) An area with local shopping and service establishments.

(c) A tourist-oriented area where hotels, motels and gasoline stations are located.

(d) A business strip along a main street containing offices, retail businesses and commercial enterprises.

(e) Other commercial enterprises and activities which do not involve the manufacturing, processing or fabrication of any commodity.

(2) ***COMMERCIAL DISTRICT*** means and includes, but is not limited to, any parcel of land zoned commercial under the zoning ordinance of the city.

CONTINUOUS NOISE. A steady, fluctuating or impulsive noise which exists, essentially without interruption, for a period of 10 minutes or more, with an accumulation of an hour or more over a period of 8 hours.

CYCLE. The complete sequence of values of a periodic quantity which occurs during a period.

DECIBEL (DB). A unit of level which denotes the ratio between 2 quantities which are proportional to power; the number of ***DECIBELS*** corresponding to the ratio of 2 amounts of power is 10 times the logarithm to the base 10 of this ratio.

DEVICE. Any mechanism which is intended to produce or which actually produces sound when operated or handled.

EMERGENCY. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY WORK. Any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

FLUCTUATING NOISE. The sound pressure level of a fluctuating noise which varies more than 6 dbA during the period of observation when measured with the slow meter characteristic of a sound level meter.

FREQUENCY OF A FUNCTION PERIODIC IN TIME. The reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

INDUSTRIAL DISTRICT. An area in which enterprises and activities which involve the manufacturing, processing or fabricating of any commodity are located. ***INDUSTRIAL DISTRICT*** shall include, but not be limited to, any parcel of land zoned as an industrial district under the zoning ordinance of the city.

LIGHT MOTOR VEHICLE. Any automobile, motorcycle, motordriven cycle, motor scooter, light truck with gross vehicular weight of less than 8,000 pounds or any van.

MICROBAR. A unit of pressure commonly used in acoustics and is equal to 1 dyne per square centimeter.

MODIFIED EXHAUST SYSTEM. An exhaust system in which:

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

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

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

MOTOR VEHICLE. Any vehicle such as, but not limited to, a passenger vehicle, truck, trailer, trailer or semi-trailer propelled or drawn by mechanical power, and shall include motorcycles, snowmobiles, minibikes, go-carts and any other vehicle which is self-propelled.

NOISE SENSITIVE AREA. Includes, but is not limited to, the land on which a school, hospital, nursing home, church, court, public library, or similar institution is located and the are within 250 feet of a school, hospital, nursing home, church, court, public library, or similar institution.

NUISANCE. The making, creating or causing to be made or continued of any boisterous or unreasonably loud noises which causes, constitutes or tends to provoke a disturbance and which is detrimental to the public health, safety, welfare or peace.

PERIOD OF A PERIODIC QUANTITY. The smallest increment of time for which the function repeats itself.

PERIODIC QUANTITY. Oscillating quantity, the values of which recur for equal increments of time.

PERSON. Any individual, firm, association, partnership, joint venture, or corporation.

PUBLIC RIGHT-OF-WAY. Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public that is owned or controlled by a government entity.

PUBLIC SPACE. Any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

RESIDENTIAL AREA. Any real property which contains a structure or building in which 1 or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the city's zoning ordinance.

RESIDENTIAL DISTRICT. An area of single- or multiple-family dwellings, including areas where multiple-unit dwellings, high-rise apartments and high-density residential districts are located. ***RESIDENTIAL DISTRICT*** shall also include, but is not limited to, hospitals, nursing homes, homes for the aged, schools, courts and similar institutional facilities.

SOUND-AMPLIFYING EQUIPMENT. Any machine or device for the amplification of the human voice, music, or any other sound. ***SOUND-AMPLIFYING EQUIPMENT*** shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. ***SOUND-AMPLIFYING EQUIPMENT***, as used in this subchapter, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010)

§ 91.42 GENERAL PROHIBITIONS.

(A) No person shall make, continue, or cause to be made or continued, the following:

(1) Any unreasonably loud or raucous noise;

(2) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City of LaSalle; or

(3) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which the noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

(B) Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

(1) The proximity of the sound to sleeping facilities, whether residential or commercial;

(2) The land use, nature and zoning of the area from which the sound emanates, and the area where it is received or perceived;

(3) The time of day or night the sound occurs;

(4) The duration of the sound; and

(5) Whether the sound is recurrent, intermittent or constant.

(C) The provisions of this subchapter shall be applicable to any property owner and/or tenant, possessing real property and personal property, who allows and/or fails to restrict the prohibited or regulated noises from emitting from his or her property.
(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.43 NOISES PROHIBITED.

The following acts are declared to be *per se* violations of this subchapter. This list does not constitute an exclusive list.

(A) *Unreasonable noises*. The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably permitting

to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of residences or which will not detrimentally affect the operators of other places of business are exempted from this provision.

(B) *Non-emergency signaling devices*. Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than 10 consecutive seconds in any hourly period. The reasonable sounding of such devices by houses or religious worship, seasonal contribution solicitors, or by the city for traffic control purposes are exemption from the operation of this provision.

(C) *Emergency signaling devices*.

(1) The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in division (C)(2) below. Local, state and federal governments are exempt from this prohibition.

(2) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed 5 minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(D) *Radios, televisions, boom boxes, phonographs, stereos, musical instruments and similar devices*. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet and comfort of neighbors and passers-by, or is plainly audible at a distance of 75 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings. This division (D) shall not apply to violations of ILCS Ch. 625, Act 5, § 12-611.

(E) *Loudspeakers, amplifiers, public address systems, and similar devices*. The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound, except as may be permitted by the City Clerk or City Council, between the hours of 10:00 p.m. and 7:00 a.m. of the following day on weekdays, and 10:00 p.m. and 8:00 a.m. on the following days on weekends and holidays (holidays shall consist of Christmas Day, Thanksgiving Day, New Year's Eve, New Year's Day, Memorial Day, and Independence Day) in the following areas:

(1) Within or adjacent to residential or noise-sensitive areas;

(2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous. This shall not apply to any public performance, gathering, or parade or which a permit has been obtained from the local government. (1963 Code, § 6-2-29)

(F) *Yelling, shouting and similar activities*. Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00

a.m. of the following day, or at any time or place so as to unreasonably disturb the quite, comfort, or repose of reasonable persons of ordinary sensitivities.

(G) *Animals and birds*. Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animals shelters, veterinary hospitals, pet shops, or pet kennels (licensed under, and in compliance with, licensing and permitting provisions set forth in this code and which use reasonable measures to minimize such sounds emanating from their property) are exempt from this division (G).

(H) *Loading or unloading merchandise, materials, equipment*. The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence between the hours of 10:00 p.m. and 6:00 a.m. the following day.

(I) *Construction or repair of buildings; excavation of streets and highways*. The construction, demolition, alteration or repair of any buildings or the excavation of streets and highways other than between the hours of 6:00 a.m. and 9:00 p.m., on weekdays and 8:00 a.m. and 6:00 p.m. on weekends. Local, state and federal governments are exempt from this prohibition. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the following shall apply:

(1) The director of property standards may, at his or her discretion, issue written permission, upon application, if he or she determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings between the hours of 6:00 p.m. and 9:00 a.m. of the following day, will not be impaired, and if he or she further determines that loss or inconvenience would not result to a party in interest. The written permission shall grant permission in non-emergency cases for a period of not more than 3 days. The permit may be renewed once for a period of 3 days or less.

(2) The Director of Public Works may, at his or her discretion, issue written permission, upon application, if he or she determines that the public health and safety, as affected by loud and raucous noise caused by construction or excavation of roadways and sidewalks between the hours of 6:00 p.m. and 9:00 a.m. of the following day, will not be impaired, and if he or she further determines that loss or inconvenience would not result to a party in interest. The written permission shall grant permission in nonemergency cases for a period of not more than 3 days. The permit may be renewed once for a period of 3 days or less.

(J) *Noise sensitive areas: schools, courts, churches, hospitals, and similar institutions*. The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area which it is in use, which unreasonably interferes with the workings of the institution or which unreasonably disturbs the persons in these institutions.

(K) *Blowers and similar devices*. In residential or noise-sensitive areas, between the hours of 9:00 p.m. and 6:00 a.m. of the following day, the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noises due to the explosion of operating gases, fuels, or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. This division (K) shall not apply to snow blowers and other snow removal machinery nor to landscaping operations conducted on golf courses.

(L) *Commercial establishments*. Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which part of or under the control of the establishment, between the hours of 10:00 p.m. and 6:00 a.m. of the following day which is plainly audible at a distance of 50 feet from any residential property. (Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.44 MAXIMUM SOUND PRESSURE LEVELS FOR CONTINUOUS SOUNDS.

(A) *Established measurement*. Notwithstanding anything else contained herein, or within any other ordinance of the City of LaSalle, the maximum permissible sound pressure levels not otherwise prohibited by any other ordinance of the City of LaSalle of any continuous source of sound shall be as herein established for the time period and district listed in Table A of this section. This includes, but is not limited to, sound from such activities as production, processing, cleaning, servicing, testing, operating or repairing either vehicles, materials, goods, products or devices. Sound pressure levels in excess of those established for the districts of the city, in times herewith listed, shall constitute *prima facie* evidence that such sound in an unnecessary noise. Sound pressure levels shall be measured at the approximate location of the property line or the boundary of the public way, at a height of at least 4 feet above the immediate surroundings surface, on a sound level meter of standard design and operated on the "A" weighting network.

TABLE A		
	Sound pressure level limit dbA	
District	***Day (7:00 a.m. - 10:00 p.m.)***	***Night (10:00 p.m. - 7:00 a.m.)***
Residential	65	55
Commercial	70	65
Industrial	80	80

(B) *Measurement in more than 1 district*. When a noise source can be identified and its noise measured in more than 1 district, the sound pressure level limits of the most restrictive district shall apply.

(C) Sound emitting from any single unit property shall not be plainly audible at any point beyond the lot line of that property.

(D) Sound emitting from inside any dwelling unit of a multi-unit structure shall not be plainly audible beyond the walls of that dwelling unit.

(E) Sound emitting from elsewhere within, or outdoors upon the property of a multi-unit structure shall not be plainly audible inside any dwelling unit of that structure, nor at any point beyond the lot lines of that property.

(F) Sound emitting from any other location shall not be plainly audible at any point more than 30 feet in any direction from the sound source.

(G) Sound limits in decibels (dbA) during times other than quiet hours.

(1) Sound emitting from any single-unit property shall not exceed 65 dbA at any 1 point beyond the lot line of that property.

(2) Sound emitting from inside any dwelling unit of a multi-unit structure shall not exceed 55 dbA beyond the walls of that dwelling unit.

(3) Sound emitting from elsewhere within or outdoors upon the property of a multi-unit structure shall not exceed 55 dbA inside any dwelling unit of that structure, nor 65 dbA beyond the lot lines of the structure's property.

(4) Sound emitting from any other location shall not exceed 65 dbA at any 1 point more than 30 feet in any direction from the sound source.

(H) For the purpose of this subchapter, the term "residential district" shall consist of the same areas as the areas determined and designated on the City of LaSalle zoning map as R-l and R-2, Single-Family Dwelling District, R-3, Two-Family Dwelling District, and R-4, Multiple-Dwelling District; "commercial district" shall consist of the same area as the areas determined and designated on the City of LaSalle zoning map as (R-l, C-2 and C-3 Commercial) and "industrial district" shall consist of the same areas as the areas determined and designated on the City of LaSalle zoning map as M-l Light Industrial District and M-2 Heavy Industrial District.
(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.45 NOISE AMPLIFIED SOUND.

(A) *Sound limits during quiet hours*. During the quiet hours, no person shall cause or permit the sound of persons talking, yelling, shouting, hooting, whistling or singing or the sound of any television, radio, stereo set, musical instrument, phonograph, amplifier, loudspeaker or other similar device for the production or amplification of sound to exceed the limits defined in this subchapter.

(B) *Sound limits at times other than quiet hours*. No person shall cause or permit sounds of the types defined in division (A) above to exceed the limits defined in § 91.44(G) if such sounds disturbs the comfort or repose of reasonable persons of normal sensibilities within the area of audibility.
(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.46 POWER LANDSCAPE EQUIPMENT.

(A) It is unlawful to operate or use any power landscape equipment in a manner that is plainly audible beyond the boundaries of the premises upon which such equipment is operated or used; provided, however, the use or operation of power lawn equipment shall be lawful:

(1) Between 7:30 a.m. and 8:00 p.m. on Mondays through Fridays, inclusive, and between 9:00 a.m. and 7:00 p.m. on Saturdays, Sundays and nationally recognized holidays;

(2) On golf courses at any time; and

(3) On park district owned or maintained property at any time.

(B) For the purposes of this section, ***POWER LANDSCAPE EQUIPMENT*** means all landscape equipment powered by any source other than manual power that is used for landscaping or lawn maintenance activities including, without limitation, mowers, tractors, trimmers, vacuums, blowers, tillers or hedge clippers.

(C) The provisions of this subchapter shall not apply to the operation or use of power landscape equipment.
(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010) Penalty, see § 91.99

§ 91.47 EXEMPTIONS.

Sounds caused by the following are exempt from the prohibitions set out in § 91.43 and are in addition to the exemptions specifically set forth in any other section of this subchapter:

(A) Repairs of utility structures, which are damaged, in disrepair, or out of service and such condition, pose a clear and immediate danger to life, health, or significant loss of property.

(B) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger.

(C) Repairs or excavations of bridges, streets, or highways by or on behalf of the City of LaSalle, the State of Illinois, or the federal government, between the hours of 10:00 p.m. and 6:00 a.m. of the following day, when public welfare and convenience renders it impractical to perform the work between 6:00 a.m. and 10:00 p.m.

(D) Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school/university grounds, which arc conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school/university athletic and school/university entertainment events.

(E) Other outdoor events. Outdoor gatherings, public dances, shows, parades, festivals, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.

(F) Any event that is sponsored by and directly controlled by the city or its designee.

(G) Outdoor church activities that cannot be heard from a distance of more than 100 feet beyond the church property boundaries between 10:00 p.m. and 6:00 a.m. the following day, except that a church may sound chapel bells periodically so long as each the ringing does not continue for an unreasonable amount of time.

(H) Motor vehicles operating on public rights-of-way; any bell or chime or any device for the production or reproduction of the sound of bells or chimes for any church, clock or school; the loading of any trucks; domestic power equipment and commercial power equipment.
(Ord. 1119, passed 11-17-1986; Am. Ord. 2254, passed 12-13-2010)

INDUSTRIAL HYGIENE

§ 91.60 VENTILATION REQUIRED.

No employer may permit any employee to work in any factory wherein material is used producing lint, dust or other particles which fly in the air unless same are prevented as much as practicable by suction fans, currents of air or other means. No employer may permit any employee to work in any factory or industry where chemical gases or fumes are created, or where air is rendered impure without ventilating same so as to remove impurities as much as practicable.
(1963 Code, § 7-7-2) (Ord. passed 4-21-1914)
Penalty, see § 91.99

§ 91.61 CROWDING OF EMPLOYEES.

No employer may cause any employee to work in any room where so many persons are employed as to use up fresh air within, without providing means whereby sufficient fresh air will be either let in or forced in. No employer may cause any employee to work in any factory at a place so far removed from a window or other light giving aperture and so far from artificial light as to be injurious to eyesight. When sunlight is not adequate for work to be done, the employer shall furnish adequate artificial light. No employer may knowingly permit any person afflicted with tuberculosis or any other infectious or contagious disease to work in the same room with a person not affected with such disease. A written notice signed by the Health Officer or the Assistant Health Officer, certifying that any such person has any such disease shall constitute knowledge of the fact.
(1963 Code, § 7-7-3) (Ord. passed 4-21-1914)
Penalty, see § 91.99

§ 91.62 IMPROVEMENTS MAY BE REQUIRED.

The Health Officer is authorized and empowered to order changes and improvements in the structure, windows, ventilation, equipment, location of machinery, lights and air purifying devices of any factory or working place within the city to meet the requirements of this subchapter, but before the Health Officer shall order any such change or new equipment he or she shall confer with the employer, and if such employer shall voluntarily begin such change or installation of equipment within 10 days thereafter, the Health Officer shall not order same to be done. If however the employer refuses to comply with the request, or fails to begin improvement within 10 days after consenting to do so, the Health Officer shall order same to be done in a written order signed by him or her and left with the employer. The order shall be complied with within 60 days thereafter.
(1963 Code, § 7-7-4) (Ord. passed 4-21-1914)

§ 91.63 VIOLATIONS OF STATE LAW; REPORT.

The Health Officer and his assistant shall report all violations of state law that may come into their attention to proper authorities.
(1963 Code, § 7-7-5) (Ord. passed 4-21-1914)

ADDITIONAL NUISANCES

§ 91.75 KEEPING OF LIVESTOCK.

It is hereby declared a nuisance for any person and/or entity to keep within the city any cattle, cows, horses, sheep, swine, goats, roosters, guinea hens, poultry (with the exception of chicken hens, which will be regulated as provided below herein), ducks, (also except as provided below herein) turkeys, geese or other livestock except as provided as follows.

(A) Within any portion of the City zoned Ag-1 Agricultural.

(B) This subchapter and the interpretation thereof shall not apply to livestock brought into the city temporarily for the purpose of being immediately shipped out of the city.

(C) The keeping of any such animals otherwise prohibited by this subchapter may be permitted by applying for a special permit from the City Council. Such permits may be issued for temporary purposes to permit circus performance, or other public exhibition or entertainment events or such other matters as the City Council shall deem appropriate within the reasonable, rational discretion of the City Council.

(D) This subchapter shall not apply to any of the above species that have been declared to be a nuisance herein, to the extent that the same presently exists in the city for a period of six months from the date of passage of this subchapter.

(E) In reference to chicken hens and female ducks, the same will be allowable and excepted from being declared a nuisance only if in compliance with the following provisions and regulations of this subchapter:

(1) Chicken hens (hereinafter "hens") shall mean the female of the species gallus gallus domesticas. Guinea hens are not chicken hens for purposes of this subchapter and guinea hens are prohibited.

(2) It is again specifically declared that it shall be unlawful and is declared a nuisance to keep roosters and/or drakes (male ducks) within the city limits except in Ag-1 zoning.

(3) The combined number of hens and female ducks allowed shall be no more than ten per premises.

(4) Hens and female ducks shall at all times be confined within an appropriate enclosure which shall be kept and maintained in accordance with provisions of the City of LaSalle Zoning Ordinance in reference to buildings and accessory structures and/or the same shall be otherwise appropriately restrained.

(5) No such enclosure ore restraint shall be located closer than 25 feet to any residential structure on any adjacent premises.

(6) The owner and occupier and each of them of any area where a hen and/or hens and female ducks are kept shall keep and maintain the same in a clean and sanitary condition at all times.

(7) Additionally, the keeping and maintaining of said area in a clean and sanitary condition shall include, but not be limited to, prohibiting the accumulation of any waste material from the keeping of hens and female ducks in such a manner as to create and/or allow either any offensive odor and/or any violation of any other nuisance ordinance of the city.

(8) Any person keeping hens and/or female ducks shall be required to apply for and obtain a permit regarding the keeping of hens from the city, which permit shall be applied for through the Office of the City Clerk and the approval of any such permit shall be authorized by the Building Inspector or such other appropriate agent of the city as the Mayor and/or City Council may from time to time designate. The initial permit must be applied for and obtained within 30 days from the effective date of this subchapter with the annual cost of any such permit to be in the amount of $30 per year, except that in reference to any permit obtained prior to May 1, 2012

shall cover the time frame until May 1, 2013, which would be the commencement of the next fiscal year of the city. Following May 1, 2012, any permit applied for during a year shall be valid only until the commencement of the next fiscal year. There shall be no pro-ration of the permit cost.

(9) Additionally, each owner and occupier of premises seeking and/or obtaining a permit authorizes by the filing of the permit application the Building Inspector and/or other appropriate agent as may be designated on behalf of the city from time to time by the Mayor and the City Council to perform such reasonable inspections as the Building Inspector and/or other appropriate agent of the city deems appropriate in the circumstances in reference to any premises concerning which a permit has been applied for and/or issued at any and all times.

(10) Any permit issued in referenced to any subject premises shall not run with the land; any subsequent owner and/or occupier must apply on their own for any permit.

(11) Additionally, no owner, occupier and/or other person and/or entity shall slaughter any hen or female duck or any other animal within the city limits except within an area zoned Ag-1 and/or in connection with the operation of a lawful business operation on premises appropriately maintained and zoned for such business and/or industrial activity.

(12) Pigeons are not considered poultry for purposes of this subchapter and are thus not covered by this subchapter.
(Ord. 2329, passed 2-6-2012) Penalty, see § 91.99

§ 91.76 POWER OF POLICE CHIEF TO PROHIBIT KEEPING OF ANIMALS.

The Chief of Police of the City of LaSalle shall have the power to issue an order prohibiting the keeping of any other animal, fowl or bird not otherwise defined herein which is deemed within the appropriate reasonable and rational discretion of the Chief of Police to pose a health hazard to the general public.
(Ord. 2329, passed 2-6-2012)

§ 91.77 REMEDIES.

In addition to all other lawful remedies, this subchapter may be enforced by injunctive relief and/or the imposition of fines as provided below herein and/or by any other lawful means.
(Ord. 2329, passed 2-6-2012)

§ 91.98 ENFORCEMENT.

(A) The Chief of Police, or his or her designees, will have primary responsibility for the enforcement of the noise regulations contained in §§ 91.40 through 91.47. Nothing in that subchapter shall prevent the Police Chief, or his or her designees, from obtaining voluntary compliance by way of warning, notice, or education.

(B) If a person's conduct would otherwise violate this chapter and consists of any of the following:

(1) Speech or communication protected by the Constitution of the United States or the State of Illinois;

(2) Of a gathering with others to hear or observe speech or communication protected by the Constitution of the United States or the State of Illinois; or

(3) Of a gathering with others to lawfully picket or otherwise express, in a nonviolent manner, a position on a social, economic, political, or religious question;

then the person must be ordered to, and have the opportunity to move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued.
(Ord. 2254, passed 12-13-2010)

§ 91.99 PENALTY.

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

(B) Whoever violates any provision of §§ 91.01 through 91.06 shall be fined not less than $50 nor more than $500 for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.
(Ord. 1187, passed 9-19-1988)

(C) In addition to the other remedies provided herein, and otherwise by law, any person, firm or corporation violating any provision of §§ 91.20 through 91.26 shall be fined not less than $100 and no more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(D) (1) A violation of the provisions of §§ 91.40 through 91.47 is punishable by a ticket or citation carrying a fine of no less than $60 nor more than $750 dollars. However, this division (D) shall not be construed as requiring the City of LaSalle Police Department to cite a person for violation of §§ 91.40 through 91.47, if in its discretion, the Department determines that it is in the best interest of the community to utilize other lawful means to gain compliance.

(2) A subsequent violation of §§ 91.40 through 91.47 by the same person, which occurred within 30 days of receiving a previous ticket, is punishable by a ticket carrying a fine or no less than $300.

(3) Each occurrence of a violation of §§ 91.40 through 91.47, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

(E) In addition to other remedies allowable by law, any person and/or entity that violates any provision of §§ 91.75 through 91.77 shall be fined not less than $60 nor more than $750 for each violation. Additionally, each violation of §§ 91.75 through 91.77 and any violation which exists on an additional separate day, shall constitute an additional separate violation of §§ 91.75 through 91.77. Additionally, notwithstanding anything else provided herein, it is expressly provided that in the event that any person and/or entity shall plead guilty and/or be convicted of a violation of §§ 91.75 through 91.77 on 3 or more occasions, any permit issued to such person pursuant to §§ 91.75(e) et seq. may be revoked without further notice upon or at any time following the third conviction for a violation of §§ 91.75 through 91.77.
(Ord. 1735, passed 5-29-2001; Am. Ord. 1970, passed 7-5-2006; Am. Ord. 2254, passed 12-13-2010; Am. Ord. 2329, passed 2-6-2012)

CHAPTER 92: FIRE PREVENTION

Section

General Provisions

92.01 Fire limits of the city

Open Burning

92.15 Prohibitions
92.16 Exemptions
92.17 Permits
92.18 Appeal
92.19 Recovery of costs

92.99 Penalty

Cross-reference:

Fire Department, see §§ 33.25 through 33.33
International Fire Code, see § 150.01

GENERAL PROVISIONS

§ 92.01 FIRE LIMITS OF THE CITY.

(A) Follow corporate limits.

(B) The Fire Department shall afford the same fire protection to buildings within the limits hereinafter described as is afforded to similar buildings within the city limits and the Fire Department is hereby authorized and instructed to answer all fire alarms to any fire within the limits as herein extended, the same as though such alarm was made for protection against fire from any locality within the city.
(1963 Code, § 4-2-2) (Ord. 412, passed 12-21-42)

OPEN BURNING

§ 92.15 PROHIBITIONS.

It shall be unlawful to burn any material and/or substance of any kind, including, but not limited to garbage, lawn waste, trees, papers, grass clippings and/or vegetable matter outside of any building at any time (hereinafter referred to from time to time as "open burning") in the city except as expressly allowed hereunder.
(Ord. 2367, passed 8-14-2012) Penalty, see § 92.99

§ 92.16 EXEMPTIONS.

(A) The prohibition and restriction regarding open burning as provided hereunder shall not apply to premises zoned Ag-1 under the City of LaSalle Zoning Ordinance; nor shall the same apply to premises annexed within the last 21 years concerning which the primary use was at the time and continues to be for agricultural purposes as the purposes are defined within the City of LaSalle Zoning Ordinance, and concerning which there was an annexation and/or pre-annexation agreement authorizing continuation of pre-existing uses, unless and until such premises may be otherwise developed residentially and/or commercially; nor shall the same apply to any premises which may be prospectively annexed in furtherance of any annexation and/or pre-annexation agreement concerning which the continuance of any present preexisting use may be authorized by any such specific annexation agreement and/or pre-annexation agreement.

(B) The prohibition and restriction against open burning as provided hereunder shall not apply to the burning of charcoal or gas for food preparation, or to outdoor recreational fires of seasoned wood within a fire pit or fire place, which may also involve branches or twigs not exceeding two inches in diameter.

(C) The prohibition and restriction regarding open burning shall not apply to any training exercise and/or other burning event specifically authorized for training and/or controlled burn purposes by the Fire Chief of the City of LaSalle under the direction of the Fire Chief.
(Ord. 2367, passed 8-14-2012)

§ 92.17 PERMITS.

The prohibition and restriction against open burning as provided hereunder shall not apply in the event of the grant of a permit which may be authorized in the exercise of appropriate discretion of the Fire Chief or such other person as may be appointed by the Fire Chief and/or by the Mayor, with consent of the City Council (hereinafter the "appointed person"),which application for permit in the reasonable exercise of discretion shall be considered in cognizance of the following guidelines:

(A) No such permit should generally be granted in circumstances wherein the city leaf vacuum is able to adequately service the premises;

(B) The issuance of a permit shall be for the purpose of burning landscape waste only, which landscape waste for the purpose of this subchapter is hereby described as follows: dry leaves, the dried trimmings of or fallen pieces of trees or bushes and other dry vegetable matter as is ordinarily produced by any yard, garden or lot;

(C) Permits will only be issued for the periods from April 1 through May 31 and from October 1 through November 30 in each respective year;

(D) Burning of such landscape waste pursuant to permit shall only occur between the hours of 10:00 a.m. and 4:00 p.m. on any given day;

(E) Burning of any landscape waste pursuant to any such permit shall only be permitted when wind air speed is 14 miles per hour or less, which air speed shall be referenced by the reports of the National Weather Service as of the time of the burning;

(F) Any landscape waste to be burned pursuant to permit shall be dry to the touch prior to the starting of the fire intended to burn any such landscape waste;

(G) Any burning of any such landscape waste pursuant to permit must be supervised at all times by a legally competent adult until completely extinguished which legally competent adult shall be the applicant for the permit unless otherwise designated within the application;

(H) During the time of the burning of any landscape waste pursuant to permit, a water hose must be connected at all times to a water source and shall be accessible to the fire supervisor within 15 feet of the fire;

(I) All coals and ashes must be extinguished in connection with any burn authorized by permit before the adult supervising the fire may leave the area;

(J) No burning of landscape waste shall be permitted within 20 feet of any adjoining property owner or renters, motor vehicle or residence;

(K) Any landscape waste to be burned pursuant to permit must be burnt on the premises on which the landscape waste is generated;

(L) No burning of landscape waste pursuant to permit shall be allowed to create a visibility hazard on paved streets or railroad tracks; and

(M) No burning of landscape waste pursuant to permit shall be allowed on paved streets, public alleyways, public easement or drainage ditches.
(Ord. 2367, passed 8-14-2012)

§92.18 APPEAL.

In the event that any permit is refused and/or suspended by the appointed person, then in that event, any party desiring to appeal the same may do so by requesting in writing within five days of the denial, suspension and/or revocation of the permit to the Public Health Committee of the City of LaSalle, which Public Health Committee shall then hold a public hearing concerning any such appeal within 30 days of the request for appeal. Any such denial of appeal by the Public Health Committee may be appealed to the Circuit Court of LaSalle County, Illinois pursuant to the statutes and laws in reference to administrative review.
(Ord. 2367, passed 8-14-2012)

§ 92.19 RECOVERY OF COSTS.

In addition to the fines set forth as penalties in § 92.99, any person violating any provision of §§ 92.15 through 92.18 may be pursued as part of the violation process or otherwise for all costs and expenses related to the city and/or any other lawful public agency responding to any alleged violation of §§ 92.15 through 92.18. Additionally, the city may pursue a lien against any real estate upon which the violation occurs in connection with the recovery of any such costs and/or expense.
(Ord. 2367, passed 8-14-2012)

§ 92.99 PENALTY.

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

(B) (1) The penalty for violating any provision of §§ 92.15 through 92.18 shall include the following: a fine of $50 for the first violation, $100 for the second violation, and $150 for the third and any subsequent violation.

(2) Each violation of any provision of §§ 92.15 through 92.18 shall constitute a separate and distinct offense. Further, each day that any violation is continued shall constitute a separate and distinct offense. That additionally, the city may pursue injunctive relief in reference to enforcement of §§ 92.15 through 92.18 in order to abate any nuisance and/or prevent any nuisance.
(Ord. 2367, passed 8-14-2012)

CHAPTER 93: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 93.001 DEPOSIT OF INJURIOUS MATERIAL UNLAWFUL.

It shall be unlawful for any person to deposit, place, or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property.
(1963 Code, § 6-2-26) Penalty, see § 93.999

§ 93.002 DISCHARGE OF GRASS CLIPPINGS OR OTHER VEGETATION.

(A) No person shall discharge or permit the discharge of grass clippings, or clippings from other vegetation upon any public street, alley, or other city property in the city. Any clippings which may be so discharged shall be immediately removed by the persons causing or permitting such discharge.

(B) Since any clippings left unremoved for more than 1 day, in any city street, alley, or other city property might cause clogging of the city sewer system, such clippings shall be deemed to be abandoned; the city is hereby empowered to pick up such abandoned clippings, and the costs shall be paid by the owner of the property. Such costs shall be based upon a charge of $10 for each 15 minutes of time spent at any location within the city for the pick up of such abandoned clippings.
(Ord. 1469, passed 8-1-1994)

§ 93.003 WATER FLOWING UPON STREETS.

It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.
(1963 Code, § 6-2-50) Penalty, see § 93.999

§ 93.004 WINDOW SILLS TO BE KEPT CLEAR.

It shall be unlawful for any person to place or keep on any window sill, porch, or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens.
(1963 Code, § 6-2-52) Penalty, see § 93.999

§ 93.005 USE OF SKATEBOARDS PROHIBITED.

The use of skateboards on streets, alleys, and sidewalks, in commercially (C-1 through C-4) zoned portions of the city, is hereby prohibited. It shall be unlawful for any person to henceforth ride and/or move in any manner whatsoever on a skateboard within commercially (C-1 through C-4) zoned portions of the city.
(Ord. 1285, passed 4-29-1991) Penalty, see § 93.999

§ 93.006 PLAYING BALL ON STREETS PROHIBITED.

It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the municipality.
(1963 Code, § 6-2-36) Penalty, see § 93.999

§ 93.007 PICKETING.

It shall be unlawful for any person, not an employee, past, present or expectant, of the owner or proprietor of the business attempted to be picketed and who has no personal dispute with the owner or proprietor concerning terms and conditions of employment to stand, sit or walk on any street or sidewalk in the city with the intent and purpose of dissuading or discouraging any person from patronizing the place of business.
(1963 Code, § 6-2-37) Penalty, see § 93.999

§ 93.008 EXPECTORATING ON SIDEWALK UNLAWFUL.

It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies.
(1963 Code, § 6-2-20) Penalty, see § 93.999

§ 93.009 CITY RESPONSIBILITY REGARDING DAMAGE TO MAILBOXES.

In the event of municipal snowplowing and/or other activity by the city or a city representative along the streets of the city which results in direct contact damaging a mailbox, the city declares that it should have very little, if any, liability regarding damage to mailboxes constructed with masonry columns, railroad rails and ties, tractor wheels, plow blades, milk cans and barrels filled with concrete or sand, which types of mailboxes are discouraged, and that in any event, the city's liability and responsibility regarding such mailboxes or damage to any other types of mailbox or supporting structure to a mailbox shall not exceed the sum of $100 per mailbox, per event, causing such damage. The Building Inspector shall be authorized to make inspections of any alleged claim of damage to mailboxes and shall further be authorized to recommend to the Mayor, and the Mayor shall be authorized to act upon the recommendation of the Building Inspector to make reparations regarding damages to any mailbox caused by the city not to exceed $100 per mailbox, per event, causing such damage.
(Ord. 2054, passed 2-26-2007)

ENCROACHMENT ON RIGHT-OF-WAY

§ 93.020 DEFINITIONS.

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

CONSTRUCTION EASEMENT AREA. 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 construction operations.

ENCROACHMENT. 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 the roadway right-of-way where no project right-of-way line has been established.

PERMISSIBLE ENCROACHMENT. Any existing awning, marquee, advertising sign, 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 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.

PROJECT RIGHT-OF-WAY. Those areas within the project right-of-way lines established jointly by the city, state, and the Federal Highway Administration which will be free of encroachments except as hereinafter defined.

ROADWAY RIGHT-OF-WAY. Those areas existing or acquired by dedication or by fee simple for highway purposes; also for the areas acquired by temporary easement during the time the easement is in effect.
(Ord. 889, passed 9- -1976; Ord. 1066, passed 4-23-1984; Ord. 1172, passed 5-31-1988; Ord. 1325, passed 5-11-1992; Ord. 1431, passed 8-16-1993)

§ 93.021 ENCROACHMENT UNLAWFUL.

(A) It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, 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.
(Ord. 889, passed 9- -1976; Ord. 1066, passed 4-23-1984; Ord. 1172, passed 5-31-1988; Ord. 1325, passed 5-11-1992; Ord. 1431, passed 8-16-1993)

(B) Improvement projects are established in the following locations:

(1) FA Route 623 Section (30,31,34) RS from Union Street east of the corporate limits.
(Ord. 889, passed 9 - 1976)

(2) Airport Road/Chartres Street, FAU Route 6104, from LaSalle Road southerly 7,336 feet, and on Eleventh Street from Airport Road/Chartres Street to Bucklin Street.
(Ord. 1066, passed 4-23-1984)

(3) Illinois Route 351/FAU 6108 (Joliet Street) and U.S. Route 6 FAP (5th Street).
(Ord. 1172, passed 5-31-1988)

(4) U.S. Route 6 (FAP 623, FAU 6088, FAU 5605 and FAS 265) beginning at 4th Street, extending southerly and westerly to the Spring Creek Bridge.
(Ord.1325, passed 5-11-1992)

(5) Illinois Route 351, also known as Joliet Street/St. Vincent Avenue, beginning at Sixth Street and extending northerly to Civic Road.
(Ord. 1431, passed 8-16-1993)
Penalty, see § 93.999

CURB CUTS AND DRIVEWAYS

§ 93.035 PERMISSION REQUIRED.

Any person, firm, or corporation desiring to break curb within the corporate limits of the city for the purpose of construction of a driveway or for any other purpose whatever, shall be and are hereby required to obtain advance permission to do so by filing an application for such permission on forms provided by the city with the City Council for consideration at a regular meeting thereof.
(1963 Code, § 8-11-1) (Ord. 802, passed 2-15-1971)
Penalty, see § 93.999

§ 93.036 INFORMATION TO BE PROVIDED.

Each such person requesting such permission to break curb or construct a driveway shall, upon forms provided by the city, provide the city the following information:

The name, address, title, if any, of the person making the request; the name of the firm or corporation represented by the person making the request; if any; the name of the person, firm, or corporation which will perform the work; the site at which the proposed breaking of the curb or driveway construction is to be performed, the width of the proposed break in the curb, and the length and width of the driveway to be constructed if any. Such applicant shall submit with the application engineering drawings prepared by a licensed civil engineer showing in typical cross section the design of the replacement curb, driveway, and sidewalk, if any, proposed to be constructed.
(1963 Code, § 8-11-2) (Ord. 802, passed 2-15-1971)

§ 93.037 AGREEMENT IN WRITING.

An applicant may agree in writing to perform work in accordance with the reasonable written directions of the Superintendent of Public Works of the city, and such agreement shall, when properly executed upon forms supplied by the city, relieve the applicant from the necessity of supplying the engineering drawings required by § 93.036 hereof.
(1963 Code, § 8-11-3) (Ord. 802, passed 2-15-1971)

§ 93.038 CONSTRUCTION REQUIREMENTS.

General requirements for the construction of curbs and driveways within the city:

(A) The applicant shall construct such curbs and driveways so as to meet grades established for the applicant by office of the Superintendent of Public Works of the city.

(B) All curbs and driveways constructed within the city shall be constructed out of concrete, which concrete shall be mixed to a minimum standard, presently known in the trade as a 6 sack mix and which concrete shall yield, after 7 days of curing, a minimum compressive strength of 3500 pounds per square inch.

(C) Openings in curbs, which are proposed to be in excess of 35 feet measured parallel to the center line of the street shall require approval by special resolution of the City Council. No such approval shall be granted unless the applicant shall agree in advance to construct at said location a mountable type curb and present plans for the construction of the same to the office of the Superintendent of Public Works for the Superintendent's prior approval.
(1963 Code, § 8-11-4) (Ord. 802, passed 2-15-1971)

§ 93.039 VIOLATIONS.

(A) The failure to file an application as provided for herein prior to the breaking of the curb shall constitute a violation of this subchapter. Any person, firm, or corporation so violating this subchapter shall, upon conviction thereof, be fined an amount as specified in § 93.999.

(B) The breaking of curb or construction of a driveway without first obtaining the permission of the City Council for the same as herein provided shall constitute a violation of this subchapter. Any person, firm or corporation who so violates this subchapter shall upon conviction be fined an amount as specified in § 93.999.

(C) The failure to follow the reasonable written instructions of the Superintendent of Public Works given in conformity with the provisions of this subchapter after execution of the agreement provided for in § 93.037 hereof shall constitute a violation of this subchapter. Any person so violating this subchapter shall be entitled to written notice specifying the manner in which the instructions have been disregarded and the means to be used to correct the same, signed by the Superintendent of Public Works of the city, and served upon the individual signing the application either by personal delivery of such notice or by delivery through the United States Mail certified, return receipt requested to the location specified in the application executed by such person. Upon receipt of such notice, such person shall thereupon have 14 days within which to correct the matters specified therein. Failure to correct the violations of the instructions specified in such notice shall, upon conviction thereof, subject the person, firm, or corporation notified to a fine as specified in § 93.999. Each day that a violation is permitted to exist after the expiration of the 14-day grace period or any extension thereof, provided for herein shall constitute a separate offense. The Superintendent of Public Works may upon application issue written extensions of the grace period herein provided for.
(1963 Code, § 8-11-5) (Ord. 802, passed 2-15-1971)
Penalty, see § 93.999

SIDEWALK CONSTRUCTION

§ 93.050 COST OF CONSTRUCTION.

All sidewalks constructed within the city along or upon any street or alley, unless otherwise especially ordained, shall be constructed and the cost thereof paid by special taxation of lots or parcels of land in front of and touching upon the line on which the sidewalk shall be constructed, the cost thereof to be paid as hereinafter provided.
(1963 Code, § 8-1-1) (Ord. passed 7-16-1912)

§ 93.051 SPECIAL ORDINANCE REQUIRED.

Before any sidewalk shall be constructed by order of the Council, there shall first be a special ordinance passed by the Council, which shall specify the locality thereof and the width thereof.
(1963 Code, § 8-1-2) (Ord. passed 7-16-1912)

§ 93.052 SIDEWALK SPECIFICATIONS.

All sidewalks which shall hereafter be constructed unless otherwise specially ordained, shall be constructed of concrete of the best material according to the specifications hereinafter provided. The specifications for such sidewalks shall be as follows:

(A) *Subgrade*. The ground shall be excavated or filled to a depth of 12½ inches below the surface of the finished walk and the surface of the subgrade shall be thoroughly and evenly tamped.

(B) *Fill*. Whenever filling is required it will be made of any suitable material excavated from the work or with gravel. All fills shall be made in uniform layers not exceeding 6 inches in depth and each layer shall be thoroughly tamped to insure a solid bed.

(C) *Removal of soft material*. All soft and spongy material that cannot be made solid shall be removed and the places filled with gravel.

(D) *Foundation*. Upon the subgrade as herein described, will be laid a foundation course 7½ inches thick, after tamping, of good clean cinders or gravel which shall be flooded and thoroughly tamped so as to procure a compact solid foundation.

(E) *Concrete*. Upon this bed or foundation of cinders or gravel thus formed, shall be placed a course of concrete 4 inches in thickness when tamped, which concrete shall be composed of 1 part by bulk of best Portland cement, 2 parts by bulk of clean sharp sand and 4 parts by bulk of crushed stone or good clean gravel crushed to such size that the fragments thereof shall pass through a 2-inch ring.

(F) *Wearing surface*. Upon the concrete base there shall be spread a finish coat or wearing surface 1 inch in thickness composed of 1 part by bulk of best Portland cement, and 1½ parts by bulk of clean, sharp sand, finished to a smooth surface. This finish coat shall be spread on the concrete as soon as the same is tamped and before it has begun to set and in such manner as shall bind firmly to the concrete base. It must be quickly and evenly spread and shall then be floated and troweled to a smooth surface conforming to the grade line.

(G) *Mixing*. The concrete shall be mixed by machinery or by hand. If mixed by machinery the mixing shall be done in a batch mixer subject to the approval of the Board of Local Improvements. If by hand, the sand and cement shall be first mixed dry in proper proportions until the mixing shows a uniform color, and to the mixture thus prepared shall be added the proper proportion of broken stone or gravel which has been previously drenched with water and the whole shall be mixed until every piece of the rock or gravel is coated with mortar. Sufficient water shall be used in mixing the concrete so that the water will readily flush to the surface with very light tamping.

(H) *Consistency of concrete*. The concrete thus mixed shall have a consistency that when rammed the mass shall not shake like jelly, but will when struck remain compact and firm under the area of the tamper without being displaced laterally.

(I) *Mixing and laying*. The whole operation of mixing and laying each batch of concrete shall be done in an expeditious and workmanlike manner, and the concrete shall be thoroughly tamped immediately after it is placed in the form.

(J) *Retempering*. No retempering of concrete will be permitted and concrete in which the mortar has begun to set will be rejected.

(K) *Joints*. The walk shall be laid off in blocks of the same length as the width of the walks so as to make blocks practically square. The joints shall be cut clear through the concrete and shall be 1/4 inch in width. Into each joint in the concrete shall be poured clean dry sand, its entire length. The joints in the finish coat shall be 1/8 inch in width and shall coincide with those of the concrete.

(L) *Surface*. The finished surface of the walk shall have a general inclination toward the gutter of 1 inch to every 4 feet, and the surface of the walk when completed shall conform to the established grade, and the side lines of the walk shall conform to the established sidewalk lines of the street upon or along which the walk is being constructed.

(M) *Requirements of materials; cement*. Some standard brand of Portland cement shall be used which has been in practical use on public works for not less than 5 years and shall have been proved satisfactory therein. No brand of cement shall be used which the Board of Local Improvements shall deem unfit for the work, nor shall any cement be used which does not give satisfactory results according to the standard methods of testing as provided by the American Society for Testing Materials. The contractor shall provide sufficient means to protect the cement against dampness, and no cement shall be used which has become caked from exposure to dampness.

(N) *Sand for concrete and finish*. The sand for concrete shall be clean, sharp sand and free from clay or other mineral or organic matter and thoroughly screened. The sand for cement test and for finish coat of the walk shall be clean, sharp sand of such fineness as will pass a sieve of 10 meshes per lineal inch, and none of it sieve at 50 meshes per lineal inch.

(O) *Stone and gravel*. The stone and gravel shall range in size from 1/4 inch to 1-7/8 inches in the greatest dimensions, and shall be thoroughly drenched with water immediately before being used in the concrete. The gravel shall be free from loam, vegetable matter or other foreign substance.

(P) *General stipulations*. The contractor will be held responsible for any damage done to water, gas, sewer, or drain pipes and appurtenances.

(Q) *Stakes to be preserved*. The contractor is required to preserve all stakes set for lines, levels or measurements of the work in their proper places until authorized to remove them by the Board of Local Improvements. All expense in replacing any stakes that the contractor or his or her subordinates may have failed to preserve will be charged to the contractor.

(R) *Approval of materials*. All materials used in any part of the sidewalk and all work shall be subject to the approval of the Board of Local Improvements. Any material that may be considered defective shall be removed immediately from the vicinity of the work and any work considered defective shall be at once rebuilt. In case the contractor shall refuse to remove any condemned work within 24 hours after notice, then the city may cause all such condemned material to be removed or condemned work to be replaced at the expense of the contractor.

(S) *Skilled workers*. Properly skilled workers only shall be employed on the work and the contractor shall discharge any employees who may, in the opinion of the Board of Local Improvements, be considered guilty of misconduct or neglect in his or her duties, or may perform the work in an improper manner.

(T) *Protecting work*. All work while in progress must be protected against injury from sun, rain, or other causes and the finished walk shall not be used until it has set sufficiently to receive travel.

(U) *Obstructing gutters*. The contractor shall not obstruct the gutter of any street contiguous to the work nor prevent in any manner the flow of the water in the same.

(V) *Removal of surplus material*. When the work is completed, the contractor shall immediately remove all debris and surplus material and shall leave the sidewalk, gutter and roadway free and unobstructed.

(W) *Instruction to foremen*. Whenever the contractor is not present on the work, directions or orders given by the Board of Local Improvements to any superintendent or overseer who may have charge of any particular work shall be received and obeyed the same as if given to the contractor.

(X) *Contractor defined*. Whenever the word ***CONTRACTOR*** is used, it is held to mean either any contractor or firm of contractors or any member of a firm contracting for work, or any corporation undertaking a contract.

(Y) *Decisions of Board of Local Improvements final*. In the interpretation of the decision of the Board of Local Improvements concerning the execution of the work, the decision of the Board shall be final and conclusive.
(1963 Code, § 8-1-3) (Ord. passed 7-16-1912)

§ 93.053 MATERIAL; APPROVAL REQUIRED.

The material to be used in the construction of the walk and the laying down and the construction thereof, shall be to the approval and under the supervision of the Board of Local Improvements.
(1963 Code, § 8-1-4) (Ord. passed 7-16-1912)

§ 93.054 SUBGRADE; PAYMENT BY CITY.

The excavating and filling for all sidewalks and preparing the subgrade therefor and the furnishing and placing of the cinders immediately thereon shall be done, furnished and paid for by the city.
(1963 Code, § 8-1-5) (Ord. passed 7-16-1912)

§ 93.055 NOTICE TO PROPERTY OWNERS.

It shall be the duty of the Clerk to mail notice of the passage of a special ordinance, mentioned in § 93.051, within 10 days after the passage of such special ordinance addressed to the person who paid the last general taxes on the lots or parcels of land touching upon the line of the sidewalk ordered constructed by the special ordinance. The Clerk shall also notify the Board of Local Improvements immediately after the mailing of the notices giving the date of mailing, the names of the persons to whom notices were mailed with a description of the lots or parcels of land in front of which the sidewalk is proposed to be constructed.
(1963 Code, § 8-1-6) (Ord. passed 7-16-1912)

§ 93.056 SURVEY REQUIRED.

The Board of Local Improvements shall, within 10 days after the mailing of the notices of the passage of the special ordinance, as herein provided, cause to be surveyed the line of the sidewalk constructed by such special ordinance, and to have the grade thereof truly and accurately ascertained and staked out.
(1963 Code, § 8-1-7) (Ord. passed 7-16-1912)

§ 93.057 LOCAL IMPROVEMENT DECLARED.

The construction of the sidewalk is hereby declared to be a local improvement, and the cost thereof, excepting that part of the cost of the sidewalks to be paid by the city, as specified in § 93.054, to be levied and paid for by special taxation of the lots or parcels of land touching upon the line of the sidewalk and abutting thereon in proportion to their frontage upon the line of the sidewalk.
(1963 Code, § 8-1-8) (Ord. passed 7-16-1912)

§ 93.058 PROPERTY OWNERS TO CONSTRUCT SIDEWALKS.

All owners of lots and parcels of land touching upon the line of the proposed sidewalk as provided for by the special ordinance mentioned in § 93.051 shall construct and lay down or cause to be constructed and laid down in front of their respective lots or parcels of land, the sidewalk specified in the special ordinance according to the specification herein contained, within 30 days after the mailing of the notices of the passage of the special ordinance by the Clerk as provided by § 93.055.
(1963 Code, § 8-1-9) (Ord. passed 7-16-1912)

§ 93.059 NOTICE OF CONSTRUCTION TO CITY.

Any owner of a lot or parcel of land touching upon the line of the proposed sidewalk, who shall construct and lay down the sidewalk as provided for in § 93.058 shall give 5-days' written notice to the Board of Local Improvements of their intention to construct and lay down the walk and requesting the Board to cause the work to be done and the material to be furnished which shall be paid for by the city, as provided for in § 93.055.
(1963 Code, § 8-1-10) (Ord. passed 7-16-1912)

§ 93.060 REFUSAL OF OWNER TO CONSTRUCT.

In case the sidewalk is not laid down and constructed by the owner of the lot or parcel of land touching the line of the proposed sidewalk as provided for by §§ 93.058 and 93.059, then the city shall enter into a contract for the furnishing of the materials and the construction of the sidewalk that is not laid down by the owner as provided by law, and the cost thereof shall be levied and collected as provided by law and the city shall issue noninterest bearing vouchers in payment for the sidewalk constructed under contract as provided in this section, payable solely out of the special tax levied to pay for the sidewalks when the same is collected.
(1963 Code, § 8-1-11) (Ord. passed 7-16-1912)

§ 93.061 ASSESSMENT OF COST AGAINST PROPERTY.

(A) In case of the default of any owner of any lot or parcel of land touching upon the line of the proposed sidewalk to lay down and construct the sidewalk ordered constructed and laid down by special ordinance, and the same shall be laid down and constructed by the city, the total cost thereof, except that part to be paid for by the city as provided for by § 93.054, including the cost of the material and the cost of laying down and constructing the sidewalk, shall be taxed and charged against the lot or parcel of land in front of which the walk is laid down and constructed in the manner specified by this subchapter and as provided by law.

(B) In case of the default of any owner of any lots or parcels of land touching upon the line of the proposed sidewalk ordered constructed and laid down by the special ordinance, to construct and lay down the sidewalk in accordance with the provisions of the special ordinance, and also of this subchapter, and the same shall be constructed and laid by the city as provided for in § 93.060, and a bill of costs of such sidewalk showing the cost of the construction and supervision thereof shall be made by the Board of Local Improvements, together with a list of the lots or parcels of land touching upon the lines of the proposed sidewalk with the name of the parties who paid the last general taxes on the respective lots or parcels of land and the frontage of the lots or parcels of land on the sidewalk.
(1963 Code, § 8-1-12) (Ord. passed 7-16-1912)

§ 93.062 SPECIAL TAX LIST; COLLECTION.

When the owner of any lot or parcel of land touching upon the line of any sidewalk ordered constructed and laid down by the special ordinance has failed, neglected, or refused to construct same in accordance with the provisions of the special ordinance and the sidewalk has been constructed and laid down by the city, the Board of Local Improvements shall proceed to prepare a special tax list against the lots or parcels of land in front or touching upon which the sidewalk has not been constructed and laid by the owners thereof, ascertaining by computation the amount of special taxes to charge against each of the lots or parcels of land on account of the construction to frontage which the special tax shall be filed in the office of the Board of Local Improvements, which Board has its office in the rooms occupied by the Engineer, and the Board shall thereupon issue warrants directed to the Treasurer who is hereby made a special collector to collect such special taxes, for the collection of the amount of special taxes so ascertained and appearing from the special tax list to be due from respective lots or parcels of land touching upon the line of the sidewalk or ordered constructed and laid down by special ordinance, and the Treasurer shall proceed to collect the warrants by giving notice in writing and by mailing same to the address of the party who paid the last general taxes on the respective lots or parcels of land shown in the list, and that the tax list is in the hand of the Treasurer for collection.
(1963 Code, § 8-1-13) (Ord. passed 7-16-1912)

§ 93.063 DELINQUENT TAX PAYMENTS.

Upon failure to collect the special tax as hereinbefore provided, it shall be the duty of the Treasurer on or before the first day of April in each year to make a report of all such special taxes in writing to the County Treasurer, of all the lots or parcels of land upon which the special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to the Treasurer, the amount due and unpaid upon each lot or parcel of land, together with a copy of this chapter, and also such special ordinance ordering the construction and laying down of the sidewalk, which report shall be accompanied by the oath of the Treasurer that the list is a correct return of the lots or parcels of land on which the special ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected nor any part thereof. The reports when made shall be prima facie evidence that all forms and

requirements of the law in relation to making such return have been complied with and that the special tax as mentioned in the report is due and unpaid.
(1963 Code, § 8-1-14) (Ord. passed 7-16-1912)

§ 93.064 PROCEDURE; AUTHORITY.

All proceedings for the building, laying down and construction of the sidewalks ordered constructed and laid down by special ordinance, and all proceedings for the assessing, levying, and collecting of the special tax herein provided for, and all proceedings or things connected with the sidewalk shall be governed by ILCS Ch. 65, Act 5, Art. 9.
(1963 Code, § 8-1-15) (Ord. passed 7-16-1912)

STREET GRADES

§ 93.075 SIDEWALKS TO CONFORM.

No person shall construct any sidewalk where no grade has been established by the Council, without having first obtained a grade therefor from the Engineer, or contrary to any grade given by the Engineer; nor shall he or she construct any sidewalk contrary to any grade which may have been or may hereafter be established.
(1963 Code, § 8-2-1)

§ 93.076 RAILROAD TRACKS TO CONFORM.

It shall be the duty of all railroad companies whose tracks now or may hereafter enter or pass through the city, or whose tracks are located upon any street, to raise or lower their respective tracks to conform to any grade which is or may be established by the Council, upon or through which the track may run, and where tracks run lengthwise of any street, to keep the same not to exceed 1 inch above the surface of the street, and so that the tracks may be conveniently crossed at any place on the street.
(1963 Code, § 8-2-2)

§ 93.077 BRIDGES AND CULVERTS TO CONFORM.

All bridges, culverts, and street crossings shall be constructed so as to conform as nearly as possible to the established grade of the street upon which the bridges, culverts, or crossings shall be located.
(1963 Code, § 8-2-3)

§ 93.078 DATUM PLANE ESTABLISHED.

The datum plane of all grade elevations in the city is hereby declared to be on the same level as the top of a certain anchor iron now imbedded in the coping stone on the north side of the lower lock of the Illinois and Michigan Canal, known as lock number 15, said anchor iron being the north 1 of 2 anchor irons imbedded in the coping immediately east of the west gate of the lock; and the datum plane shall be known as 0 for all elevations.
(1963 Code, § 8-2-4)

§ 93.079 GRADES ESTABLISHED.

The grade elevations shall be fixed with reference to the datum plane hereinbefore established, and are hereby adopted by reference and made a part of this chapter as if set out at length herein, copies thereof to be kept on file in the office of the Engineer.
(1963 Code, § 8-2-5)

HOUSE NUMBERING

§ 93.090 NUMBERING REQUIRED.

All lots and parts of lots lying within the corporate limits of the city are hereby ordered numbered by the owners or occupants thereof, in the manner hereinafter set forth.
(1963 Code, § 8-3-1)

§ 93.091 DESIGNATION OF NUMBERS.

(A) On all streets north of Canal Street, including said street, and south of Eleventh Street, including said street, which run east and west, from the western limits of the city to and including the western side of Union Street, the numbering of the lots and parts of lots abutting on said streets shall commence with the lowest whole number from the western limits of the city, and run easterly, giving a number to each 10 feet to the end of each block; and each block thereafter shall be numbered consecutively, and shall commence with the next 100 number.

(B) On all streets north of Canal Street and south of Eleventh Street, which lie between the western limits of the city and Union Street, and which run north and south within the limits, the numbering of the lots and parts of lots abutting thereon shall commence at Canal Street, with the lowest whole number, and run north, and each 10 feet thereafter shall receive a number, except as herein otherwise specified; and each consecutive block thereafter shall commence with the next 100 number.

(C) On all streets which lie within the western limits of the city on the west, and Union Street on the east, Canal Street on the south, and Eleventh Street on the north, which run east and west, and which do not commence with, or terminate at Chartres Street, the numbering of all lots and parts of lots abutting thereon shall be the same as the numbering of the lots and parts of lots on the street next south thereof, which extend from the western limits of the city to Union Street. On all streets north of Ninth Street and south of Eleventh Street, within the limits designated in division (B) of this section, which run north and south, the numbering of the lots abutting thereon shall commence with number 900 on the east side, and number 901 on the west side, and each consecutive 10 feet northward shall be given number, up to the northern side of Tenth Street, or where the northern side of Tenth Street would be if the street were fully laid out. From the northern side of Tenth Street the numbers shall commence to run with 1000 on the east side and 1001 on the west side, allowing 10 feet for each number to Eleventh Street.

(D) On all streets south of Canal Street, which run north and south, the numbering of the lots and parts of lots abutting thereon shall commence with the lowest whole number from Canal Street and run south giving a number to each 10 feet as aforesaid; and the numbers so south of Canal Street as aforesaid, shall be designated and known as number (whatever it may be) south, to distinguish the number or numbers from the corresponding numbers on streets north of Canal Street.

(E) On all streets south of Canal Street, which run east and west, the numbering of the lots and parts of lots and blocks abutting thereon shall be the same as the lots and parts of lots and blocks which lie immediately north thereof.

(F) On all streets east of the section line between sections 14 and 15 in the city on the west, and the little Vermillion River on the east, and south of the section line between sections 11 and 14, which run east and west, the numbering of the lots and parts of lots and blocks abutting thereon shall commence from the eastern side of Union Street with number 1400 on the south side of each of the said streets, and number 1401 on the north side of each of the said streets, and run eastward, allowing 10 feet for each number to the end of the block, and each successive block east shall commence with the next 100 number, and so on to the end of the street.

(G) On all streets within the limits designated in division (F) of this section, which run north and south, the numbering of the lots and parts of lots and blocks abutting thereon shall be the same as the numbering of the lots and parts of lots and blocks abutting upon Union Street.

(H) On all streets north of Eleventh Street and south of O'Connor Avenue which run north and south, the numbering of the lots and parts of lots abutting thereon shall be as follows: 10 feet shall be allowed for each number, commencing with 1100 on the east, and 1101 on the west side of said streets; and such numbering shall continue northwards a distance of 400 feet, at which point the numbering shall commence with the next 100 number, and so on northward to O'Connor Avenue.

(I) On all streets north of O'Connor Avenue which run north and south the numbering of the lots and parts of lots abutting thereon shall be as follows: 10 feet shall be allowed for each number commencing with 1800 on the east and 1801 on the west side of said streets; and such numbering shall continue northwards a distance of 400 feet, at which point the numbering shall commence with the next 100 Number, and so on to the northern limits of the city.

(J) On all streets north of Eleventh Street, which run east and west within the city, the numbering of the lots and parts of lots and blocks abutting thereon shall be the same as the numbering of the lots and blocks on Eleventh Street directly south.
(Ord. 209-1/2, passed 6-13-1927)

(K) All lots and parts of lots or buildings thereon, that lie or abut upon the south side or east side of any or all of the streets aforesaid shall be numbered with even numbers, and those that lie or abut upon the north side or west side of said streets shall be numbered with odd numbers.
(1963 Code, § 8-3-2)

§ 93.092 NUMBERS TO BE LEGIBLE.

The owner or occupant of any lot, or parts of lots or buildings within the corporate limits, as aforesaid, are, hereby directed and required to without delay number all houses on such lots in accordance with the provisions of this chapter in a plain and substantial manner.
(1963 Code, § 8-3-3)

EXCAVATIONS

§ 93.105 COMPLIANCE WITH REGULATIONS, PERMISSION REQUIRED.

(A) It shall be unlawful for any person to dig or construct any drains, connections for private sewers or other ditches or trenches of like nature, on any of the streets or alleys within the city without first having complied with the terms of this chapter.
(1963 Code, § 8-4-1)

(B) Any person who shall make any excavation in the streets or other public grounds without the express permission of the Council or Department of Public Works shall be deemed guilty of a misdemeanor. Any officer of the city who shall use, sell or dispose of any earth, gravel or sod from the excavation of any street or other public grounds for the officer's own private benefit shall also be deemed guilty of a misdemeanor.
(1963 Code, § 8-4-4) Penalty, see § 93.999

§ 93.106 BOND REQUIRED.

Before commencing work upon any private drains, sewers, trenches, or ditches in the streets or alleys of the city, the person desiring to make the excavation shall first file with the Clerk a bond theretofore approved by the Mayor, in the penal sum not less than $1000, which bond, among other things, shall be conditioned for the prompt filling up and restoration of any break or opening made in any part of the streets or alleys, in as good condition as before; and for the repair of the same from time to time, until the surface thereof shall conform to the proper grade of streets and alleys. It shall be further conditioned to save and keep the city harmless for all loss, damage or injury to persons or property which may occur by reason of the digging, construction or maintenance of

drains, sewers, trenches, or ditches, which bond shall be given whether the drains, sewers, trenches or ditches may be constructed by a licensed sewer builder or otherwise.
(1963 Code, § 8-4-2)

§ 93.107 EXCAVATION MUST BE PROTECTED.

Any contractor for any public work, or any officer or other person, making any excavation in any street or alley, who shall leave the same open and unprotected by lights or otherwise in the nighttime, so as to endanger the safety of persons or animals passing thereby from falling therein, shall be deemed guilty of a misdemeanor.
(1963 Code, § 8-4-3) Penalty, see § 93.999

SIDEWALK OBSTRUCTIONS

§ 93.120 CORNER LOTS; OBSTRUCTION TO VIEW.

It shall be unlawful to construct or maintain or permit to remain any fence or other structure, or any bushes or other plants on a corner lot within the distance of 25 feet from the curb in each direction, which obstructs the view, at a height of more than 2 feet 6 inches above the level of the adjacent street pavement.
(1963 Code, § 8-5-1) Penalty, see § 93.999

§ 93.121 OBSTRUCTIONS ALONG SIDEWALK LINE.

(A) It shall be unlawful for any person to construct any fence or other structure, or any bushes, shrubs or other plants closer than 2 feet to the existing sidewalk line.

(B) Existing bushes, shrubs, or other plants shall be trimmed to 30 inches on the sidewalk line, so that pedestrians will be able to travel freely, without injury to their clothes or their person.
(1963 Code, § 8-5-2) Penalty, see § 93.999

§ 93.122 OBSTRUCTIONS ALONG ALLEYS.

In all alleys, bushes, shrubs, plants, or hedges shall be kept trimmed so as not to interfere with traffic, or strike or scratch any vehicle using the alley.
(1963 Code, § 8-5-3) Penalty, see § 93.999

§ 93.123 OBSTRUCTIONS AT INTERSECTIONS.

(A) It shall be unlawful to construct or maintain any fence or other structure or any bushes at alley and street intersections within the city which obstruct the view at a height of more than 2 feet 6 inches.

(B) Notice of any violation of this section shall be given by the Police Department, or any officials of the city before bringing suit.
(1963 Code, § 8-5-4) (Ord. 627, passed 11-8-1961) Penalty, see § 93.999

§ 93.124 MERCHANDISE ON SIDEWALKS PROHIBITED.

It shall be unlawful for any person to place, set or display over or upon any sidewalk in the city, any goods, wares, or merchandise for the purposes of advertising, sale or other purpose whatsoever, except during the moving or removal of such goods, wares or merchandise in or out of buildings or other premises in the ordinary process of shipment or delivery thereof.
(1963 Code, § 8-5-5) (Ord. 336, passed 11-19-1934) Penalty, see § 93.999

§ 93.125 BUILDING MATERIAL ON SIDEWALKS OR STREETS.

No contractor, builder, or other person shall encumber any street or sidewalk in the city with building or other like materials without a written permit from the Mayor therefor; nor shall that person, in any case, encumber or obstruct more than 1/3 of any street or alley or ½ of any sidewalk; nor shall such obstruction continue longer than may be necessary in the diligent erection of a building or the prompt execution of the work.
(1963 Code, § 8-5-6) Penalty, see § 93.999

§ 93.126 LITTER PROHIBITED.

It shall be unlawful for any person to throw or leave any obstruction or encumbrance upon any street or alley, except as authorized by law. It shall be unlawful for any person to throw, place, or leave any ashes, dirt, filth or rubbish in or upon any street, alley, or sidewalk in front of or adjoining any building or premises owned or occupied by that person.
(1963 Code, § 8-5-7) Penalty, see § 93.999

§ 93.127 ENCROACHMENTS; SIDEWALK VAULTS.

No steps, platform, or other fixture shall extend into or upon any sidewalk or alley in the city more than 3 feet; and all stairs or steps encroaching upon any sidewalk or alley and leading to the upper story of any building shall be securely fastened to the wall of the building and supported without posts or pillars. No open cellar or basement way shall be permitted to extend into any sidewalk more than 3 feet, and in all cases shall be well protected with a substantial iron railing around the same, with a gate at the entrance; nor shall any closed cellar or basement way extend into or upon any sidewalk more than 5 feet, nor into any alley more than 4 feet; nor shall the hinges, lock or other fastenings thereof be placed on the upper side of the same so as to project above the door, unless within 2½ feet of the building. All cellar windows or coal holes in any sidewalk or alley shall be set or and be well secured with iron or other suitable gratings. No person shall leave open any cellar door or grating of any vault in any sidewalk in front of the premises occupied by that person.
(1963 Code, § 8-5-8) Penalty, see § 93.999

§ 93.128 OBSTRUCTIONS RELATED TO DEPOSIT OF SNOW AND ICE.

(A) It shall be unlawful for any person and/or entity to deposit snow from a private driveway, street, sidewalk or parking lot in a manner causing or creating obstruction of any other private facilities or any public street, driveway, curb, gutter, alley, parkway, sidewalk, right-of-way, commons, ways to burying places or other public way or public property.

(B) For purposes of this section, the term ***OBSTRUCTION*** shall include, without limitation, anything that renders the property impassable, that hinders, impedes, frustrates, prevents, blocks, interposes an obstacle, or creates a barrier or impediment, in or to the use of any other property, improvements or facilities and/or contributes to such an effect or result.

(C) In addition to all other remedies related to the violation of this section, the city reserves the right to abate any nuisance that exists in violation of this section and in connection with any such abatement, to assess the cost of the abatement against any person and/or entity violating this section.

(D) The remedies set forth herein as being available to the city in reference to addressing violations of this section and nuisances in connection therewith are in addition to any other lawful remedies.
(Ord. 2325, passed 1-9-2012) Penalty, see § 93.999

§ 93.999 PENALTY.

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

(B) Any person, firm or corporation, violating any provisions of § 93.002 shall be fined not less than $50, nor more than $200, for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 1469, passed 8-1-1994)

(C) Any person found guilty and/or pleading guilty to any violation of § 93.005 shall be fined in a sum of not less than $25 and in a fine not exceeding $500 for each violation of § 93.005.
(Ord. 1285, passed 4-29-1991)

(D) (1) Any person, firm or corporation who violates § 93.035 shall upon conviction be fined not less than $10 nor more than $100 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(2) Failure to correct the violations of the instructions specified in the notice specified in § 93.039(C) shall, upon conviction thereof, subject the person, firm or corporation notified to a fine of not less than $5 nor more than $50 for each offense. Each day that a violation is permitted to exist after the expiration of the 14-day grace period or any extension thereof, provided for herein shall constitute a separate offense.
(Ord. 802, passed 2-15-1971)

(E) Any person or entity that violates § 93.128 may be fined not less than $60 nor more than $750 for each violation of § 93.128, and each day that a violation of § 93.128 occurs and/or is allowed to exist shall constitute a separate and additional offense.
(Ord. 2325, passed 1-9-2012)

CHAPTER 94: HAZARDOUS MATERIALS

Section

94.01 Findings
94.02 Definitions
94.03 Control of hazardous substances or hazardous materials
94.04 Hazardous materials or hazardous substance incident expense recovery

§ 94.01 FINDINGS.

The City Council finds that:

(A) Supplies and equipment used during hazardous material responses are a continuously increasing expense for the city;

(B) Supplies needed for hazardous material responses are often specifically fabricated materials that absorb spilled products without deterioration and are, therefore, very costly;

(C) Much of the equipment used at such responses must be replaced after only a few episodes, depending upon the amount of exposure and the material encountered;

(D) Overtime personnel are often called back to assist in neutralizing the situation or are deployed on reserve apparatus during such responses;

(E) Recipients of aid or emergency relief and services should be assessed for those extraordinary costs incurred and payable to third parties for services rendered by such third parties and/or for replenishing supplies and equipment in the performance of the aid or emergency services expended;

(F) Subject to the provisions herein contained, the reimbursement for such expenses by the direct recipients of the benefit is appropriate given the disproportionate relationship in the amount of such costs and the general benefit to the city and providing for the reimbursement of such extraordinary expenses is in the best interest of the general welfare, health and safety of the residents and of the city.
(Ord. 1515, passed 3-27-1995)

§ 94.02 DEFINITIONS.

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

COMBUSTIBLE. Any substance with a flash point greater than 100°F.

CORROSIVE. Any substance which, in contact with living tissue, causes destruction of tissue by chemical action, but does not refer to action on inanimate surfaces.

FLAMMABLE. Any substance which has a flash point of less than 100°F.

HAZARDOUS MATERIAL INCIDENT. An incident which threatens public health or safety involving the actual or potential release of a hazardous substance or hazardous material.

HAZARDOUS SUBSTANCE or ***HAZARDOUS MATERIAL.*** Any substance or material or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, radioactive, flammable,

combustible, or which generates pressure through decomposition, heat or other means and which may cause injury, or illness to humans, domestic livestock, or wildlife as defined by the Illinois Environmental Protection Act or any federal law.

IRRITANT. Any substance, not corrosive, which, on immediate, prolonged or repeated contact with normal living tissue, will induce local inflammatory reaction.

PERSON. Any individual, partnership, corporation, trust, firm, company, legal entity.

RADIOACTIVE. Any substance which emits ionizing radiation.

STRONG SENSITIZER. Any substance which will cause, on normal living tissue through an allergic or photodynamic process, a hypersensitivity which becomes evident on re-application of the same substance.

TOXIC. Any substance (other than a radioactive substance) which has the capacity to produce bodily injury or illness to humans through ingestion, inhalation, or absorption through any body surface.
(Ord. 1515, passed 3-27-1995)

§ 94.03 CONTROL OF HAZARDOUS SUBSTANCES OR HAZARDOUS MATERIALS.

(A) It shall be unlawful for any person to use, store, deliver or transport hazardous substances or hazardous materials, or cause the use, storage, delivery or transporting of hazardous substances or hazardous materials, in any manner inconsistent with the requirements of the fire prevention ordinances of the city or any other applicable ordinance, state law, or federal law.

(B) It shall be unlawful for any motor vehicle carrying, transporting, or containing a hazardous substance or hazardous material to park or stand, other than temporarily for the purpose of, and while actually engaging in, loading, or unloading, on private property, without the knowledge and express consent of the person who is in charge of the property and who is aware of the nature of the hazardous substance or hazardous material the motor vehicle contains.

(C) It shall be unlawful for any motor vehicle carrying, transporting or containing a hazardous substance or hazardous material to fail to comply with all applicable provisions of this section.

(D) It shall be unlawful for any person using, storing, manufacturing, producing, disposing, treating, transporting or causing the use, storage, manufacture, production, disposal, treatment or transportation of any hazardous substance or hazardous material in any manner which results in a hazardous materials incident.
(Ord. 1515, passed 3-27-1995)

§ 94.04 HAZARDOUS MATERIALS OR HAZARDOUS SUBSTANCE INCIDENT EXPENSE RECOVERY.

(A) Any person causing or permitting a hazardous material incident shall be responsible for all of the following:

(1) Reimbursement in full, of any and all costs incurred by the city in connection with the operation, maintenance and staffing required to respond to such hazardous materials incident at the rate of $100 per hour per vehicle (or any fraction of an hour) and the hourly rate of pay, including administrative costs, for each employee who participates in such response to a hazardous materials incident.

(2) Reimbursement in full for any and all costs incurred by the city for equipment and materials used, damaged, lost, spent, destroyed or rendered irreparable in connection with a hazardous materials incident.

(3) Assumption of, and all liability and costs for, any cleanup or removal resulting from a hazardous material incident, including but not limited to any independent cleanup contractor necessitated by such hazardous material incident.

(B) The city shall prepare and forward to the

person or persons causing or permitting a hazardous material incident a bill for the total costs and expenses incurred for which such person or persons are responsible pursuant to this section; provided, however, any cost in connection with any independent cleanup contractor shall be billed directly by such contractor. Payment of the total bill shall be made within 30 days of receipt. Any bill or portion of a bill remaining unpaid after 30 days of receipt shall accrue interest on the unpaid balance at the rate of 1.5% per month, or fraction of month.
(Ord. 1515, passed 3-27-1995)

CHAPTER 95: FAIR HOUSING

Section

95.01 Declaration of policy
95.02 Definitions
95.03 Prohibited acts

95.99 Penalty

§ 95.01 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the city may be ensured, it is hereby declared the policy of the City of LaSalle, Illinois, to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the City of LaSalle that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real properly with the city, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold form any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed or physical or mental handicap in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities. (Ord. 1290, passed 4-29-1991)

§ 95.02 DEFINITIONS.

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

DECENT, SANITARY, HEALTHFUL STANDARD LIVING QUARTERS. Housing which is in sound, clean, and weathertight condition in conformance with applicable local, state, and national codes.

DISCRIMINATE or ***DISCRIMINATION.*** Any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for, housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of such person.

FINANCIAL INSTITUTION. Any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

HOUSING ACCOMMODATION. Includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of 1 or more human beings, or any real estate so used, designed or intended for such use.

OWNER. Any person/persons who hold legal or equitable title to, or owns any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real properly and/or housing accommodations.

REAL ESTATE BROKER. Any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers sells, purchases, exchanges or rents, or negotiates, for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of a housing accommodation and/or real property of another.

REAL PROPERTY. Any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the city.
(Ord. 1290, passed 4-29-1991)

§ 95.03 PROHIBITED ACTS.

(A) It shall be unlawful for any owner of real estate, lessee, sublessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

(B) In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property in the city:

(1) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the city or in furnishing of any facilities or services in connection therewith;

(2) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or physical or mental handicap of any person.

(3) To discriminate in connection with 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 and/or real property.

(4) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the ground of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap;

(5) To distribute or cause to be distributed, written material or statements designed to induce any owner or any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of persons in the neighborhood;

(6) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located;

(7) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed, physical or mental handicap;

(8) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or physical or mental handicap of the proposed buyer or tenant.
(Ord. 1290, passed 4-29-1991)

§ 95.99 PENALTY.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not less than $10 nor more than $500. Each day a violation continues shall constitute a separate violation. This section shall in no way abrogate or impair the right of the city to specifically enforce, by any legal means, any of the provisions of this chapter.
(Ord. 1290, passed 4-29-1991)

CHAPTER 96: TREES AND SHRUBBERY

Section

General Provisions

96.01 Permit required for planting of trees
96.02 Planting location restrictions
96.03 Injury to trees or shrubbery
96.04 Advertisements or notices attached to trees
96.05 Dangerous trees
96.06 Wires in contact with trees
96.07 Gas pipes causing injury to trees
96.08 Excavation; injury to tree roots
96.09 Shrubbery height and trimming restrictions
96.10 Shrubbery in alleys to be trimmed

Trimming and Removal of Trees

96.20 License required
96.21 Application
96.22 Fee
96.23 Public liability insurance required
96.24 Compliance with safety regulations required

96.99 Penalty

GENERAL PROVISIONS

§ 96.01 PERMIT REQUIRED FOR PLANTING OF TREES.

It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Clerk and shall be referred by him or her to the Council. All trees and shrubs so planted shall be placed subject to the directions and approval of the Council.
(1963 Code, § 8-6-1) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.02 PLANTING LOCATION RESTRICTIONS.

It shall be unlawful for any person to plant or cause to be planted in any parkway within the city, any tree or shrub less than 3 feet from the outer line of the sidewalk. No tree shall be planted in parkways or streets at a distance less than 6 feet from any crosswalk or intersecting street or alley.
(1963 Code, § 8-6-2) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.03 INJURY TO TREES OR SHRUBBERY.

It shall be unlawful to injure any tree or shrub planted in any public place.
(1963 Code, § 8-6-3) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.04 ADVERTISEMENTS OR NOTICES ATTACHED TO TREES.

It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub in any street, parkway or other public place.
(1963 Code, § 8-6-4) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.05 DANGEROUS TREES.

(A) Any tree or shrub which overhangs any sidewalk, street or other public place at a less height than 8 feet or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which the tree or shrub grows, so that the obstruction shall cease.

(B) Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which the tree grows or stands.

(C) The Street Commissioner may trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be eliminated.
(1963 Code, § 8-6-5) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.06 WIRES IN CONTACT WITH TREES.

(A) It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway, or other public place without the permission of the Council.

(B) Any person given the right to maintain poles and wires in the streets, alleys, or other public places in the city shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Commissioner so that no injury shall be done either to the poles or wires or the shrubs and trees by their contact.
(1963 Code, § 8-6-6) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.07 GAS PIPES CAUSING INJURY TO TREES.

Any person maintaining any gas pipe in the city shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.
(1963 Code, § 8-6-7) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.08 EXCAVATION; INJURY TO TREE ROOTS.

In making excavations in streets or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.
(1963 Code, § 8-6-8) (Ord. 612, passed 8-15-1960) Penalty, see § 96.99

§ 96.09 SHRUBBERY HEIGHT AND TRIMMING RESTRICTIONS.

(A) It shall be unlawful to maintain or permit to remain any bush or shrub on a corner lot within the distance of 15 feet from the curb in each direction at a height of more than 30 inches above the level of the adjacent street pavement.

(B) It shall be unlawful for any person or persons to maintain or permit to remain any bushes, shrubs, or hedges closer than 15 feet from the existing street pavement at a height of more than 30 inches above the level of the adjacent street pavement.

(C) Existing bushes, shrubs, and other plants shall be trimmed to 30 inches on sidewalk lines and so that pedestrians will be able to travel freely without injury to their clothes or their person.
(Ord. 1015, passed 8-17-1981; Am. Ord. 2160, passed 2-23-2009) Penalty, see § 96.99

§ 96.10 SHRUBBERY IN ALLEYS TO BE TRIMMED.

In all alleys, bushes, shrubs, or plants shall be kept trimmed so as not to interfere with traffic, or strike or scratch any vehicle using the alley.
(Ord. 1015, passed 8-17-1981) Penalty, see § 96.99

TRIMMING AND REMOVAL OF TREES

§ 96.20 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of the trimming and removal of trees and tree stumps within the city without first having obtained a license therefor.
(1963 Code, § 8-10-1) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976) Penalty, see § 96.99

§ 96.21 APPLICATION.

Applications for the license required by the preceding section shall be made in writing to the City Clerk, and shall recite the name and address of the person applying for the same.
(1963 Code, § 8-10-2) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

§ 96.22 FEE.

The fee for such license shall be in the sum of $15 for an annual license, payable in advance.
(1963 Code, § 8-10-3) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

§ 96.23 PUBLIC LIABILITY INSURANCE REQUIRED.

(A) No person, firm or corporation shall receive a license as provided in § 96.20 until the licensee shall furnish public liability and workmen's compensation for accidents as follows:

For public liability:

(1) One-hundred thousand dollars per person for injury or death.

(2) Two-hundred thousand dollars for 2 or more people injured or killed.

(3) Fifty thousand dollars for property damages.

(4) One-hundred thousand dollars aggregate per year.

(B) This public liability insurance shall cover operations including their own work, that performed by subcontractors, and for automobiles and other motor vehicles.

(C) For workmen's compensation amounts shall be as required by the State of Illinois plus $25,000 employers liability.

(D) Before any work is commenced a certificate of insurance shall be submitted to the City Clerk and approved by the City Attorney. Such certificate shall agree to give the city 10-days' notice of cancellation or any restrictive change in coverage or any reduction in policy limits below that required.
(1963 Code, § 8-10-4) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

§ 96.24 COMPLIANCE WITH SAFETY REGULATIONS REQUIRED.

The licensee shall comply with safety regulations usual to the operation of such work, more particular, to keep all persons away from where he or she is working.
(1963 Code, § 8-10-5) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976) Penalty, see § 96.99

§ 96.99 PENALTY.

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

(B) Any person, firm or corporation violating any provisions of § 96.09 or § 96.10 shall be fined not less than $60 nor more than $500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 1015, passed 8-17-1981; Am. Ord. 2160, passed 2-23-2009)

(C) Any person, firm or corporation violating any provisions of §§ 96.20 through 96.24 shall be fined not less than $5 nor more than $200, and a separate offense shall be deemed committed on each day during or on which a violation continues to occur.
(1963 Code, § 8-10-6) (Ord. 692, passed 7-12-1965; Am. Ord. 692B, passed 7-12-1965; Am. Ord. 733A, passed 8-21-1976)

CHAPTER 97: ABANDONED VEHICLES

Section

97.01 Definitions
97.02 Abandonment unlawful
97.03 Police to be notified
97.04 Chief of Police may order removal
97.05 Police to keep record
97.06 Vehicle registration records
97.07 Identifying vehicle owner
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97.09 Vehicle to be sold at public sale
97.10 Registered owner not identified
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97.14 Junked vehicle not to remain on property
97.15 Authorization to remove vehicle

97.99 Penalty

Cross-references:

Impoundment and towing of vehicles, see § 71.11

§ 97.01 DEFINITIONS.

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

ABANDONED VEHICLE. All motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved for 7 consecutive days.

ANTIQUE VEHICLE. Any motor vehicle or other vehicle 25 years of age or older.

DISMANTLED OR INOPERATIVE VEHICLE. Any vehicle not abandoned but dismantled in whole or in part or otherwise rendered inoperative.

HIGHWAY. The entire width between the boundary lines of every alley, street, or other way publicly maintained when any part thereof is opened to the use of the public for purposes of vehicular travel.

VEHICLE. A machine propelled by power other than by human power designed to travel along the ground by the use of wheels, treads, runners, or slides and to transport persons or property or pull machinery.

(1963 Code, § 6-7-1) (Ord. 791, passed 7-6-1970; Am. Ord. 2243, passed 9-7-2010)

§ 97.02 ABANDONMENT UNLAWFUL.

The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this municipality is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on any highway or on private property may be authorized for removal by or upon the order of the Chief of Police, after a waiting period of 7 days or more has expired.

(1963 Code, § 6-7-2) (Ord. 791, passed 7-6-1970; Am. Ord. 2243, passed 9-7-2010)

Penalty, see § 97.99

§ 97.03 POLICE TO BE NOTIFIED.

When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the municipal Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicles or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this chapter.
(1963 Code, § 6-7-3) (Ord. 791, passed 7-6-1970)
Penalty, see § 97.99

§ 97.04 CHIEF OF POLICE MAY ORDER REMOVAL.

(A) When a motor vehicle or other vehicle is abandoned on a highway in this municipality 10 hours or more, its removal by a towing service may be authorized by order of the Chief of Police.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of Police.

(C) When a vehicle removal from either public or private property is authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs.
(1963 Code, § 6-7-4) (Ord. 791, passed 7-6-1970)

§ 97.05 POLICE TO KEEP RECORD.

When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.
(1963 Code, § 6-7-5) (Ord. 791, passed 7-6-1970)

§ 97.06 VEHICLE REGISTRATION RECORDS.

(A) When the Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the state to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

(B) The Police Department will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information of the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.
(1963 Code, § 6-7-6) (Ord. 791, passed 7-6-1970)

§ 97.07 IDENTIFYING VEHICLE OWNER.

When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a

foreign state, if applicable, the Police Department shall notify the State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.
(1963 Code, § 6-7-7) (Ord. 791, passed 7-6-1970)

§ 97.08 OWNER MAY RECLAIM.

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.
(1963 Code, § 6-7-8) (Ord. 791, passed 7-6-1970)

§ 97.09 VEHICLE TO BE SOLD AT PUBLIC SALE.

(A) Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, 7 years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(B) In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.
(1963 Code, § 6-7-9) (Ord. 791, passed 7-6-1970)

§ 97.10 REGISTERED OWNER NOT IDENTIFIED.

(A) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of 7 years of age or newer cannot be determined by any means provided for in this chapter, the vehicle may be sold as provided herein or disposed of in the manner authorized by this chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.

(B) When an abandoned vehicle of more than 7 years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition; and for an examination of the State Police stolen motor vehicle files for theft and wanted information. At the expiration of the 10-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

(C) A motor vehicle or other vehicle classified as an antique vehicle is excluded from this chapter.
(1963 Code, § 6-7-10) (Ord. 791, passed 7-6-1970)

§ 97.11 MOTOR VEHICLE RECLAIMED.

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or

when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the Police Department for a period of 1 year from the date of the sale or disposal.
(1963 Code, § 6-7-11) (Ord. 791, passed 7-6-1970)

§ 97.12 PROCEEDS FROM SALE.

When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Chief of Police and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage, and processing charges shall be deposited in the Treasury.
(1963 Code, § 6-7-12) (Ord. 791, passed 7-6-1970)

§ 97.13 LIABILITY DISCLAIMER.

Any police officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or owner's legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.
(1963 Code, § 6-7-13) (Ord. 791, passed 7-6-1970)

§ 97.14 JUNKED VEHICLE NOT TO REMAIN ON PROPERTY.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled or inoperative vehicle to remain on such property longer than 48 hours; and no person shall leave any such vehicle on any property within the city for longer time than 48 hours; except that this chapter shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.
(1963 Code, § 6-7-14) (Ord. 791, passed 7-6-1970)
Penalty, see § 97.99

§ 97.15 AUTHORIZATION TO REMOVE VEHICLE.

The Chief of Police or any member of his or her Department designated by him or her is hereby authorized to remove or have removed any vehicle left at any place within the city which is in violation of § 97.14 of this chapter. Such vehicle shall be impounded until lawfully claimed or disposed of.
(1963 Code, § 6-7-15) (Ord. 791, passed 7-6-1970)

§ 97.99 PENALTY.

Additional penalties to any person and/or entity violating any provision of this chapter shall include a fine not less than $60 and not exceeding $750 for each violation of any provision of this chapter. Further, each day that such violation is committed or permitted to continue shall constitute a separate offense and violation.
(Ord. 791, passed 7-6-1970; Am. Ord. 2243, passed 9-7-2010)

CHAPTER 98: PARKS

Section

98.01 Public parks designated
98.02 Use of parks; restrictions
98.03 Superintendent to erect signs

98.99 Penalty

Cross-reference:

Park Development Committee, see §§ 32.160 through 32.167
Recreation Board, see §§ 32.060 through 32.064
Riding bicycles in parks prohibited, see § 74.11

§ 98.01 PUBLIC PARKS DESIGNATED.

There shall be authorized and established, and hereafter maintained, the following public parks located within the city: The Hegeler Park, the City Park, the Tanagool Park and the Pulaski Park, for the use and benefit of the inhabitants of the city, and for the establishment and maintenance of the public parks, there shall be levied an annual tax therefor of 3 mills on the dollar, on all of the taxable property in the city.
(1963 Code, § 8-8-1) (Ord. passed 6-15-1915; Am. Ord. 263, passed 9-30-1929)

§ 98.02 USE OF PARKS; RESTRICTIONS.

No persons shall hereafter be permitted to enter upon, travel across, or loiter in any city park after the hour of 10:00 p.m. in the evening and until the hour of 7:00 a.m. the next morning, unless:

(A) On the evening in question there was organized activity being conducted in the city park in question; and unless;

(B) Such organized activity ceased and was no longer being conducted in said park less than half an hour before the person or persons did enter upon said park, travel across said park, or loiter therein.
(1963 Code, § 8-8-2) (Ord. 754, passed 5-13-1968) Penalty, see § 98.99

§ 98.03 SUPERINTENDENT TO ERECT SIGNS.

The Superintendent of Public Works shall cause to be erected in all city parks signs bearing the following warning:

> IT IS UNLAWFUL TO BE IN THIS PARK AFTER THE HOUR OF 10:00 P.M. UNTIL THE HOUR OF 7:00 THE NEXT MORNING, UNLESS YOU ARE ENGAGED IN OR OBSERVING OFFICIALLY ORGANIZED ACTIVITY. VIOLATORS ARE SUBJECT TO A FINE OF UP TO ONE HUNDRED DOLLARS.

(1963 Code, § 8-8-3) (Ord. 754, passed 5-13-1968)

§ 98.99 PENALTY.

Any person, firm, or corporation violating the provisions of this chapter shall upon conviction be fined not less than $15 nor more than $100 for each and every offense.
(1963 Code, § 8-8-3) (Ord. 754, passed 5-13-1968)

TITLE XI: BUSINESS REGULATIONS

Chapter

110. ALCOHOLIC LIQUORS

111. PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

112. GARAGE SALES

113. CIGARETTE DEALERS

114. RAFFLES

115. TELECOMMUNICATIONS

116. CABLE TELEVISION FRANCHISE

117. TAXICABS AND PUBLIC VEHICLES

118. MASSAGE BUSINESSES

119. AMBULANCE SERVICES

120. ADULT USES

121. AUTO COURTS

122. BILL POSTING

123. JUNK DEALERS AND SCAVENGERS

124. REGISTRATION OF CERTAIN CONTRACTORS

125. TATTOO AND BODY PIERCING ESTABLISHMENTS

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TITLE XI: BUSINESS REGULATIONS (Cont'd)

Chapter

127. PAWN SHOPS, PAWNBROKERS, AND SECONDHAND DEALERS

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CHAPTER 110: ALCOHOLIC LIQUORS

Section

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110.99 Penalty

GENERAL PROVISIONS

§ 110.01 SHORT TITLE.

This chapter shall be known and cited as the Liquor Control Ordinance.
(Ord. 1127, passed 3-9-1987)

§ 110.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. All other words and phrases used in this chapter which are defined in an act entitled An Act Relating to Alcoholic Liquors, ILCS Ch. 235, Act 5, §§ 1-1 *et seq.*,

approved January 31, 1934, as amended, shall have the meaning accorded to such words and phrases in said Act.

ALCOHOLIC LIQUOR. Any spirits, wine, beer, ale, or other liquid containing more than ½ of 1% of alcohol by volume which is fit for beverage purposes.

CLUB. A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club as provided by the statute.

RESTAURANT. Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number in kind of employees to prepare, cook and serve suitable food for its guests. Provided further that the area where meals shall be served and consumed shall be separate and apart from the bar or area where alcoholic beverages are normally kept and from which they are served.

RETAIL SALE. The sale for use or consumption and not for resale.
(Ord. 1127, passed 3-9-1987)

§ 110.03 ZONING.

Nothing herein contained shall be construed to permit the sale of alcoholic liquors in any place where the conduct of such business is prohibited under the terms of the zoning chapter.
(Ord. 1127, passed 3-9-1987)

LICENSING AND SALES REGULATIONS

§ 110.15 LICENSE REQUIRED.

It shall be unlawful for any person to sell at retail any alcoholic liquor, or have in his or her possession or offer for sale at retail any alcoholic liquor within the corporate limits of the city without first having obtained a license and given bond therefor as herein provided and having paid to the Liquor Commissioner the license fee for such license hereinafter fixed, or in violation of the terms of such license. All licenses hereunder shall be granted and issued by the Liquor Commissioner. Where 2 or more such locations, places, or premises are under the same roof at 1 street address a separate city retailer's license shall be obtained for each such location, place, or premises.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.16 APPLICATION.

Applications for such licenses shall be made to the local Liquor Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation, verified by oath or affidavit, and shall contain the following information and statements:

(A) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by 1 person or that person's nominees, the name and address of such person.

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

(C) The location and description of the premises or place of business which is to be operated under such license.

(D) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of the city.

(E) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

(F) A statement that the applicant will not violate any of the laws of the state or of the United States, or any ordinance of this city in the conduct of his or her place of business.
(Ord. 1127, passed 3-9-1987)

§ 110.17 RESTRICTION OF LICENSES.

No such license shall be issued to:

(A) A person who is not of good character or reputation in the community in which he or she resides;

(B) A person who is not a citizen of the United States;

(C) A person who has been convicted of a felony;

(D) A person who has been convicted of being the keeper of or is keeping a house of ill fame;

(E) A person who has been convicted of pandering or other crimes or misdemeanors opposed to decency and morality;

(F) A person whose license issued under this chapter has been revoked for cause;

(G) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(H) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(I) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(J) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;

(K) 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 shall have forfeited bond to appear in court to answer charges for any such violation;

(L) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;

(M) Any law enforcing public official, any Mayor, alderman or member of the City Council, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor;

(N) Any person, association or corporation not eligible for a state retail liquor dealer's license.
(Ord. 1127, passed 3-9-1987)

§ 110.18 BOND REQUIRED.

Every person desiring a license to sell alcoholic liquor under the provisions of this chapter shall file with his or her application a bond payable to the city in the penal sum of $1,000, signed by at least 2 good and sufficient sureties, or by a good surety company qualified to do business in Illinois, which bond shall be subject to the approval of the Liquor Commissioner. Said bond shall be conditioned upon the observance of the provisions of this chapter, and shall be further conditioned that the applicant shall pay to the city all fines and costs recovered against the

applicant under the provisions of this chapter and any and all other ordinances regulating the sale of such liquors now in force or hereafter adopted, on account of any act done by the holder of such license in violation of any such law during the period for which license shall be granted, and further conditioned that the applicant will pay all persons all damages they may sustain, either in person or property, or means of support, by reason of the sale of alcoholic liquors by the licensee. No persons holding a license hereunder shall be acceptable as a surety for another person requesting or holding a license hereunder. All personal sureties on such bonds must be the owners of property within the corporate limits of the city and shall show to the Liquor Commissioner satisfactory proof of their financial stability.
(Ord. 1127, passed 3-9-1987)

§ 110.19 TERM OF LICENSE.

All licenses shall be for the term of 1 year and shall expire on the thirtieth day of April following their issue; and shall be due and payable in advance. The entire license fee shall be due and payable before the first day of May, provided, that for any license issued on or after November 1 of any calendar year, the license fee from the date of issue to the next succeeding May 1 shall be 1/2 of the annual fee, but there shall be no further fractional division of license.
(Ord. 1127, passed 3-9-1987)

§ 110.20 CLASSIFICATION; FEES.

Such licenses shall be divided into the following classes:

(A) Class A licenses, which shall permit the retail sale of all alcoholic liquor for consumption on or off the premises where sold and not for resale in any form. The annual fee for such license shall be $500.

(B) Class B licenses, which shall permit the retail sale of beer and wine for consumption only on the premises where sold. The annual fee for such license shall be $400.

(C) Class C licenses, which shall only permit the retail sale of alcoholic liquor in sealed packages, but not for the consumption on the premises where sold. The annual fee for such license shall be $300.

(D) Class D licenses, Club Licenses, which shall permit the retail sale of alcoholic liquor consumption on the premises where sold to be issued to a regularly organized club as hereinabove defined. The annual fee for such license shall be $50.
(Ord. 1127, passed 3-9-1987; Am. Ord. 1146a, passed 8-24-1987; Am. Ord. 1287, passed 4-29-1991)

§ 110.21 LIMITATION ON NUMBER OF LICENSES.

All liquor licenses shall be issued from time to time to lawful applicants according to priority of application upon full compliance by the applicant with the state laws and ordinances in effect at the time of the application for such licenses until the total number of retail liquor licenses in force in the city shall be as follows:

Class A Licenses - 43

Class B Licenses - 5

Class C Licenses - 12

Class D Licenses - 5

However, new Class A licenses for premises not presently having such a Class A license, shall only be allowable concerning premises within commercial zoning, within the city. Also, in each event that any Class A license shall expire, or be surrendered, concerning any premises which are not zoned commercial zoning, and in the further event that an application for a license concerning the same premises shall not be made within 60 days of said expiration or surrender, then the total number of allowable licenses in Class A, shall automatically be reduced by 1 until the total number is reduced to total 39. In considering application for license, preference may be given to

applicants seeking licenses for the same premises on which a license has expired, or been surrendered within 60 days prior to the application.
(Ord. 1127, passed 3-9-1987; Am. Ord. 1146a, passed 8-24-1987; Am. Ord. 1248, passed 5-14-1990; Am. Ord. 1287, passed 4-29-1991; Am. Ord. 1421, passed 6-7-1993)

§ 110.22 DISPOSITION OF FEES.

All license fees herein provided for shall be paid to the Liquor Commissioner at the time the application is made, and shall be forthwith turned over to the City Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted then the fee shall be deposited in the general corporate fund.
(Ord. 1127, passed 3-9-1987)

§ 110.23 RECORD OF LICENSE.

The Liquor Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him or her; and shall furnish the Clerk, Treasurer, and Chief of Police each with a copy thereof. Upon the issue of any new license or the revocation of any old license, the Liquor Commissioner shall notify each of the said officers thereof within 1 week of such action.
(Ord. 1127, passed 3-9-1987)

§ 110.24 POSTING OF LICENSE.

Every person licensed hereunder shall immediately post the license so issued and keep same posted while in force in a conspicuous place on the licensed premises.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.25 TEMPORARY LICENSE.

The Liquor Commissioner shall have power to issue temporary licenses for the sale at retail of beer only at any banquet, picnic, fair, game, bazaar or similar assembly. Such temporary permits shall be only issued to a fraternal or benevolent, charitable or religious organization organized not for pecuniary profit and shall be for a period not to exceed 2 days. No more than 1 such temporary permit shall be granted to any such organization in any 1 period of 7 days. Such permit shall not permit the sale of alcoholic liquor in any place where the same is otherwise prohibited by law.
(Ord. 1127, passed 3-9-1987)

§ 110.26 TRANSFER OF LICENSE.

(A) A license shall be a purely personal privilege, good for not to exceed 1 year after issuance unless sooner revoked as in this chapter provided, and shall not constitute property nor shall it be alienable or transferable, voluntarily or involuntary, or subject to being encumbered or hypothecated.

(B) Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privilege of the deceased or insolvent or bankrupt licensee after the death of such insolvency or bankruptcy until the expiration of such license but not longer than 6 months after the death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this division.

(C) Any licensee may renew his or her license at the expiration thereof, provided he or she is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. Provided further that the renewal privileges herein provided for shall not be construed as a vested right which shall in any case prevent the

City Council, the Mayor, or Village President, any board of trustees or county board, as the case may be, from decreasing the number of taverns.
(Ord. 1127, passed 3-9-1987)

§ 110.27 CHANGE OF LOCATION.

Licenses issued hereunder shall apply only to the premises described in the application and in the license issued thereon, and only 1 location shall be so described in each license. After a license has been granted for a particular premises, the Liquor Commissioner, upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by him or her, but in order to obtain such approval of the licenses, the licensee shall file with the Liquor Commissioner a request in writing and a statement under oath which shall show that the premises for which removal is sought complies in all respects with the provisions of this chapter.
(Ord. 1127, passed 3-9-1987)

§ 110.28 HOURS.

(A) Class A licenses, Class B licenses and Class D licenses (club) may sell alcoholic liquors on any day of the week as follows: Sunday to Friday, inclusive, of each week except between the hours of 2:00 a.m. and 6:00 a.m. On Saturday of each week, alcoholic liquors may be sold commencing at the hour of 6:00 a.m. until the hour of 3:00 a.m. Sunday. Class C licenses shall sell alcoholic liquors any day of the week except between the hours of 11:00 p.m. and 6:00 a.m.

(B) During such prohibited hour of sale, every location, place or premises where alcoholic liquors may be sold at retail, shall be kept closed and the public shall not be admitted, and no person other than the licensee or his or her employee or a member of his or her family shall be permitted to remain therein for the purpose of cleaning the premises. All doors opening directly into or out of such premises shall be closed; provided, however, that in case of stores, restaurants, clubs, hotels, may be kept open during said hours but no alcoholic liquor shall be sold or consumed on the premises by the public during such hours.
(Ord. 1127, passed 3-9-1987; Am. Ord. 1146a, passed 8-24-1987; Am. Ord. 1287, passed 4-29-1991) Penalty, see § 110.99

§ 110.29 DAYS OF RESTRICTED SALES.

No licensee shall sell, give away, supply, or deliver or permit any alcoholic liquor or beer to be sold, supplied, or given away between the hours of 12:00 noon and 3:00 p.m. on the day recognized as Good Friday, or between the hours of 7:00 p.m. on December twenty-fourth and the regular business of the following day.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.30 LOCATION RESTRICTIONS.

No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home for aged or indigent persons or for veterans, their wives, or children or any utility or naval stations; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purpose prior to the taking effect of this chapter. No person shall hereafter engage in business as a retailer of any alcoholic liquor within 100 feet of any undertaking establishments or mortuary.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.31 REVOCATION OF LICENSE.

The Liquor Commissioner may revoke any retail liquor dealer's license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor.
(Ord. 1127, passed 3-9-1987)

§ 110.32 SANITATION.

All premises licensed hereunder shall be kept in a sanitary condition and should be open to inspection by the Health Officer, or by any officer, official, or employee authorized by the Liquor Commissioner.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.33 PROHIBITED SALES.

No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquors to any minor, or to any intoxicated person or to any person known by him or her to be an habitual drunkard, spendthrift, insane, mentally ill, deficient, or in need of mental treatment.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.34 DRUNKENNESS ON PREMISES PROHIBITED.

No licensee shall, by himself or herself, servant or agent, suffer or permit any person to drink to excess nor suffer or permit any drunkenness on his or her premises.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.35 NOTICE NOT TO SELL.

Whenever a wife or next of kin of any person, habitually addicted to the use of alcoholic liquor, by notice in writing, personally served, shall request any licensee hereunder not to sell or in any manner give away liquor to such person, it shall thereafter be unlawful for such licensee to sell or give away any liquor to such person.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.36 CLUBS MUST OBTAIN LICENSE.

A license hereunder shall be necessary for the sale of alcoholic liquor by any club, provided that no such club shall sell alcoholic liquor to any except bona fide members of such club in good standing. A club, for the purpose of this chapter, is hereby defined as a corporation organized under the laws 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 Liquor Commissioner 2 copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member, the member's 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 its 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 a salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club beyond the amount of such salary as may be fixed and voted upon 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.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.37 EMERGENCY CLOSING.

In all cases where in the opinion of the Liquor Commissioner, the public peace is likely to be endangered by the keeping open of premises licensed hereunder, it shall be lawful for the Liquor Commissioner to issue a proclamation, under the seal of the city, commanding and enjoining all persons licensed by said city to sell any of said liquors, and their servants and agents, to close their shops and places of business for such time as the Liquor

Commissioner shall deem necessary; and neither to sell, give away, or suffer to be drawn any of said liquors in or about their premises during the time mentioned in said proclamation.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.38 EMPLOYMENT RESTRICTIONS.

No licensee under this chapter shall employ or permit any individual under the age of 21 years to act as his or her agent, barkeeper, clerk, servant, employee or entertainer in or about the premises offering alcoholic beverages for consumption on said premises. No licensee under this chapter shall employ or permit any individual under the age of 18 years to act as his or her agent, clerk, servant, employee or entertainer in or about the premises offering alcoholic beverages for sale at retail in sealed packages which packages shall not be opened nor the contents thereof consumed on the premises where sold.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.39 DISPLAY OF WARNING CARDS TO MINORS.

Every place in the city where alcoholic liquor is sold for beverage purposes shall display in a prominent place, a printed card which may read as follows:

WARNING TO MINORS
YOU ARE SUBJECT TO FINE OF UP TO SEVEN HUNDRED FIFTY DOLLARS UNDER THE ORDINANCE OF THE CITY OF LASALLE, ILLINOIS, IF YOU PURCHASE ALCOHOLIC LIQUOR FOR YOURSELF, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING ALCOHOLIC LIQUOR.

(Ord. 1127, passed 3-9-1987; Am. Ord. 2146, passed 10-20-2008) Penalty, see § 110.99

OFFENSES

§ 110.50 UNLAWFUL TO PEDDLE ALCOHOL.

It shall be unlawful to peddle alcoholic liquors in the city.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.51 MISREPRESENTATION OF AGE.

(A) It shall be unlawful for any person under the age of 21 years to purchase, or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession, except as provided herein.

(B) It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor, except as provided herein.

(C) It shall be unlawful for any person under the age of 21 years to represent that he or she is 21 years of age or over for the purpose of buying, accepting or receiving alcoholic liquor.

(D) It shall be unlawful for any person under the age of 21 years to present or offer to any licensee, agent or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.

(E) It shall be unlawful for any person under the age of 21 years to have in his or her possession, any false or fraudulent written, printed, or photostatic evidence of age and identity.

(F) Notwithstanding any other provision contained herein, the possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in

the privacy of a home, is not prohibited by this amendment to Ordinance Number 1127.
(Ord. 1127, passed 3-9-1987; Am. Ord. 1318, passed 4-27-1992; Am. Ord. 2146, passed 10-20-2008) Penalty, see § 110.99

§ 110.52 LOITERING BY MINORS.

It shall be unlawful for any person under the age of 21 years to be present, remain in or loiter in any tavern or other place in the city where alcoholic liquor is sold unless accompanied by his or her parent or guardian; and it shall further be unlawful for any licensee or any officer, associate, member, representative, agent, or employee of such licensee to allow any person under the age of 21 years to be present, remain in, or loiter in any tavern or other place in the city where alcoholic liquor is sold unless accompanied by his or her parent or guardian; provided however that this section shall not apply to package liquor stores or to that portion of bowling alleys or restaurants other than those used primarily for the sale and consumption of alcoholic liquors.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.53 PUBLIC CONSUMPTION.

No person shall consume any alcoholic liquor while in or upon public streets, alleys, sidewalks, parking lots, or other public ways, other than on a sidewalk or walkway within a public park.
(Ord. 1092, passed 8-12-1985) Penalty, see § 110.99

§ 110.54 OPEN CONTAINER IN PUBLIC.

No person shall be in possession of any glass, can, or open container containing alcoholic liquor on any thoroughfare, street, sidewalk, alley, parking lot, or any other public way, other than on a sidewalk or walkway within a public park.
(Ord. 1092, passed 8-12-1985) Penalty, see § 110.99

§ 110.55 LICENSEE MAY NOT PERMIT REMOVAL OF OPEN CONTAINER; SIGN REQUIRED.

(A) No person, firm, or corporation licensed to sell alcoholic liquor, nor the licensee's employees or agents, shall permit any person to remove from such premises, any alcoholic liquor in any open container.
(Ord. 1092, passed 8-12-1985)

(B) All premises licensed for the sale of alcoholic liquor shall post a notice at each exit stating that NO BEER, LIQUOR, OR WINE SHALL BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING.
(Ord. 1092, passed 8-12-1985; Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.56 OPEN CONTAINER IN MOTOR VEHICLE.

No person shall have in his or her possession an open container containing alcoholic liquor within or on a motor vehicle, including motorcycle, while parked or standing on a public street or public parking lot in the city, or while such vehicle is in motion.
(Ord. 1092, passed 8-12-1985) Penalty, see § 110.99

§ 110.57 INSPECTIONS.

It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of any police officer, the health officer or any member of the City Council for the purpose of making an inspection for such premises or any part thereof.
(Ord. 1127, passed 3-9-1987) Penalty, see § 110.99

§ 110.99 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter for which no specific penalty is otherwise provided shall be fined not less

than $25 nor more than $750 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition thereto, the Liquor Commissioner may suspend for not more than 30 days or revoke for cause any license for any violation of any provisions of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor as provided by law.
(Ord. 1127, passed 3-9-1987; Am. Ord. 2146, passed 10-20-2008)

(B) Any person who violates the provisions of § 110.51 shall be fined not less than $200 and not more than $500.
(Ord. 1318, passed 4-27-1992)

(C) Any person, firm, or corporation violating any provision of §§ 110.53 through 110.56 shall be fined not less than $100 and no more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition thereto, the Liquor Commissioner may suspend for not more than 30 days or revoke for cause, any license for any violation by a licensee and/or agent of a licensee of any provision of §§ 110.53 through 110.56.
(Ord. 1092, passed 8-12-1985; Am. Ord. 1690, passed 12-13-1999)

CHAPTER 111: PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

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CHARITABLE SOLICITATIONS

§ 111.01 DEFINITIONS.

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

ACT OF SOLICITATION FOR CHARITY ACT. The Solicitation for Charity Act of the State of Illinois as set forth in ILCS Ch. 224, Act 460, §§ 1 et seq., as it exists on the date of passage of this chapter or as hereafter amended from time to time.

CHARITABLE ORGANIZATION. Any person soliciting contributions for any charitable purpose, whether or not such contribution entails the incidental purchase of goods.

CHARITABLE PURPOSE. Any charitable, benevolent, religious, educational, philanthropic, patriotic or eleemosynary purpose.

CONTRIBUTION. The payment, gift, promise or grant of any money or property of any kind or value.

DOOR TO DOOR. Going from traveling upon the right of way of the city, going from structure to structure or from house to house on private property.

PROFESSIONAL FUND-RAISERS. Persons who, for compensation or other consideration, plan, conduct, manage or carry on any drive or campaign in the city for the purpose of soliciting contributions for or on behalf of any charitable organization or any other person; or who engage in the business or, or hold themselves out to persons in the city as independently engaged in the business of soliciting contributions for such purposes. Bona fide offers or employees of a charitable organization shall not be deemed ***PROFESSIONAL FUND-RAISERS*** unless their salary or other compensation is computed on the basis of funds to be raised, or actually raised.

PROFESSIONAL SOLICITOR. Any such person who is employed or retained for compensation by a professional fund-raiser to solicit contributions for charitable purposes from persons in the city.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.02 PERMIT REQUIRED.

(A) It shall be unlawful for any charitable organization to solicit contributions for any charitable purpose by going door-to-door without first having filed an application or registration statement with the City Clerk and having obtained a permit for such solicitation as provide in this chapter.

(B) The permitting requirement of this chapter shall not apply to persons 18 years old or less.

(C) The charge for a permit for any charitable purpose shall be $1, provided that said permit shall authorize 3 days of solicitation in a 1 year period; in the event that the charitable purpose and permit requested is intended to apply for the annual period to more than 3 days, then the charge for any annual permit shall be $50 for a charitable purpose.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.03 APPLICATION; REGISTRATION STATEMENT.

(A) Every charitable organization which solicits or intends to solicit contribution by going door-to-door from persons in the city shall, prior to any collection, file with the City Clerk a true and accurate copy of the registration statement required by the State of Illinois Solicitation for Charity Act (ILCS Ch. 225, Act 460, §§ 1 *et seq.*) (the "Act") or a letter from the Illinois Attorney General's Office that their organization is not required to register with the State of Illinois under the Act, or provide other appropriate evidence deemed satisfactory in the reasonable discretion of the City Council that the purpose of the application is a charitable purpose solicitation. Every charitable organization must fill out an application form as supplied by the City Clerk.

(B) A person may submit a single application, which includes more than 1 agent or employee going door-to-door. In this case, the applicant shall be responsible for the acts of each person soliciting under the applicant's registration permit.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.04 REVIEW AND INVESTIGATION.

The City Clerk shall refer all applications or registration statements to the Police Department for review of the criminal history of each named solicitor.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.05 ISSUANCE UPON RECEIVING REPORTS.

Following completion of the application in full, and following receipt of the record of review by the LaSalle Police Department, the City Clerk shall process the application and present it to the City Council as soon as reasonably possible within no more than 21 days for consideration by the City Council. The City Council shall consider the application for permit for door-to-door solicitation by the charitable organization, and for each person soliciting for such organization as soon as reasonably possible, and the City Council shall grant the permit if the City Council within its exercise of reasonable discretion deems the application to be in order, further provided that there is not a rational reasonable basis to deny the application; with it being expressly provided that no person soliciting for any such charitable purpose for any charitable organization shall have within 10 years of the date of application been either convicted of any felony or convicted of violating any law or ordinance based upon charges concerning the use of sales, subscription or soliciting methods or undue pressure or misrepresentation regarding solicitation and/or sales.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.06 REVOCATION.

Permits issued pursuant to this subchapter shall be suspended, revoked or denied after the issuing authority has made a finding that such persons have in the city used sales, subscription, or soliciting methods involving disorderly conduct, assault or battery, trespass to land, undue presume, fraud, misrepresentation, false or misleading statements, or felonies involving bodily injury or theft. Such a revocation shall be in writing, setting forth the reasons for revocation and shall not be effective until received by the charitable organization or persons holding permits. Certified United States Postal Service mailing is proof of service. Revocation of a charitable organization permit requires the City Clerk to notify persons soliciting for the charitable organization.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.07 APPEAL OF PERMIT DENIAL OR REVOCATION.

(A) In the event the City Council shall deny the application for a solicitation permit or suspend or revoke a permit for a charitable purpose application, then the party who has been denied a permit and/or had the permit suspended or revoked, shall have the opportunity to appeal the denial suspension and/or revocation for reconsideration of the City Council. Any such appeal must be written and filed with the City Clerk's Office within 21 days after the date of the denial of application or suspension or revocation of the permit and/or license by the city, and shall contain a specific request for an appeal hearing and reconsideration by the City Council.

(B) If a hearing is requested, the City Council shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in person, or by attorney, or otherwise to examine and cross-examine witnesses.

(C) The City Council shall not be bound by the rules of evidence prevailing in the courts of law but shall in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relating to the denial of the application and/or revocation of the permit and/or license.

(D) Additionally, the denial of any such appeal by the City Council shall be subject to further appeal to the Circuit Court of LaSalle County pursuant to procedures had and made in reference to appeals of decisions of administrative bodies in connection with

administrative review, with it further being provided that any such appeal must be filed within 35 days of notice of the denial of the appeal.
(Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

TRANSIENT MERCHANTS

§ 111.15 DEFINITIONS.

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

COMMERCIAL SOLICITOR OR DOOR-TO-DOOR SALESPERSON. Any person, whether a resident or the city or not, traveling from place to place, from house to house, from building to building, or from street to street, and selling goods or taking or attempting to take orders for sale of goods for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of each sale or whether he/she is collecting advance payments on such sales or not. The principal focus of this definition is a person selling on a door-to-door basis without invitation to the occupant on the premises. This definition shall not include any person who:

(1) Sells or attempts to sell goods or services at a meeting which has been arranged in advance of the solicitation;

(2) Is an itinerant merchant; or

(3) Is a peddler.

DOOR-TO-DOOR. Going from traveling upon the right-of-way of the city, going from structure to structure, or from house to house on private property.

GARAGE SALE. A sale in a residential area of used items, goods and wares legally owned by, or on consignment to, the person actually residing on the premises upon which such sale is held.

GROUP SALES EVENTS. A temporary event of 3 consecutive days or less at a fixed location consisting of contiguous selling areas, sponsored or arranged by a person and which includes 5 or more transient merchants, commonly known as a flee market, antique show, craft show, or other gathering of merchants at a location for 3 days or less, however such gathering is titled.

ITINERANT MERCHANT. Any person, whether as owner, agent, or employee, whether a resident of the city or not, who is in the business of selling or taking orders for the sale of good within the city for a temporary period of time or less than 30 days in any calendar year and who, in furtherance of such purpose, hires, leases, uses or occupies any fixed location within the city for the exhibition and sale of such goods or services. Any person who is unable to produce written documentation of the right to occupy the fixed location for 30 days or longer to the City Clerk within 5 days of a request by the Clerk shall be presumed to be an ***ITINERANT MERCHANT***. This definition shall not include any person who:

(1) Is a commercial solicitor;

(2) Is a peddler; or

(3) Sells or attempts to sell goods or services at a meeting which has been prearranged of the sale.

PEDDLER. Any person, whether a resident of the city or not, traveling from place to place, from house to house, form building to building, or from street to street, and offering or exposing the goods for sale on the public right-of-way, or making sales and delivering articles to purchasers on the public right-of-way, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, bicycle, automotive vehicle, railroad car, or other vehicle or conveyance on the public right-of-way. This definition shall not include a person who:

(1) Is an itinerant merchant; and

(2) Is a commercial solicitor.

SPONSOR. A person who coordinates, produces or arranges an event at which 5 or more transient merchants sell goods fro a fixed location for a temporary period of time.

TRANSIENT MERCHANT. A commercial solicitor, peddler or itinerant merchant.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.16 LICENSE; REQUIRED GENERAL CONDITIONS APPLICABLE.

(A) No person shall engage in or attempt to engage in the business of a transient merchant within the city without first obtaining a transient merchant license classified as either a transient merchant peddler, transient merchant itinerant merchant, transient merchant, commercial solicitor or transient merchant group sales and paying the required fees for such license.

(B) The following conditions shall apply to each transient merchant license issued:

(1) A transient merchant who is a peddler may only sell goods consistent with the regulations contained in this subchapter and only along the rights-of-way of the city in the area specified in the application;

(2) A transient merchant who is an itinerant merchant may only sell goods consistent with the regulations contained in this subchapter and only from a fixed location within the city upon private property which complies with all zoning and building safety requirements of this code;

(3) A transient merchant who is a commercial solicitor may only sell goods consistent with the regulations contained in this subchapter and only by means of door-to-door solicitation; and

(4) A transient merchant who is requesting a group sales event license may only sell goods consistent with the regulations contained in this subchapter and only from a fixed location on public or private property which complies with all zoning and building requirements of this code.

(C) No person licensed as a transient merchant shall violate the conditions, terms or limitations of such license.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.17 EXEMPTIONS FROM LICENSING.

The following classes of sales shall not be required to obtain and pay for a license, however, shall still be subject to the regulations contained in §§ 111.35 through 111.49 which would otherwise be applicable to the person's activity.

(A) *Garage sale*. The licensing requirements of this subchapter shall not be construed as applying to any garage sale, which garage sales are regulated by other ordinances of the city.

(B) *Charitable sales*. The licensing requirements of this subchapter shall not apply to any persons who are making sales from a stationary location not on the public right-of-way, the entire proceeds (less expenses of the sale or spoliation) and profits from which are legally required to be transferred to an entity which is tax exempt under the Internal Revenue Code of the United States, or which otherwise holds a charitable solicitations permit issued by the city unless specifically set forth herein. Any person claiming such exemption shall provide the tax exemption number to the City Clerk.

(C) *Sponsored by group sales licensee*. The licensing requirements of this subchapter shall not apply to any individual person who would otherwise be required to obtain a license under this subchapter if such person is a participant in a group sales event if such person obtains a duplicate license by being listed as a person operating under the sponsorship of one

who has a group sales event license as a transient merchant to engage in such business within the city and such licensee undertakes to be responsible for any such persons so sponsored for any violating of the provisions of the ordinances of the city and laws of the state regulating and concerning the sales of goods.

(D) *Special events on adjacent property*. The licensing requirements of this subchapter shall not apply to persons conducting sales pursuant to a special events permit, issued by the city, on public right-of-way adjacent to or within 400 feet as the permanent retail business of the applicant. The issuance of a special events permit shall permit sales from these locations on the public right-of-way, subject to the requirements of conditions of the permits.

(E) *Additional locations*. Merchants shall not be required to apply for or receive a separate itinerant merchant's license for temporary locations on public or private property if such merchant has operated a business at a fixed location within the city for at least 30 consecutive days prior to activity at a temporary location.

(F) *Arts, crafts and baked goods*. The licensing requirements of this subchapter shall not apply to any itinerant merchant selling goods manufactured by that person, including arts, crafts and baked goods, providing the "person" for the purpose of this exemption shall apply to individuals who apply artistic or artisan skills to produce a product from raw materials.

(G) *Trade shows*. The licensing requirements of this subchapter shall not apply to persons selling goods to other merchants at trade shows or conventions where attendance is generally restricted to those merchants in a particular trade or discipline.

(H) *State agency property*. The licensing requirements of this subchapter shall not apply to persons in the process of selling goods or property owned or under the control of any state agency if such person has the permission of such entity to sell such goods.

(I) *Public or private schools*. The licensing requirements of this subchapter shall not apply to persons or public or private schools that are accredited by the State of Illinois, while engaged in fund raising for these organizations.

(J) *Youth organizations*. The licensing requirements of this subchapter shall not apply to solicitations for the primary benefit of youth organizations.

(K) *Not for profit*. That the licensing requirements of this subchapter shall not apply to organizations classified as not for profit, which are soliciting for a charitable purpose as the term is defined in § 111.01. Not for profit and charitable organizations are still subject to other provisions of this subchapter including but not limited to the provisions in reference to the obtaining of a permit as provided in §§ 111.02 through 111.05 inclusive, and the provisions and regulations as set forth in §§ 111.35 through 111.49 herein.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.18 APPLICATION.

Before a license may be issued under this subchapter, a written sworn application signed by the applicant, a copy of written receipt form, a copy of state sales tax certificate, and a copy of notice of cancellation form shall be submitted to the City Police Department as the licensing agency of the city for this license, which Police Department, following initial review, shall submit the license for consideration by the full City Council for referral back to the city's Police Department for recommendation from the City Council as to whether the Police Department as the issuing agency for the city in reference to this type of license should issue the license.

(A) In the case of group sales event applications, the sponsor shall, in addition to the information required of the sponsor as applicant, provide the information for each transient merchant participant.

(B) The sponsor of a group sales event may apply for a group transient merchant's license. In this case, the sponsor shall be responsible for compliance of participants with the requirements of this subchapter.

(C) Each separate location under which an itinerant merchant conducts business shall require a separate license.

(D) The fees for each permit shall be $100 for year; except that a permit being issued pursuant to this subchapter to an applicant that has a fixed business location within the city, that has existed for at least 90 consecutive days at said location prior to the application for said permit shall be in the amount of $50 per year, provided that a permit issued pursuant to this exception shall also terminate automatically on the day following the day on which the applicant no longer conducts business from the aforesaid fixed location within the city.

(E) Upon completion of the application by the applicant, the Police Department shall review the criminal history and other qualifications of each named applicant, and of each representative of the applicant named within the application as an individual who may be involved in the solicitation. Following completion of the application in full and receipt of the record review by the Police Department, the Police Department as the issuing agency shall refer the application to the City Council as soon as reasonably possible within not more than 21 days for consideration by the City Council as to recommendation by the City Council back to the Police Department as the issuing agency for the City Council's recommendation to the agency as to whether to issue or to deny the license. The City Council shall consider the application for permit for door-to-door solicitation by the applicant, and for each person soliciting for such organization as soon as reasonable possible and the City Council shall recommend granting the permit, provided that the City Council within its exercise of reasonable discretion deems the application to be in order, further provided that there is not a rational reasonable basis to deny the application; with it being expressly provided that no person soliciting for any applicant shall have within 10 years of the date of application been either convicted of any felony or convicted of violating any law or ordinance based upon charges concerning the use of sales, subscription or soliciting methods or undue pressure, or misrepresentation, regarding solicitation and/or sales. In the event that the City Council recommends granting the application, then the LaSalle Police Department, through the Chief of Police or the representative of the Police Department designated by the Chief of Police with the Police Department being the issuing agency, shall then issue the permit. In the event that the City Council shall recommend denial of the application, then the Police Department as the issuing agency, through the Chief of Police or other representative appropriately designated by the Chief of Police shall deny the application unless the Police Department, for good cause, deems it appropriate to refer the application back to the City Council for reconsideration.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.19 APPEAL OF PERMIT DENIAL OR REVOCATION.

(A) In the event that the Police Department shall deny the application for a solicitation permit or suspend or revoke a permit and/or license, then the party who has been denied a permit and/or had the permit and/or license suspended or revoked, shall have the opportunity to appeal the denial and/or suspension and/or revocation for reconsideration back to and by the City Council. Any such appeal must be written and filed with the Police Department within 21 days after the date of the denial of application or suspension or revocation of the permit and/or license by the city, and shall contain a specific request for an appeal hearing and reconsideration by the City Council.

(B) If a hearing is requested, the City Council shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in

person, or by attorney, or otherwise to examine and cross-examine witnesses.

(C) The City Council shall not be bound by the rules of evidence prevailing in the courts of law but shall in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relating to the denial of the application and/or revocation of the permit and/or license.

(D) The appealing party may supply, at its own cost, a court reporter.

(E) The written decision of the City Council shall be made and shall be made available to the appealing party within 10 days after the hearing on the appeal is concluded.

(F) Additionally, the denial of any such appeal by the City Council shall be subject to further appeal to the Circuit Court of LaSalle County pursuant to procedures had and made in reference to appeals of decisions of administrative bodies in connection with administrative review, with it further being provided that any such appeal must be filed within 35 days of notice of the denial of the appeal.

(G) The Police Department as the issuing agency in reference to any license of a solicitation permit under these sections of this subchapter may also use the assistance of the Office of the City Clerk of the City of LaSalle, and the Comptroller of the City of LaSalle in reference to the processing of the application by the City of LaSalle Police Department as the issuing agency in reference to the license.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.20 DESIGNATION OF AGENT FOR SERVICE OF PROCESS PREREQUISITE TO ISSUANCE.

For transient merchants without registered agents in the state to accept service of process or who do not reside within the state, before any license shall be issued under this subchapter, the applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk, or the person performing the duties of such position, his/her true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of the applicant in respect to any matters connected with or arising out of the business transacted under the license and the bond given as required by this subchapter, or for the performance of the conditions of the bond or for any breach thereof, which instrument shall also contain recitals to the effect that the applicant for the license consents and agrees the service of nay notice or process may be made upon the agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license under this subchapter, according to the law of this or any other state, and waiving all claim or right of error by reasons of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Clerk as provided herein, the City Clerk shall send to the licensee at his/her last known address, by certified mail, return receipt requested, a copy of the process.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.21 BONDS PREREQUISITE TO ISSUANCE.

Before any license shall be issued by the city, through the Police Department as the issuing agency under this subchapter, the applicant shall file with the Police Department initially as the issuing agency a bond with guarantees running to the city in the sum of $2,000 executed by the applicant, as principal, with good and sufficient sureties upon which service of process may be made in the state, which bond shall then be held by the City Clerk's Office in connection with assisting the Police Department as the licensing agency regarding the permit. Such bond shall also be secured by cash deposit or a surety bond of $2,000 which shall also, following initial deposit with the Police Department as the issuing agency, be held by the City Clerk's Office and/or the City Comptroller's Office. Such bond shall be conditioned upon the

undertaking that the applicant shall comply fully with all the provisions of the ordinances of the city and the statutes of the state, regulating and concerning the sale of goods, wares and merchandise, or laws requiring the payment of sales taxes or other fees imposed by law, and payment of all fees or taxes owed by the applicant and judgments rendered against the applicant for any violation of the ordinances or statues, or any of them, together with all judgments and costs that may be recovered against him/her by an person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the city to the use of the aggrieved person or by the city if for the collection of taxes of fees. Such bond must be approved by the City Attorney, both as to form and as to the responsibility of the sureties thereon. The bond shall be in force and effect for a 2 year period after application. The City Clerk shall transfer the deposit or bond to the Attorney General of this state within 14 days after the applicant ceases to do business in its jurisdiction, and the Attorney General shall hold such deposit or bond for 2 years for the benefit of any person who suffers loss or damage as a result of the purchase of merchandise from the person licensed under this subchapter or as a result of the negligent or intentionally tortuous act of the person licensed under this subchapter. The Attorney General shall pay any portion of the bond or deposit to any person in accordance with the order of a court without making an independent finding as to the amount of the bond or deposit that is payable to that person. Any balance of the deposit that is payable to that person. Any balance of the deposit held by the Attorney General 2 years after the expiration of a license held by a person or entity shall be refunded to the same. The licenses issued under this subchapter shall expire on December 31st of the year it was issued.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.22 DEALING WITH SUSPENSION/REVOCATION.

Permits issued by this subchapter may be suspended or revoked by the City Council if any applicant or agent thereof has within 10 years prior to the application and/or at any time during the issuance of the permit, been either convicted of any felony or convicted of violating any law or ordinance based upon charges concerning the use of sales, subscription or soliciting methods involving disorderly conduct, assault or battery, trespass to land, undue pressure, misrepresentation, false or misleading statement of fraud related to the violation of any such law or ordinance regarding such matters, or has been convicted of any ordinances or laws related to licensing, zoning, building safety, or the payment of sales tax, or does not possess a certificate of registration when required by the State of Illinois Retailers Occupation Tax, or fails to provide information required by § 111.18. Appeals of any suspension or revocation may be pursuant to § 111.19.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

REGULATIONS FOR CHARITABLE SOLICITATIONS AND TRANSIENT MERCHANTS

§ 111.35 REFUSING TO LEAVE PREMISES; POSTING OF PREMISE OF NO SOLICITATION; DUTY OF SOLICITOR.

(A) It shall be unlawful for any charitable solicitor or transient merchant to enter or attempt to enter or fail to immediately leave a residence in the city after the owner or occupant thereof has requested such person to leave.

(B) Any person who desires to exclude the presence of commercial or charitable solicitors from the premises, which he or she occupies, shall give notice for such solicitors by posting an easily readable notice on or near the main or front entrance to the

premises. Such notice may exclude all solicitors or a class of solicitors.

(C) It shall be the duty of each solicitor to examine and look for, on or near the main entrance to each premises, the notice that all solicitors or a class of solicitors are prohibited form the premises.

(D) No commercial or charitable solicitor shall ring the door bell or knock on any door or window for the purpose of securing personal contact with the occupant of a residence, or attempt any sale or solicitation when the owner or occupant thereof has prominently displayed a "no solicitors" sign or a sign to that effect on or near the main or front entrance to such premises.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.36 USE OF RESIDENTIAL STREETS FOR SELLING PROHIBITED; EXCEPTION FOR PEDDLERS, COMMERCIAL SOLICITORS AND PERMIT HOLDERS.

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

(1) ***BLOCK.*** That portion of a residential street lying between the 2 nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

(2) ***RESIDENTIAL STREET.*** The entire width between the boundary lines of every public way located wholly within or immediately adjacent to any area of the city classified as a residential zoning district of LaSalle, Illinois, as such districts or maps, form time to time, be amended.

(B) *Prohibition of sales on residential streets*. Except as otherwise provided in this section, it shall be unlawful for any transient merchant to use any residential street or sidewalk for the purpose of offering or exposing goods for sale, or of making sales and delivering such goods to any purchaser.

(C) *Exceptions*. The provisions of this section shall not apply to the following:

(1) *Peddlers and persons exempt from transient merchant's license*. Any peddler duly licensed as such in accordance with this chapter or any peddler otherwise exempt form the requirement to obtain a transient merchant license.

(2) *Permits for specific areas; food peddlers*. Any person duly licensed as a peddler of food products in accordance with this chapter or otherwise exempt from the requirements for such license may use a specifically defined portion or area of a residential street or other public property pursuant to a valid permit issued by the City Clerk for such specific location.

(a) As a condition to the issuance of any such permit under this exemption, every applicant shall specifically agree to the following:

1. That such applicant shall not occupy any portion of the available sidewalk or roadway width;

2. That such applicant shall not use or employ any electronic or other amplified noises in conducting such business at any such location, except that ice cream vendors may employ the use of music at reasonable levels;

3. That such applicant shall not use or employ any signs other than those permanently affixed to the vehicle, if any and shall not otherwise use or employ canopies, umbrellas or other appurtenances except as may be necessary in the event of inclement weather;

4. That such applicant may engage in such business only during the hours permitted; as set out in § 111.46;

5. That such applicant shall collect all trash and other debris accumulating within 100 feet of any such location. If such debris is not collected within 60 minutes after the conclusion of such daily sales, the city may arrange for such clean-up and the permit holder shall pay to the city the full cost for the clean-up before commencing any future sales under the transient merchant's license.

(b) In the event that more than 2 persons desire to use such area at the same time, such use shall be apportioned to such permit holders desiring such use on fair and equitable basis under such rules and regulations therefore as may, from time to time, be determined and promulgated by the City Clerk, who is hereby authorized to promulgate such rules and regulations.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.37 NOTICE OF CANCELLATION.

(A) This chapter shall also be governed by the Business Transaction Act ILCS Ch. 815, Act 5 *et seq.*, as it exists on date of passage of this ordinance or as hereafter amended from time to time, and Part 429.0 - Rule Concerning Cooling-Off Period For the Sales Made at Homes or at Certain Other Locations of the Federal Trade Commission,

(B) (1) Where a sale of merchandise involving $25 or more is made or contracted to be made whether under a single contract of under multiple contracts, to a consumer by a seller who is physically present at the consumer's residence, that consumer may avoid the contract or transaction by notifying the seller within 3 full business days following that day on which the contract was signed or the sale was made, and by returning to the person in its original condition, any merchandise delivered to the consumer under the contract or sale. At the time the transaction is made or the contract signed, the person shall furnish the consumer with a fully completed receipt or contract pertaining to the transaction, in substantially the same language as that principally used in oral presentation to the consumer, containing a "notice of cancellation" informing the consumer that he may cancel transaction at any time within 3 days and showing the date of the transaction with the name and address of the person, and in immediate proximity to the space reserved in contract for the consumer's signature or on the front page of the receipt if a contract is not used, a statement shall be in bold face type, in at least 10-point type, and in substantially the following form:

> YOU THE CONSUMER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

(2) Attached to the receipt or contract shall be a completed form in duplicate, captioned "NOTICE OF CANCELLATION" which shall be easily detachable and which shall contain in 10-pint bold face type the following information and statements in the same language as that used in the contract:

> NOTICE OF CANCELLATION
> (Enter date of transaction)
> Date
>
> YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN 3 BUSINESS DAYS FROM THE ABOVE DATE.
>
> IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU UNDER THE CONTRACT OR TRANSACTION WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF TRANSACTION WILL BE CANCELLED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE IN SUBSTANTIALLY AS GOOD A CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THE CONTRACT OR TRANSACTION, OR YOU MAY, IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSES AND RISK.

IF YOU MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE OR SEND A TELEGRAM, TO (Name of Seller), AT (Address of Seller's place of business) NOT LATER THAN MIDNIGHT OF (date).

I HEREBY CANCEL THIS TRANSACTION.
DATE:
(Buyer's Signature)

(C) Such written notice of cancellation may be sent by the consumer to the person to cancel the contract. The 3 day period provided for in this section does not commence until the consumer if furnished a notice of cancellation, and the address at which such notice to the seller can be given. If those conditions are met, the seller must return to the consumer the full amount of any payment made or consideration given under the contract or for the merchandise. It is an unlawful practice within the meaning of this Act for any person to:

(1) Fail, before furnishing copies of the notice of cancellation to the consumer, to complete the copies by entering the name of the person, the address of the person's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the consumer may give notice of cancellation;

(2) Include in any contract or receipt under this section any confession of judgment or any waiver of any of the rights to which the consumer is entitled under this section including specifically his right to cancel the transaction in accordance with the provisions of this section;

(3) Fail to inform each consumer orally, at the time he or she signs the contract or purchases or leases the goods or services, of his or her right to cancel;

(4) Misrepresent in any manner the consumer's right to cancel;

(5) Use any undue influence, coercion or any other willful act or representation to interfere with the consumer's exercise of his or her rights under this section;

(6) Fail or refuse to honor any valid notice of cancellation by a consumer and within 10 business days after the receipt of such notice, to:

(a) Refund all payments made under the contract or sale;

(b) Return any goods or property traded in, in substantially as good a condition as when received by the person; or

(c) Cancel and return any negotiable instrument executed by the consumer in connection with the contract or transaction and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

(7) Negotiate, transfer, sell, or assign any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased or leased; or

(8) Fail, within 10 business days of receipt of the consumer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

(D) For the purposes of this section, the word "sale" includes a sale, lease or rental.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.38 MOTOR VEHICLE OPERATION AND INSURANCE.

No permit or license of any type shall be issued pursuant to any provision of this subchapter unless the applicant shall provide, in connection with the application, appropriate proof to the city that in reference to the operation of any motor vehicle involved in the applicant's solicitation process that the applicant is insured in an amount not less than the amount required by the State of Illinois in reference to vehicular insurance, and further provided that the applicant shall otherwise provide to the City Council any additional evidence of insurance as the City Council deems appropriate and necessary in the exercise of reasonable discretion, considering the circumstances involved within the applicant's request for permit or license.
(Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.39 TRANSACTIONS TO WHICH PROVISIONS DO NOT APPLY.

This subchapter does not apply to any transaction:

(A) Made pursuant to prior negotiations in the course of a visit by the consumer to a retail business establishment having a fixed permanent location where the goods are exhibited, or the services are offered, for sale or lease on a continuing basis;

(B) In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act (15 U.S.C. § 1635) or regulations issued pursuant thereto;

(C) In which the consumer has initiated the contact the goods or services are needed to meet a bona fide immediate personal emergency of the consumer, and the consumer furnishes the person with a separate dated and signed personal statement in the consumer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within 3 business days;

(D) Conducted and consummated entirely by mail or telephone without any other contact between the consumer and the person or its representative prior to delivery of the goods or performance of the services;

(E) In which the consumer has initiated the contact and specifically requested the person to visit his or her home for the purpose of repairing or performing maintenance upon the consumer's personal property, on the condition that if, in the course of such a visit, the person sells the consumer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services does not fall within this exclusion; or

(F) Pertaining to the sale or rental of real property, to the sale of insurance or to the sale of

securities or commodities by a broker-dealer registered with the Securities and Exchange Commission.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.40 MOBILITY OF PEDDLER AND COMMERCIAL SOLICITOR.

Except pursuant to Section § 111.36 or § 111.41, no peddler or commercial solicitor shall remain in the same place or within reasonably close proximity to the same place except when in the act of expeditiously showing goods or expeditiously selling goods to or purchasing goods or taking orders from a customer. Any peddler or commercial solicitor remaining in the same place or reasonably close proximity to the same place upon the public right-of-way for longer than 5 minutes when goods are on display or available for sale without sales activity shall be presumed not to be engaged in expeditiously showing goods or expeditiously selling goods to or purchasing goods or taking orders from a customer.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.41 SELLING FROM VEHICLES ON STREETS; SPECIAL EVENTS.

No person shall allow a vehicle or any form of conveyance to remain standing at one location on a street or other public property for the purpose of the display for sale or for selling goods or services for longer than five minutes at a time.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.42 CONGESTED AREAS; LICENSE RESTRICTION.

The City Council hereby determines that on certain dates, congestion in the city of a part of the city will be too great to permit transient merchants or a particular type of transient merchant to conduct sales within that area. The City Clerk may limit the number and type of transient merchant licenses in a particular area based on projected traffic and pedestrian safety in such cases, the Mayor may determine that all transient merchants or a class thereof shall only sell goods in a particular area. The City Clerk may limit the number and type of licenses available for use in the congested area. The City Clerk may requires sales to be made by peddlers only from stationary locations on designated portions of the city's right-of-way or other conditions that serve to enhance public safety in congested areas. The City Clerk shall provide notice to persons who apply for or who have transient merchant license that such licensee is invalid for the times and places stated in the City Clerk's determination. Such notice shall inform such persons of the conditions, if any, and procedure for requesting permission to sell in the congested area. If more than the number of licenses determined by the City Clerk to be available for sales in a congested area are requested, the Clerk shall conduct a lottery for the license use on that date and times. No person shall engage in the business of transient merchant at a time or location for which the City Clerk has determined that permits are limited or in violation of the terms of the congested area conditions, unless such person's license has been validated for sales in a congested area.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.43 ZONING AND BUILDING SAFETY RESTRICTIONS AND REGULATIONS; ITINERANT MERCHANTS.

No transient merchant who is an itinerant merchant shall sell goods or services or attempt to sell goods or services, and no transient merchant license shall be issued to an itinerant merchant where the location or premises indicated on the application for the activity is not zoned to permit retail selling activity. The location of the sale shall, in all respects, comply with all zoning regulations for the district and

all building safety regulations applicable to the property.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.44 STANDING IN DRIVING LANES.

No person shall stand in or enter into the driving lanes or medians of any street for the purpose of selling or attempting to sell goods, or for the purpose of soliciting contributions from persons occupying motor vehicles, except as specifically independently authorized by the City Council.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.45 FAILURE TO OBTAIN TRANSIENT MERCHANT LICENSE; HOLDING OF MERCHANDISE.

(A) Any person who makes sales as a transient merchant without having first obtained a license therefore under this chapter or sells in violation of the terms of the license shall apply or reapply for a license under this chapter, and in addition to penalties provided for violation of the ordinance, pay the additional fee called for by ordinance.

(B) Any law enforcement officer who finds any person selling goods as a transient merchant without possessing a license therefore or in violation of the terms of such a license may take into possession the goods being sold and the inventory of such person. Such goods shall be held in the custody of the city until such person selling without a license or in violation of the terms of such license obtains a transient merchant license or a new transient merchant license, as the case may be.

(C) If the goods being held pursuant to division (B) of this section are not claimed within 60 days after they are taken into possession by the city the City Attorney may proceed to seek an order for the sale of the property pursuant to the Transient Merchant Act of 1987 of the State of Illinois (ILCS Ch. 225, Act 465, §§ 1 *et seq.*).
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.46 TIME LIMITATION.

Solicitations in any residential structure may only be conducted between the hours of 9:00 a.m. and 9:00 p.m. on any day.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.47 DISPLAY OF CERTIFICATE.

Each transient merchant or charitable solicitor or their agents and employees shall at all times while soliciting or canvassing within the city carry upon his or her person the registration certificate identification or license required by this chapter, and shall exhibit the certificate or license upon request to any law enforcement officer or any person upon whom he or she calls.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012) Penalty, see § 111.99

§ 111.48 ACCOUNTABILITY.

(A) The sponsor of a group sales event shall be responsible for the acts of any person selling as part of the group sales event. The sponsor is legally accountable for any violation of law by any such person relating to the requirements of this chapter.

(B) The licensee or permit holder under this chapter or any employee shall be responsible for the acts or any person selling or soliciting on behalf of the licensee or employer. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter shall be deemed the act of such licensee or employer or permit holder. The licensee or employee shall be punishable in the same

manner as if the act or omission has been done or omitted by the licensee or employer personally.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.49 RECORDS OF SALES.

Each transient merchant not exempt from remitting taxes on sales shall, if requested by the City Clerk, certify under oath to the City Clerk the total amount of sales in the city and send a copy of the merchant's report of sales to the state under the Retailers Occupation Tax Act. Such information shall be delivered to the City Clerk within 28 days after any request. The City Clerk shall be entitled to examine the records of such merchant in order to verify the proper collection of such taxes.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

§ 111.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine in the minimum amount of $60 and a maximum of $750 for each offense. A separate offense may be charged for each residence contacted in violation of this chapter, and for each day that a violation occurs and/or continues to exist.
(Ord. 1658, passed 3-22-1999; Am. Ord. 2287, passed 7-25-2011; Am. Ord. 2358, passed 7-17-2012)

CHAPTER 112: GARAGE SALES

Section

112.01 Definitions
112.02 Limitations in residential areas
112.03 Limitations in commercial areas
112.04 Removal of signs
112.05 Enforcement

112.99 Penalty

§ 112.01 DEFINITIONS.

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

GARAGE SALES. Shall mean and include all sales entitled ***GARAGE SALE***, ***LAWN SALE***, ***ATTIC SALE***, ***RUMMAGE SALE***, ***FLEA MARKET SALE***, or any similar sale conducted in a manner wherein there is the sale of tangible personal property which is advertised by any means whereby and/or whereby the public large is or can be made aware of said sale.

GOODS are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

PERSON shall mean and include individuals, partnerships, voluntary associations, and corporations.
(Ord. 1861, passed 9-27-2004)

§ 112.02 LIMITATIONS IN RESIDENTIAL AREAS.

It shall be unlawful for any person, owner, or occupant of any property zoned or used for residential purposes to conduct and/or allow garage sales upon such property in the city for more than 3 garage sales during any 12-month period, each of which garage sales may last up to, but not more than, 3 consecutive calendar days. Any part of a calendar day in which a garage sale is conducted shall constitute 1 day for purposes of this chapter. Additionally, in connection with the 3 allowed garage sales during any 12-month period, it shall be unlawful to have a second garage sale on the next consecutive week following the completion of a prior garage sale during the preceding week. Additionally, nothing contained herein shall be construed as prohibiting the completion of a garage sale that commenced at the end of 1 week and continued into the first or second day of the next week. (i.e., Friday, Saturday, Sunday or Saturday, Sunday, Monday.)
(Ord. 1861, passed 9-27-2004)

§ 112.03 LIMITATIONS IN COMMERCIAL AREAS.

(A) Other than the allowable sales for 3 sales (not to exceed more than 3 days for each of said sales) within a 12-month period as set forth above, any garage sale conducted in an area allowed by commercial zoning, must be conducted in accord with the following regulations:

(1) The sale activity must be conducted and carried on inside a building;

(2) Any building wherein a commercial garage sale is conducted shall have public restroom facilities within the building; and

(3) Any premises on which a commercial garage sale is conducted shall have a minimum of 10 off street parking spaces available to the public on said premises with the exception that any such garage sale conducted in the C-3, Central Business Zoning District, shall not be governed by this division (A)(3).

(B) It shall be unlawful for any person, partnership, association, limited liability company or corporation to conduct, be involved in and/or allow the conducting of any garage sale not in conformity with this division.
(Ord. 1861, passed 9-27-2004)

§ 112.04 REMOVAL OF SIGNS.

In connection with the conduct and/or allowance to be conducted of any garage sale within the city, it shall be unlawful for the owner and/or occupant of any premises on which a garage sale is conducted and/or allowed to be conducted to allow signs regarding advertising any such garage sale to remain posted and/or in place within the city, more than 24 hours following the conclusion of any such garage sale. The City Police Department shall use appropriate, sound discretion on a non-discriminatory basis in enforcing this provision and the other provisions of this chapter.
(Ord. 1861, passed 9-27-2004)

§ 112.05 ENFORCEMENT.

In the event that any garage sale is conducted and/or allowed to be conducted in violation of this chapter, in addition to penalties by means of fine, the city may institute any appropriate action or proceeding to prevent, and/or abate, any garage sale not being conducted lawfully pursuant to this chapter, it being hereby declared that garage sales not conducted in conformity with this chapter shall constitute an additional category of nuisance within the city. In any such action or proceeding the court with jurisdiction thereof may be requested to issue a restraining order or a preliminary injunction, as well as a permanent injunction, upon such terms and other such conditions as will do justice and enforce the purposes of this chapter. If a permanent injunction is decreed in any such action or proceeding, the court in it's decree may in its discretion allow the city a reasonable sum of money for services of the city that is necessarily incurred in connection with abating the unlawful conduct of said garage sale. This allowance shall be considered a part of the costs of the litigation assessed against the defendant and may be recovered as such.
(Ord. 1861, passed 9-27-2004)

§ 112.99 PENALTY.

Any person, partnership, association, limited liability company or corporation found guilty of a violation of this chapter shall be fined not less than $50 nor more than $500 for each offense. Each day on which a violation continues or occurs shall be deemed a separate offense.
(Ord. 1861, passed 9-27-2004)

CHAPTER 113: CIGARETTE DEALERS

Section

113.01 License required; application and investigation
113.02 License fee

113.99 Penalty

Cross-reference:

Cigarettes and minors, see § 132.05

§ 113.01 LICENSE REQUIRED; APPLICATION AND INVESTIGATION.

(A) The City Clerk is hereby authorized to issue licenses to dealers approved by the Mayor permitting the lawful sale of cigarettes.

(B) Every person or entity making application for license to sell cigarettes shall file with the Clerk with the application an affidavit of the applicant's good character and reputation. The Clerk and the Mayor jointly shall determine from the inspection of the affidavit and from other investigation as the Clerk and the Mayor jointly deem appropriate and advisable as to whether the applicant and specifically the person and/or entity is to receive said license. The Mayor shall ultimately determine whether the applicant is a fit person and/or entity. The license shall be issued by the City Clerk as above provided.
(Ord. 1703, passed 4-24-2000)

§ 113.02 LICENSE FEE.

Every applicant for a license to sell cigarettes shall first pay to the City of LaSalle annually commencing with fiscal year beginning May 1, 2000, the sum of $50 per year and applicants licenses on re-issuance shall be due and payable on or before the first of May annually. There shall be no fractional division of the license fees in reference to the sale of cigarettes.
(Ord. 1703, passed 4-24-2000)

§ 113.99 PENALTY.

(A) Any person, firm or corporation violating any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) Any person, firm, corporation, partnership or association violating any provision of §§ 113.01 or 113.02 shall be fined not less than $250 nor more than $500 and a separate offense shall be deemed committed on each day the violation exists.
(Ord. 1703, passed 4-24-2000)

CHAPTER 114: RAFFLES

Section

114.01 Definitions
114.02 License requirements
114.03 Multiple raffles
114.04 Application
114.05 Restrictions on granting of license
114.06 Issuance of license; revocation
114.07 Conduct of raffles
114.08 Raffles Manager
114.09 Records
114.10 Fee schedule
114.11 Extra-territorial jurisdiction
114.12 Effective date

114.99 Penalty

§ 114.01 DEFINITIONS.

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

BUSINESS. A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civic interests of a community.

CHARITABLE. An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL. An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

FRATERNAL. An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

LABOR. An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

NONPROFIT. An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

PERSON. An individual, firm, organization, public ro private corporation, government, partnership or unincorporated association.

RAFFLE. A form of lottery as defined in 28-2(b) of the Criminal Code of 1691, being ILCS Ch. 720, Act. 5, § 28-2(b), conducted by an organization licensed under this chapter in which:

(1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers of by some other medium, 1 or more of which chances is to be designated the winning chance;

(2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of the persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS. Any church, congregation, society or organization founded for the purpose of religious worship.

VETERANS. An organization or association comprised of members of which substantially all are individual who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.
(Ord. 1558, passed 12-18-1995)

§ 114.02 LICENSE REQUIREMENTS.

It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue or otherwise transfer for value a chance on a raffle unless the raffle has been licensed in accordance with this chapter.
(Ord. 1558, passed 12-18-1995) Penalty, see § 114.99

§ 114.03 MULTIPLE RAFFLES.

A license issued under this chapter shall apply for all raffles conducted by the licensee during the calendar year for which the license is issued.
(Ord. 1558, passed 12-18-1995)

§ 114.04 APPLICATION.

Any person seeking to conduct or operate a raffle shall file an application therefor made to the Mayor and the City Council, filed with the City Clerk, on forms provided by the city. Said application shall contain the following information:

(A) The name, address and type of organization;

(B) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(C) The name, address, telephone number, social security number and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;

(D) The estimated annual aggregate retail value of all prizes to be awarded;

(E) The maximum retail value of each prize to be awarded;

(F) The maximum price charged for each raffle chance issued or sold;

(G) The estimated gross annual sales of chances;

(H) The geographic area or areas in which raffle chances will be sold or issued;

(I) The maximum number of days during which raffle chances are sold;

(J) The times and locations at which winning chances will be determined (note: the application may be amended by a telephone call from an officer of the organization to the City Clerk not less than 3 days prior to the drawing and confirmed in writing by the organization);

(K) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by its presiding officer and secretary;

(L) A certificated signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.
(Ord. 1558, passed 12-18-1995)

§ 114.05 RESTRICTIONS ON GRANTING OF LICENSE.

No license shall be issued to:

(A) Any person who has been convicted of a felony;

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any organization in which a person defined in (A), (B), or (C) above has a proprietary, equitable, or credit interest, or in which such person is active or employed;

(E) Any organization in which a person defined in (A), (B), or (C) above is an officer, director or employee, whether compensated or not; and

(F) Any organization in which a person defined in (A), (B) or (C) above is to participate in the management or operation of a raffle as defined herein.
(Ord. 1558, passed 12-18-1995)

§ 114.06 ISSUANCE OF LICENSE; REVOCATION.

(A) The Mayor and City Council shall either approve or disapprove each application for issuance of a license within 30 days after the completed application is filed with the City Clerk.

(B) The Mayor and City Council may revoke any license issued by the city if it is determined that the licensee has violated any provision of this chapter. However, no such license shall be revoked except after a public hearing by the Mayor and City Council with a 3 day written notice to licensee, affording the licensee an opportunity to appear and defend.

(C) The Mayor and City Council shall, within 3 days after such hearing, if they determine after such hearing that the license should be revoked, state the reason or reasons for such determination in a written order of revocation and shall serve a copy of such order within 3 days upon the licensee.
(Ord. 1558, passed 12-18-1995)

§ 114.07 CONDUCT OF RAFFLES.

The operation and conduct of raffles are subject to the following restrictions:

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game;

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any remuneration or profit for participating in the management or operation of a raffle;

(D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;

(E) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of 18 years may participate in the conducting of raffles or chances. A person under the age of 18 years may be within the

area where winning chances are being determined only when accompanied by his or her parent or guardian.
(Ord. 1558, passed 12-18-1995) Penalty, see § 114.99

§ 114.08 RAFFLES MANAGER.

The operation and conduct of a raffle shall be under the supervisor of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in the amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his or her honesty in the performance of his or her duties. The terms of the bond shall provide that notice shall be given in writing to the city not less than 30 days prior to its cancellation.
(Ord. 1558, passed 12-18-1995) Penalty, see § 114.99

§ 114.09 RECORDS.

(A) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and the date of payment.

(B) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee, including bingo gross receipts. If bingo games are also conducted by the same nonprofit organization pursuant to license therefore issued by the State Department of Revenues, proceeds must be placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.

(C) Each licensee shall report to its membership and to the city its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required herein. Such report shall be made promptly after the conclusion of each raffle.

(D) Raffle records shall be preserved for 3 years and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.
(Ord. 1558, passed 12-18-1995)

§ 114.10 FEE SCHEDULE.

A licensing fee of $1 shall be paid to the City Clerk at the time the application for a raffle license is filed. All application fees are nonrefundable even if the license is denied. The license shall be applicable only for the calendar year in which it is issued and there shall be no proration of application fees for any partial calendar year.
(Ord. 1558, passed 12-18-1995)

§ 114.11 EXTRATERRITORIAL JURISDICTION.

Pursuant to the Raffles Act, being ILCS Ch. 230, Act 15 § 2, the Mayor, for and on behalf of the city, may enter into a written contract with any county and/or 1 or more municipalities providing for the establishment of a system for the licensing or organizations to operate raffles within any area of contiguous territory not contained within the city.
(Ord. 1558, passed 12-18-1995)

§ 114.12 EFFECTIVE DATE.

This chapter shall be effective immediately from and after its passage, approval and publication as provided by law.
(Ord. 1558, passed 12-18-1995)

§ 114.99 PENALTY.

In addition to the provisions herein with respect

to revocation, failure to comply with any of the requirements of this chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined not more than $500 for each offense. Each day the violation continues shall be considered a separate offense.
(Ord. 1558, passed 12-18-1995)

CHAPTER 115: TELECOMMUNICATIONS

Section

Telecommunications Infrastructure Maintenance Fee

115.01 Definitions
115.02 Registration of telecommunications providers; duty to update
115.03 Municipal telecommunications infrastructure maintenance fee
115.04 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees
115.05 Compliance with other laws
115.06 Effect of provisions on existing franchises, licenses, and the like
115.07 Reservation of remedies

Simplified Municipal Telecommunications Tax

115.20 Rate change
115.21 Effective date

Statutory reference:

Telecommunications Municipal Infrastructure Maintenance Fee Act, see ILCS Ch. 35, Act 635, §§ 1 et seq.

TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

§ 115.01 DEFINITIONS.

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

GROSS CHARGES. The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the city, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. ***GROSS CHARGES*** for private line service shall include charges imposed at each channel point within the city, charges for the channel mileage between each channel point within the city, and charges for that portion of the interstate inter-office channel provided within the city. However, ***GROSS CHARGES*** shall not include:

(1) Any amounts added to a purchaser's bill because of a charge made under:

(a) The fee imposed by this section;

(b) Additional charges added to the purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act (see ILCS Ch. 220, Act 5, §§ 9-202, 9-221, 9-222, and 9-222.1);

(c) Amounts collected under Section 8-11-17 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-17);

(d) The tax imposed by the Telecommunications Excise Tax Act (ILCS Ch. 35, Act 630, §§ 1 *et seq.*);

(e) 911 surcharges; or

(f) The tax imposed by Section 4251 of the Internal Revenue Code;

(2) Charges for a sent collect telecommunication received outside the city;

(3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content; such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are desegregated and separately identified from other charges;

(5) Charges to business enterprises certified under ILCS Ch. 220, Act 5, § 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the city;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) Bad debts (***BAD DEBT*** means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made.);

(8) Charges paid by inserting coins in coin-operated telecommunications devices; or

(9) Charges for telecommunications and all services and equipment provided to the city.

PUBLIC RIGHT-OF-WAY. Any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the city has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. ***PUBLIC RIGHT-OF-WAY*** shall not include any real or personal city property that is not specifically described in the previous sentence and shall not include city buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. This or any like term means and includes any retailer having or maintaining within the state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

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.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which

telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, ***SERVICE ADDRESS*** shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

TELECOMMUNICATIONS. 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 services, private line services, specialized mobile radio services, or 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. Unless the context clearly requires otherwise, ***TELECOMMUNICATIONS*** shall also include wireless telecommunications as hereinafter defined. ***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 him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. ***TELECOMMUNICATIONS*** shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. §§ 521 *et seq.*), 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. pt. 76.1550 *et seq.*), as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered telecommunications subject to the tax imposed under this Act. For purpose of this section, ***PREPAID TELEPHONE CALLING ARRANGEMENTS*** means that term as defined in Section 2-27 of the Retailer's Occupation Tax Act.

TELECOMMUNICATIONS PROVIDER.

(1) Any telecommunications retailer; and

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

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

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

(ILCS Ch. 35, Act 635, § 10) (Ord. 1626, passed 11-3-1997)

§ 115.02 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS; DUTY TO UPDATE.

(A) Every telecommunications provider as defined by this subchapter shall register with the city within 30 days after the effective date of this subchapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the city, provided, however, that any telecommunications retailer that has filed a return pursuant to § 115.04(C) shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the city pursuant to division (A) above has an affirmative duty to submit an amended registration form or current return as required by § 115.04(C), as the case may be, to the city within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the city.
(Ord. 1626, passed 11-3-1997)

§ 115.03 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.

(A) A city telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1% of all gross charges charged by the telecommunications retailer to service addresses within the city for telecommunications originating or received in the city.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this subchapter, the city infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the city by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this subchapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The city telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in § 115.04.
(Ord. 1626, passed 11-3-1997)
Statutory reference:
Limitation on municipal fee, see ILCS Ch. 35, Act 635, § 20

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

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

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

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

(D) Any infrastructure maintenance fee required to be collected pursuant to this subchapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the city. The charge imposed under division (A) by the telecommunications retailer pursuant to this subchapter shall constitute a debt of the purchaser to

the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this subchapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due or to become due under this subchapter from the telecommunications retailer who made the erroneous payment; provided, however, the city may request, and the telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than 3 years after the date of the erroneous payment unless: (1) the credit is used only to offset a claim of underpayment made by the city within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this subchapter by telecommunications retailers shall not be included in the tax base under any of the following acts:

(1) Gross charges for purposes of the Telecommunications Excise Tax Act (ILCS Ch. 35, Act 630, §§ 1 *et seq.*);

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

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

(4) Gross revenue for purposes of the tax on annual gross revenue of public utilities prescribed in ILCS Ch. 220, Act 5, § 2-202, the Public Utilities Act.

(G) The city shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this subchapter to determine whether the telecommunications retailer has properly accounted to the city for the city infrastructure maintenance fee. Any underpayment of the amount of the city infrastructure maintenance fee due to the city by the telecommunications retailer shall be paid to the city plus 5% of the total amount of the underpayment determined in an audit, plus any costs incurred by the city in conducting the audit, in an amount not to exceed 5% of the total amount of the underpayment determined in an audit. Said sum shall be paid to the city within 21 days after the date of issuance of any invoice for same.

(H) The Mayor, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this subchapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 115.02 of such regulations.
(Ord. 1626, passed 11-3-1997) Penalty, § 10.99

§ 115.05 COMPLIANCE WITH OTHER LAWS.

Nothing in this subchapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) Generally applicable taxes;

(B) Standards for construction on, over, under, or within use of or repair of the public rights-of-way, including standards relating to freestanding towers and other structures upon the public rights-of-way, as provided;

(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this code concerning uses or structures not located on, over, or within the right-of-way.
(Ord. 1626, passed 11-3-1997)

§ 115.06 EFFECT OF PROVISIONS ON EXISTING FRANCHISES, LICENSES, AND THE LIKE.

(A) *Generally*. Any franchise, license, or similar agreements between telecommunications retailers and the city entered into before the effective date of this subchapter (Ord. 1626, passed 11-3-1997) regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

(B) *Waiver of franchise fees and the like.*

(1) The city hereby waives all fees, charges, and other compensation that may accrue after the effective date of the waiver to the city by a telecommunications retailer pursuant to any existing city franchise, license or similar agreement with a telecommunications retailer during the time the city imposes the telecommunications infrastructure maintenance fee. This waiver shall only be effective during the time the infrastructure maintenance fee provided for in this subchapter is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(2) The City Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the city has a franchise.

(3) The city infrastructure maintenance fee provided for in this subchapter shall become effective and imposed on the first day of the month not less than 90 days after the city provides written notice by certified mail to each telecommunications retailer with whom the city has an existing franchise, license, or similar agreement that the city waives all compensation under such existing franchises, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the city. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.
(Ord. 1626, passed 11-3-1997) Penalty, § 10.99

§ 115.07 RESERVATION OF REMEDIES.

Nothing in this subchapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this subchapter.
(Ord. 1626, passed 11-3-1997)

SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

§ 115.20 RATE CHANGE.

The rate of the simplified municipal telecommunications tax imposed under the provisions of the Simplified Municipal Telecommunications Tax Act, being ILCS Ch. 35, Act 636, is hereby changed to 6%.
(Ord. 1780, passed 9-16-2002)

§ 115.21 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law, provided, however, that § 115.20 shall take effect for all gross charges billed by telecommunications retailers on and after the first day of January, 2003.
(Ord. 1780, passed 9-16-2002)

CHAPTER 116: CABLE TELEVISION FRANCHISE

Section

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GENERAL PROVISIONS

§ 116.01 SHORT TITLE.

This chapter shall be known as and may be cited as the City of LaSalle, Illinois Cable Television Franchise Ordinance.
(Ord. 1416, passed 5-25-1993)

§ 116.02 PURPOSE.

The purposes of this chapter are:

(A) To establish the terms and conditions under which a cable television system within the city must operate;

(B) To provide for the payment of a franchise fee to the city for the use of city streets and other public rights-of-way and compensate the city for costs associated with administering and regulating the system; and;

(C) To grant a cable television franchise to United Cable Television of Illinois Valley, Inc. It is agreed that should the company engage in a business activity which is in direct competition with another business that is franchised by the city beginning on a date commencing after the effective date of this chapter the franchise fees paid by the company on any and all revenues attributable to that line of business shall be equal to the franchise fees paid to the city by

such competitor, it being the intent of the municipality that the franchise fee of the competition shall be not less than that being paid by the company.
(Ord. 1416, passed 5-25-1993)

§ 116.03 DEFINITIONS.

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

CABLE ACT. The Cable Communications Policy Act of 1984, being 41 U.S.C. §§ 521 *et seq.*, as amended, and the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, adopted October 5, 1992, being 47 U.S.C. §§ 201 and 521 *et seq.*, as amended.

CABLE SERVICE

(1) The 1-way transmission to subscribers of video programming or other programming service, and

(2) Subscriber interaction, if any, which is required for the selection of such video programming or other programming service. ***CABLE SERVICE*** shall also include, whether operable now or in the future any 2-way interactive cable service including the furnishing of telephone or telephone related communication services.

CABLE TELEVISION SYSTEM (hereinafter ***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 the municipality. The term ***SYSTEM*** shall be construed in its broadest sense to include any and all ancillary, services including without limitation services, such as telecommunications, 2-way interactive communications video on command, personal communications networks, data transmission for commercial purposes or other such services in order that the municipality receives the franchise fees from the gross revenues generated thereby.

CHANNEL. A band of frequencies in the electromagnetic spectrum capable of clearly and effectively carrying an audio-data or an audio-visual television signal, and as defined by the FCC Rules and Regulations.

COMPANY. United Cable Television of Illinois Valley, Inc.

CONVERTER. An electronic device which converts signals to a frequency not susceptible to interference within a fully functional television receiver of an subscriber and which permits a subscriber by an appropriate channel selector to receive all signals, referred to under this chapter, to which subscriber has subscribed.

COUNTY. The County of LaSalle, Illinois.

FCC. The Federal Communications Commission, established by the Communications Act of 1984, being 41 U.S.C. §§ 521 *et seq.*, as amended, and shall include any successor agency or other agency with respect to the federal regulation and licensing in connection with the subject matter of this chapter.

FM SERVICES. Broadcast of audio signals only on a broad band standard FM frequency.

FRANCHISE AREA. That portion of the city for which a franchise is granted under the authority of this chapter. If not otherwise stated, the franchise area shall be the legal and geographic limits of the city, including all territory which may be hereafter annexed to the city.

GRANT. The right, privilege and franchise provided in § 116.20(A) of this chapter.

GRANTEE. A person or business entity or its lawful successor or assignee which has been granted a franchise by the City Council pursuant to this chapter.

***GROSS REVENUES*.** The revenues derived by the company from its cable television subscribers for all services generated by the system, or from the use of the system, including, but not limited to, data signal transmission, advertising revenue, charges to subscribers for basic cable service, delinquency charges, connection and reconnection charges, premium programming, FM services, converter or similar sales of personal property to subscribers, and any and all revenue received from any source whatsoever for use of the system for the transmission of electronic or microwave impulses, excluding any taxes or fees on services generated by the system which are imposed directly or indirectly on any subscriber by an governmental unit or agency and which are collected by the company on behalf of such governmental unit or agency. For purposes of this definition the franchise fees paid by the company are not taxes.

MUNICIPALITY or ***CITY*.** The City of LaSalle, Illinois.

***PERSON*.** Any individual, firm, partnership, limited partnership, association, corporation, company or organization of any kind.

***PREMIUM PROGRAMMING*.** Any programming, including but not limited to, movies, concerts, variety acts, sporting events and the like for which an additional charge is made.

***PUBLIC RIGHT-OF-WAY*.** All sidewalks, streets, alleys and easements and public property contiguous thereto in the municipality which are dedicated to or by the municipality for street, highway, sidewalk, lighting, drainage, utility or cable television purposes.

***SUBSCRIBER*.** Any person lawfully receiving cable service from or using the cable television system under the grant pursuant to this chapter.
(Ord. 1416, passed 5-25-1993)

§ 116.04 CONSTRUCTION AND INTERPRETATION.

Principles concerning the construction and interpretation of this chapter shall be as follows:

(A) All ordinances or parts thereof in conflict with the provisions of this chapter are to that extent hereby repealed.

(B) If any provision of this chapter or the application thereof is for any reason held invalid, illegal, unconstitutional, or unenforceable, such holding shall not affect the remainder of this chapter to any extent, each provision of this chapter being a separate, distinct and independent part.

(C) In connection with all actions and decisions to be taken or made under this chapter by the municipality or the company, due consideration shall be given the respective interests of the municipality, the company, subscribers and potential subscribers.

(D) Words in the present tense include the future.

(E) Words importing the singular number may extend to and include plural, words importing the plural number may extend to and include the singular, and words in masculine gender shall include female gender.

(F) The company shall not be excused from complying with any of the terms, conditions and provisions of this chapter by any failure of the municipality upon any 1 or more occasions to insist upon or to seek compliance with any such terms, conditions or provisions.

(G) The specification in this section of principles to apply in the construction and interpretation of this chapter shall not be a limitation as to others.

(H) Whenever this chapter shall set forth any time for any act to be performed by or on behalf of the company, such time shall be deemed of the essence and any failure of the company to perform

within time allotted shall be sufficient grounds for the municipality to terminate, cancel and revoke the franchise or use other remedies, unless such delays are caused by factors or events not within the reasonable control of the company.
(Ord. 1416, passed 5-25-1993)

§ 116.05 EFFECTIVE DATE.

(A) This chapter shall become effective immediately upon its passage, approval and publication as required by law.

(B) This chapter shall be published in pamphlet form pursuant to authority of the City Council.

(C) The effective date of this chapter is May 25, 1993.
(Ord. 1416, passed 5-25-1993)

FRANCHISE TERMS; OPERATION OF SYSTEM

§ 116.20 GRANT OF FRANCHISE.

(A) The municipality, to the full extent that it may do so, hereby grants to the company, in accordance with the terms, conditions and provisions of this chapter, the right, privilege and franchise to establish, construct, operate and maintain the system in, upon, over and under the public right-of-way and within easements or other rights to use municipal property which are effective for the purposes of the grant. However, nothing herein shall be construed to include the use of municipally-owned utility poles without receiving reasonable rental therefor, and as used in this paragraph, reasonable rental shall be not more than the highest rate paid by any public utility operative in the municipality. Upon acceptance of the grant hereunder, the company agrees to extend the system to and offer the services of the system to all potential subscribers within the municipality subject to the provisions of §§ 116.01 through 116.03, 116.20 and 116.21; to acquire by lease, license, purchase or other right-to-use equipment, facilities and improvements, and land constituting all or part of the system, to connect subscribers to the system; and to repair, replace, enlarge and extend the system.

(1) Grantee is hereby authorized to extend the cable system as necessary, as desirable, or as required, pursuant to the terms of this agreement within the municipality. Whenever grantee shall receive requests for service from at least 5 subscribers within 660 cable-bearing strand feet (1/8 cable mile) of its trunk or distribution cable, it shall extend its cable system to such subscribers at no cost to said subscribers for such extension. The 660 feet or any multiple thereof shall be measured in extension length of grantee's trunk and feeder cable required for service located within the public right-of-way or an easement grantee may obtain.

(2) No subscriber shall be refused service arbitrarily. However, for a subscriber who is more than 150 feet of distance from distribution cable to connection of service to subscriber, or a density of less than 5 subscribers per 660 cable-bearing strand feet of trunk or distribution cable, cable service may be made available on the basis of a capital contribution in aid of construction, including costs of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by grantee and subscriber(s) in the area in which cable service may be expanded, grantee shall provide 132 feet of trunk and/or feeder cable per subscriber, which is the number of feet of trunk and/or feeder which would be provided under the formula set forth in herein. Potential subscriber(s) will bear the remainder of the construction and other costs.

(3) On or before January 31 of each year, grantee shall furnish a written report and map to the municipality showing the location of the cable system within the municipality as of the preceding January 1.

(4) Grantee shall offer all residential services at uniform rates and classifications, provided rates within classifications are uniform.

(B) The term of the grant shall be 10 years. The term shall begin on the effective date set forth in § 116.05 of this chapter.

(C) The grant shall not be exclusive. The municipality may make the same grant or a different grant to the company or to any other person during the term of the grant. However, the municipality will not authorize or permit another system to operate within the franchise area on terms or conditions more favorable or less burdensome to such system operator than those applied to the company pursuant to this chapter. If any such franchise is granted on terms more favorable to the grantee thereof than those contained herein, then the company shall have the right to comply with all the terms of such other franchise in lieu of compliance herewith. Additionally, if the municipality authorizes another system to operate within the franchise area, it shall do so on the condition that such system reimburse and hold harmless the company from and against all costs and expenses incurred in strengthening poles, replacing poles, rearranging attachments, placing underground facilities, and all other costs, including those of the company, the municipality and any utilities.
(Ord. 1416, passed 5-25-1993)

§ 116.21 USE OF MUNICIPAL STREETS.

(A) All system facilities erected, constructed or placed by the company within the municipality shall be located so as not to interfere with the proper use of the public right-of-way and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the public right-of-way and not to interfere with existing municipal or public utility installations. All service lines shall be underground in those areas providing telephone or electrical service underground at the time of installation. In areas where telephone or electric utility facilities are above ground at the time of installation, the company may install its service aboveground. In those areas where telephone and electric utility facilities are both above ground and underground at the time of installation, the company shall install its services underground.

(B) In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the company shall, at its own expense, and in the manner required by applicable municipal ordinances or policies, replace and restore all paving, sidewalk, driveway or other surface of any street or alley disturbed to a condition reasonably comparable to the condition of such paving, sidewalk, driveway or other surface of any street or alley disturbed existing immediately prior to such disturbance. In case of any disturbance on either private or public property, the land surface, including plantings and trees, shall be restored by the company to substantially its previous condition.

(C) If at any time during the period of the franchise the municipality shall lawfully elect to alter or change the grade or location of any street, alley or other public way, the company shall, upon not less than 5 business days' notice for repairs or 90 days notice for major construction by the municipality, remove, relay and relocate affected system facilities at its own expense, and in each instance comply with the requirements of the municipality; provided, however, the company shall in all cases have the right of abandonment of its property. The company shall be entitled to seek reimbursement of expenses related to such move if provided by state or federal law.

(D) The company agrees to provide 1 channel for use by the municipality, such channel to be shared by municipality and other franchised municipalities in LaSalle and Bureau County areas. The company may make use of any unused program time on such channel subject to the provisions of the Cable Act.

(E) The company shall, on request of any person holding a moving permit issued by the municipality, temporarily move affected system facilities to permit the moving of buildings, the expense of such temporary removal to be paid in advance by the person requesting such removal, and the company shall be given not less than 1-week advance notice to arrange for such temporary moves.

(F) The company shall have the authority, except when in conflict with existing municipal ordinances, to trim any trees upon and overhanging

the public right-of-way so as to prevent the branches of such trees from coming in contact with system facilities.

(G) The municipality shall have the right to install and maintain free of charge upon the property of the company its own equipment, including, but not limited to, its police and fire system and emergency services and disaster communications system, on the condition that such equipment does not interfere with the company's current or future establishment, construction, operation and maintenance of the system. The municipality hereby indemnifies the company against all claims, demands, costs or liabilities of every kind and nature whatsoever, except the negligence of the company, arising out of the municipality's use of the company's property, including, but not limited to, reasonable attorneys' fees and costs.

(H) If the company seeks to construct and maintain its cables and other system facilities on or above public or private property, and an easement for such use has already been granted to a telephone company, or electric or other public utility, said easement shall, if at all possible, be interpreted so as to grant the company the same rights and privileges as have been granted to the telephone and electric companies and other public utilities. In such easements, the words telephone or telephone company, electric company and the like, shall be interpreted to include the company.
(Ord. 1416, passed 5-25-1993)

§ 116.22 JURISDICTION OF GRANT OF FRANCHISE.

(A) The grant shall apply within the corporate limits of the municipality, including all territory hereafter annexed to the municipality.

(B) Notwithstanding the grant, the company has or will obtain all necessary federal, state and local government permits,' licenses and other required authorizations in connection with the establishment, construction, operation and maintenance of the system and will file copies of same with the Clerk of the municipality.

(C) Where the density of residential dwelling and occupied commercial or industrial structures, adverse terrain, or other factors render extension of the system and offer of cable service impractical or technically infeasible or creates an economic hardship, the municipality may, upon petition of the company, either waive the extension of the system into such areas, or allow the extension and offer of services on such special terms, conditions and provisions as are reasonable and fair to the municipality, the company, and potential subscribers in such areas.
(Ord. 1416, passed 5-25-1993)

§ 116.23 RATE PAYMENT.

Unless the company provides a longer time, subscribers shall pay connection charges and 1-month's service charges at the time of installation.
(Ord. 1416, passed 5-25-1993)

§ 116.24 FRANCHISE FEE.

(A) The company shall pay to the municipality for the right, privilege and franchise in connection with the grant, an amount equal to 5% of the gross revenues for the quarter year (the franchise fee) (or in the case of the first quarterly early payment, part of a quarter-year as the case may be), preceding January 1, April 1, July 1 and September 1 of each year, such payment to be payable to the municipality within 45 days of the end of the prior quarter. Each payment shall be accompanied by a certificate signed by an official or representative of the company having the requisite knowledge to make such a certificate in the form described herein certifying the gross revenues upon which the payment is based.

(B) Delinquent payments of the franchise fee shall bear interest at the rate of 1½% per month with the minimum delinquency being a 1-month interest charge.

(C) Upon termination of the grant at the expiration of the term provided in § 116.20(B), or otherwise, the company shall continue to make the quarter-yearly statements and certifications as provided in this section until such time as all payments due the municipality under this chapter have been paid and accounted for to the reasonable satisfaction of the municipality.

(D) The company shall cause to be provided, on or before April 15 of each year, an audit of the gross receipts of the company for purposes of verifying the accuracy of the payments of franchise fees paid to the municipalities for the preceding year ending December 31. The audit shall be at the expense of the company, shall not be passed on to the subscriber, and shall be prepared by certified public accountants who are independent of the company or its affiliates. The municipalities shall be notified on or before January 1, 1994, of the name of the audit firm assigned to prepare the audit.
(Ord. 1416, passed 5-25-1993)

§ 116.25 RECORDS.

The municipality shall have the right, upon reasonable notice to the company and at reasonable times, hours, dates and frequencies, to inspect in the company's Illinois offices or at an Illinois location all or any part of the company's records and documents, engineering records and documents of every kind in connection with the grant, the system, and the company's undertakings with respect to this chapter. Notwithstanding anything to the contrary set forth herein, the company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature.
(Ord. 1416, passed 5-25-1993)

§ 116.26 GENERAL SYSTEM STANDARDS.

(A) The company shall establish, construct, operate and maintain the system in accordance with the highest standards of cable communications technology and in accordance with the highest standards of conduct with respect to businesses of the size and type of that of the company.

(B) The company through the system shall provide effective and efficient service in accordance with the rules and regulations of all governmental units and agencies having regulatory and licensing authority in connection with the system.

(C) The company through the system shall provide uniform, strong signals which are free from distortion and interference.

(D) The company shall not interrupt all or any part of the services of the system in the absence of absolute need or emergency circumstances. In the event of any sustained service interruption in excess of 12 hours, each affected subscriber shall upon request be paid a pro rata credit for each such interruption.

(E) The company shall establish, construct, operate and maintain the system so as to at all times meet FCC technical standards, including, without limitation, specifications for frequency boundaries, visual carriers, frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation and radiation.

(F) The company shall establish, construct, operate and maintain the system in accordance with all applicable national, state and local building and safety codes. In the absence of any otherwise applicable building and safety codes, the company shall establish, construct, operate and maintain the system in accordance with the most recent edition of the National Electrical Safety Code.

(G) The system shall be designed, established, constructed, operated and maintained for 24-hour-a-day continuous operation.

(H) The system shall produce, for receipt on subscribers' receivers which are in good working order, either monochrome or color pictures (providing

the receiver is color capable) that are free from any significant interference, distortion, or ghosting which would cause any material degradation of video or audio quality.

(I) The system shall be capable of and shall provide emergency override alerts whereby the municipality or other governmental units or agencies designated by the municipality may be able to issue an emergency broadcast system visual or audio bulletin on a channel or channels designated by the company. The municipality shall hold the company, its agents, employees, officer and assignees hereunder harmless from any claims, other than those based upon the negligence of the company, arising out of the emergency use of its facilities by the municipality, including, but not limited to, reasonable attorneys' fees and costs.

(J) In the event the company is prevented or delayed in the performance of any of its obligations under this chapter by reason of acts of God, flood, fires, hurricanes, tornadoes, earthquakes or other unavoidable casualty, acts of public enemy, insurrection, war, riot, sabotage, vandalism, strikes, boycotts, lockouts, labor disputes, shortage of labor, epidemic, freight embargoes, shortages or unavailability of materials or supplies, unusually severe weather conditions, acts or omissions of the municipality or any other similar event beyond the reasonable control of the company, the company shall have a reasonable time under the circumstances to perform its obligations under this chapter or to procure a substitute for such obligations which is satisfactory to the municipality.
(Ord. 1416, passed 5-25-1993)

§ 116.27 CHANNELS.

(A) The system shall have a minimum 34 television channel capacity. The company shall install fiber optic cable piggy back trunk line throughout the system on or before December 31, 1995.

(B) The system shall have a broadband FM signal.

(C) All channel requirements herein are expressly subject to FCC and copyright limitations, as well as the availability to the company of program rights owned by others.
(Ord. 1416, passed 5-25-1993)

§ 116.28 BUSINESS OFFICE AND SERVICE CALLS.

(A) The company shall operate and maintain within 1 of the cities of LaSalle, Oglesby, Peru and Spring Valley a business office (business office) and agent for the purpose of receiving inquiries, requests and complaints concerning all aspects of the establishment, construction, maintenance, and operation of the system and the payment of subscribers' service charges. The office shall have a listed telephone and shall be open during reasonable business hours.

(B) The company shall respond to and resolve subscribers' complaints or requests for service in connection with repairs and maintenance and malfunctions of the system. The company shall respond as soon as possible to such complaints or request, but in any event not more than 24 hours after receipt of the complaint.

(C) The company shall file with the municipality copies of all of its rules and regulations in connection with the handling of inquiries, requests and complaints. The company shall furnish in writing to subscribers at the time they connect to the system information concerning procedures for making inquiries, requests and complaints about the system. The information shall at least include names, addresses and telephone numbers of the business office and agent. The company shall provide such information as will reasonably permit subscribers to effectively submit inquiries, requests and complaints and to obtain satisfactory resolution or handling in connection with the quality of the company's delivery of services.

(D) The company shall keep full records in connection with all inquiries, complaints and requests for service or information in connection with the system at its business office for a period of 1 year. Minimally, such records shall identify the method and time of resolution of the matter in question and the date of the action taken by the company in connection with the contact.

(E) The company shall provide 30-days' advance written notice of any change in channel assignment or in the video program service provided over any system channel.

(F) The company shall inform subscribers, via written notice, that comments on programming and channel position changes are being recorded by a designated office of the municipality.
(Ord. 1416, passed 5-25-1993)

§ 116.29 NOTICE TO SUBSCRIBERS OF UNSOLICITED SEXUALLY EXPLICIT PROGRAMS.

If and whenever the company provides a premium channel which offers movies rated X, NC-17, or R without charge to cable subscribers who do not subscribe to such premium channel, the company shall, no later than 30 days prior to the time such premium channel is provided without charge:

(A) Notify all subscribers that the company plans to provide the premium channel without charge;

(B) Notify all cable subscribers when the company plans to offer the premium channel without charge;

(C) Notify all subscribers that they have a right to request that the channel carrying the premium channel be blocked; and

(D) Block the channel carrying the premium channel upon request of the subscriber.
(Ord. 1416, passed 5-25-1993)

§ 116.30 SUPERVISION OF THE COMPANY.

(A) Unless specifically otherwise provided in this chapter, all administrative actions required to be taken or which shall or may be taken by the municipality in connection with the system, shall be taken by the Mayor or the City Clerk, or such other municipal employee or official designated by the Mayor or the City Clerk.

(B) Unless specifically otherwise provided in this chapter, all filings with the municipality required by this chapter shall be made with the Clerk.
(Ord. 1416, passed 5-25-1993)

§ 116.31 LIABILITY, INSURANCE AND INDEMNITY.

(A) The company hereby agrees to indemnify, defend and save whole and harmless the municipality and its officers and employees from liability and related expenses (including reasonable attorneys' fees) of any kind which arise from the construction, operation and maintenance of the system by the company. The municipality shall notify the company in the event any person shall in any way notify the municipality of any claim or demand from which the company may be subject to liability under this section or otherwise. The indemnification provisions of this section shall include liability or claims of liability with respect to property damage, personal injury, invasions of the right of privacy, defamation of any person, the violation of infringement of any copyright, trademark, trade name, service mark or patent, except that the company shall have no liability arising out of the use or operation of any public or leased access channels as provided in Section 638 of the Cable Act.

(B) (1) The company shall keep the system continuously insured against such risks as are customarily insured against by businesses of like size and type, including, but not limited to:

(a) Insurance to the extent of $500,000 per occurrence against liability for bodily injury including death and to the extent of $500,000 per

occurrence against liability for damage to property including loss of use, occurring on, arising out of or in any way related to the system.

(b) During any period of construction, adequate coverage to meet liability under Illinois law.

(c) Workmen's compensation insurance within statutory limits and employer's liability insurance of not less than $100,000.

(d) Comprehensive automobile liability insurance to the extent of $500,000 per occurrence against liability for bodily injury including death and to the extent of $500,000 per occurrence against liability for damage to property including loss of use occurring on, arising out of, or in any way related to the system.

(2) This division (B) shall not be a limit of the company's undertaking provided in division (A) of this section.

(C) The company shall designate the municipality and all of its officers and employees as additional insureds on all insurance policies referred to in this section. All such policies shall provide that the issuing insurance company will not cancel them without 30-days' prior notice to the company and the municipality. All such policies shall be issued by and maintained with generally recognized responsible insurance companies qualified to do business in the State of Illinois maintaining a Bests Rating of not less than A-11.
(Ord. 1416, passed 5-25-1993)

§ 116.32 PRIVACY; COMPLIANCE WITH LOCAL, STATE AND FEDERAL JURISDICTION.

(A) The company shall comply with the subscriber privacy provisions of Section 631 of the Cable Act.

(B) The company shall establish, construct, operate and maintain the system subject to the reasonable supervision of the municipality and in strict compliance with all applicable laws, ordinances, rules and regulations.

(C) If at any time the vested powers of the municipality, state or federal government or any agency or official thereof in connection with the system are duly transferred to or later reside in any other board, authority, agency or official, such board, authority, agency or official shall have the power, rights and duties previously vested in addition to any other which they may acquire.

(D) Notwithstanding any other provisions of this chapter, the company shall at all times comply with all state and federal laws, rules and regulations, or any administrative agency thereof; provided, however, if any such ordinance, law, rule or regulation shall require the company to perform any service in conflict with the provisions and terms of this chapter or of any law, rule or regulation, then as soon as possible following knowledge thereof, the company shall notify the municipality of the point of conflict believed to exist. If either party determines that a material provision of this chapter is affected by such action, both parties agree to negotiate in good faith any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of this chapter.
(Ord. 1416, passed 5-25-1993)

§ 116.33 UNLAWFUL ACTS.

(A) It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the company's system for the purpose of enabling himself, herself, or others to receive any television signals, radio signals, picture, programs, sounds, or any other information or intelligence transmitted over the company's system without payment to the company.

(B) It shall be unlawful for any person, without the consent of the company, to willfully tamper with, remove, or injure any cable, wires, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds or any other information or intelligence transmitted over the company's system.

(C) Violators of the provisions of this section shall be guilty of a misdemeanor, and each and every day or portion thereof during which any violation of any of the provisions of this section is committed, continued, or permitted shall be deemed a separate offense and upon conviction of any such violation shall be punishable by a fine as set forth in § 116.99. Any equipment or structure erected or maintained and any work commenced or continued in violation of this chapter shall be and is hereby declared unlawful.
(Ord. 1416, passed 5-25-1993)

§ 116.34 ACCEPTANCE.

(A) The company expressly acknowledges that upon accepting the right, privilege and franchise granted by this chapter, it did so relying upon its own investigation and understanding of the power and authority of the municipality in connection with the system and this chapter. By the acceptance of this franchise, the company agrees that it will not at any time set up against the municipality in any claim or proceeding any provision, condition or term of this chapter as arbitrary or vague.

(B) The company by acceptance of the right, privilege and franchise under this chapter acknowledges that it has not been induced to enter into the franchise agreement by any understanding or provision or other statement whether verbal or written by or on behalf of the municipality concerning any term or condition of this franchise not expressed herein.

(C) In the event the company shall accept the right, privilege and franchise to establish, construct, operate and maintain the system in accordance with the provisions, terms and conditions of this chapter, the company shall execute an acceptance in substantially the form as follows:

ACCEPTANCE OF CITY OF LASALLE CABLE TELEVISION FRANCHISE

The company having been advised by the City Clerk of LaSalle, Illinois, that by the adoption of Cable Television Franchise Ordinance No. 1416 passed by the Mayor and City Council on the twenty-fifth day of May, 1993, (the Ordinance) a franchise according to the provisions, terms and conditions of the ordinance was granted to the company to establish, construct, operate and maintain a cable television system within the City of LaSalle, Illinois, does hereby accept said franchise and agrees to be bound by and to comply fully and in all respects with the terms, conditions and provisions of Ordinance No. 1416.

UNITED CABLE TELEVISION
OF ILLINOIS VALLEY, INC.

By_____

(S E A L) ATTEST:

By_____

STATE OF ILLINOIS)
) SS.
COUNTY OF)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that _____, and ___ _____, the _____ and _____ , of the company personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this _____ day in person and acknowledged that they signed, sealed and delivered the said instrument as their free

and voluntary act and the free and voluntary act of the company, and that they were fully and duly authorized by the company to so subscribe, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this _____ day of _____ 20_____.

_____
Notary Public

(Ord. 1416, passed 5-25-1993)

§ 116.35 ASSIGNMENT OR TRANSFER.

(A) The right, privilege and franchise under this chapter and the system shall not be assigned or transferred, except to an affiliate of the company, either in whole or in part or leased or sublet, in any manner, nor shall title thereto, either legal or equitable, or any right, interest, or property therein, pass to or vest in other than the company either by the act of the company or by operation of law without the prior express approval of the municipality. The granting, giving or waiving of any 1 or more 24 of such approvals shall not render unnecessary any subsequent approvals. The municipality shall not unreasonably withhold such approval. If the municipality fails to grant or deny consent within 60 days following receipt of a request for consent to transfer by the company, such consent will be deemed given.

(B) The consent or approval of the municipality to any such assignment, lease, transfer, sub-lease, pledge or mortgage shall not constitute a waiver or release of the rights of the municipality in and to the public right-of-way.

(C) Nothing in this section shall prohibit a mortgage or pledge of the system or any part thereof or a leasing by the company of the system or part thereof in order to secure indebtedness. Any such mortgage, pledge, or lease shall be subject and subordinate to any rights of the municipality and subscribers under this chapter and notice of the filing of any such document generally describing its contents and the parties thereto shall be furnished to the city not less than 30 days prior to its execution.
(Ord. 1416, passed 5-25-1993)

§ 116.36 ENFORCEMENT AND TERMINATION OF FRANCHISE.

(A) In the event that the municipality believes that the grantee has not complied with the terms of the franchise, it shall notify grantee in writing of the exact nature of the alleged noncompliance.

(B) Grantee shall have 30 days from receipt of the notice described in division (A) above:

(1) To respond to the municipality contesting the assertion of noncompliance, or

(2) To cure such default, or

(3) In the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the municipality of the steps being taken and the projected date that they will be completed.

(C) In the event that grantee fails to respond to the notice described in division (A) above pursuant to the procedures set forth in division (B) above, or in the event that the alleged default is not remedied within 60 days after the grantee is notified of the alleged default pursuant to division (A), the municipality shall schedule a public meeting to investigate the default. Such public meeting shall be held at the next regularly scheduled meeting of the municipality which is scheduled at a time which is no less than 5 business days therefrom. The municipality shall notify the grantee of the time and place of such meeting and provide the grantee with an opportunity to be heard.

(D) (1) Subject to applicable federal and state law, in the event the municipality, after such meeting, determines that grantee is in default of any provision of the franchise, the municipality may:

(a) Foreclose on all or any part of any security provided under this franchise, if any, including without limitation, any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the municipality reasonably determines is necessary to remedy the default;

(b) Commence an action at law for monetary damages or seek other equitable relief;

(c) In the case of a substantial default of a material provision of the franchise, declare the franchise agreement to be revoked; or

(d) Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages.

(2) The grantee shall not be relieved of any of its obligations to comply promptly with any provision of the franchise by reason of any failure of the municipality to enforce prompt compliance.

(E) The grantee shall not be held in default or noncompliance with the provisions of the franchise, nor suffer any enforcement or penalty relating thereto, where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.
(Ord. 1416, passed 5-25-1993)

§ 116.37 RESERVATION OF RIGHTS.

(A) The right is hereby reserved to the municipality to adopt and enforce in addition to the terms, conditions and provisions contained in this chapter and in otherwise existing applicable ordinances, such additional ordinances, rules and regulations as it shall find necessary in the exercise of its police powers; provided, that such ordinances, rules and regulations shall be reasonable and not immaterial or in substantial conflict with the rights herein granted.

(B) In addition to the specific rights of inspection otherwise provided for in this chapter, the municipality shall also have the right to make such inspections as it shall find necessary to insure compliance with the terms, provisions and conditions of this chapter and other relevant provisions of the law.

(C) Nothing in this chapter shall limit the right of the municipality to exercise the power of eminent domain in the manner provided by law.

(D) From time-to-time either the municipality or the company may propose amendments to this chapter; provided, however, that any such amendment shall not impair the rights granted to or increase the obligations of the municipality or the company hereunder. No such amendment shall be effective as to the municipality or the company until the company files with the municipality an acceptance thereof, with specific reference to the ordinance amending the ordinance, substantially in the form set forth in § 116.35 of this chapter.
(Ord. 1416, passed 5-25-1993)

§ 116.38 RENEWAL.

The municipality and the company agree that any proceedings undertaken by the municipality that relate to the renewal of the company's franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act (as such existed as of the effective date of the Cable Act, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law). Specifically, but without limitation, the parties shall comply with the provisions of 47 U.S.C. § 626.
(Ord. 1416, passed 5-25-1993)

§ 116.39 TERMINATION OF SERVICE.

Upon termination of cable service to any subscriber the company upon written request shall, without charge, promptly remove all in-home system facilities from the property of such subscriber.
(Ord. 1416, passed 5-25-1993)

§ 116.40 PUBLIC BUILDINGS.

The company agrees to and shall furnish upon request without installation charge or monthly service fees for standard installation basic cable service on 1 outlet to the city hall and to each firehouse, public works building, and any other municipal building designated by the City Council, for public use; to all library buildings; and to all public and parochial elementary and secondary schools. Where the drop line from the feeder cable to a public building exceeds 250 cable feet, the appropriate public entity shall pay the incremental cost of such drop line in excess of 250 cable feet. The public buildings so served shall be responsible for the cost of installing all internal wiring from such energized connection source. The city does hereby agree indemnify and hold the company harmless from any and all acts, errors, omissions or damages which may occur as a result of the system being provided to the municipal buildings.
(Ord. 1416, passed 5-25-1993)

§ 116.41 RATE REGULATION.

The city shall be entitled to and does hereby reserve unto itself to the fullest extent possible the power to regulate or otherwise control to the benefit of its citizens the lowest reasonable cable television subscriber rates that may be permitted by the regulations promulgated by the Federal Communications Commission or its successor agency. Such regulation of rates shall be as expressly provided by federal or State of Illinois laws, rules or regulations. The company agrees that it will be bound under the terms of this agreement to those rates which may be fairly determined by the FCC to be just and reasonable.
(Ord. 1416, passed 5-25-1993)

§ 116.42 NOTICES.

All notices herein provided for shall be sent prepaid registered or certified mail addressed to the parties as follows:

To the Municipality:

City of LaSalle
Office of the Mayor
City Hall
745 Second Street
LaSalle, Illinois 61301-2599

with a copy to the City Clerk.

To the company:

United Cable Television of
Illinois Valley, Inc.
2216 Marquette Road
Peru, Illinois 61354

with a copy to:

TCI Great Lakes, Inc.
111 Pfingsten, Suite 400
Deerfield, Illinois 60015
Attention: Franchising Department
(Ord. 1416, passed 5-25-1993)

§ 116.43 ACTIONS OF MUNICIPALITY; EXCLUSIVE JURISDICTION.

(A) In any action by the municipality or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

(B) No community antenna television system shall be erected, maintained or operated in the municipality without the passage of a franchise ordinance permitting the same.
(Ord. 1416, passed 5-25-1993)

§ 116.99 PENALTY.

Whoever violates the provisions of § 116.33 shall be punishable by a fine of not less than $25 nor more than $500.
(Ord. 1416, passed 5-25-1993)

CHAPTER 117: TAXICABS AND PUBLIC VEHICLES

Section

Taxicabs

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TAXICABS

§ 117.01 DEFINITION.

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

TAXICAB. Any vehicle used to carry passengers for hire but not operating on a fixed route.
(1963 Code, § 5-9-1) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.02 LICENSE REQUIRED.

It shall be unlawful for any person to engage in the business of operating a taxicab in the city without first having secured a license therefor. Applications for licenses shall be made in writing to the City Clerk, and shall state thereon the name of the applicant, the intended place of business, and the number of cabs to be operated. If the applicant is a corporation, the names and addresses of the president and secretary thereof shall be given.
(1963 Code, § 5-9-2) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.03 CHARACTER OF APPLICANT.

No license shall be issued to or held by any person who is not a person of good character and reputation, or who has been convicted of a felony; nor

shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions.
(1963 Code, § 5-9-3) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.04 TAXICAB LICENSE FEE.

The annual fee, payable in advance, for such licenses shall be $52 for each taxicab operated within the city under the license. Such fee shall be in lieu of any other vehicle fees required by ordinance and the City Clerk shall issue suitable tags or stickers for the number of cabs covered by each license. Such tag or sticker shall be displayed in a prominent place on each taxicab while it is in use, and may be transferred to any taxicab put into service to replace one withdrawn from service. The licensee shall notify the City Clerk of the vehicle's serial number and state license number of each cab operated and of the corresponding municipal tag or sticker number. The license fee herein provided shall be payable on or before the fifteenth day of January of each calendar year.
(1963 Code, § 5-9-4) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.05 VEHICLE REQUIREMENTS.

No taxicab shall be operated unless it bears a state license duly issued; and no cab shall be operated unless it is equipped with proper brakes, horn, muffler, rear vision mirror, and windshield wipers in good condition. At the time of license application and on or before January 15 of each and every calendar year thereafter while the license remains in effect, the holder of the license shall provide the City Clerk with a statement from a reputable mechanic that he respective taxicabs operated under the license are in good condition and repair.
(1963 Code, § 5-9-5) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.06 TAXICAB DRIVER REQUIREMENTS.

No person shall drive a taxicab or be hired or permitted to do so, unless he or she is duly licensed as a chauffeur. It shall be unlawful for any driver of any taxicab while on duty to:

(A) Drink any intoxicating liquor;

(B) Use or be under the influence of any unlawful drugs;

(C) Use any profane or obscene language;

(D) Shout or call to prospective passengers; or

(E) Disturb the peace in any way.
(1963 Code, § 5-9-6) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.07 INSURANCE REQUIREMENTS, TRAFFIC RULES, UNLAWFUL ACTS.

(A) No taxicab shall be operated unless it is covered by a bond or public liability policy as required by the laws of the State of Illinois; provided, in no event shall such liability coverage be less than per person/per accident limits of $100,000/$300,000.
(1963 Code, § 5-9-7)

(B) It shall be the duty of every driver of a taxicab to obey all traffic rules established by the city and the State of Illinois.
(1963 Code, § 5-9-8)

(C) It shall be unlawful for any person to knowingly permit any taxicab to be used in the perpetration of a crime or misdemeanor.
(1963 Code, § 5-9-9) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989) Penalty, see § 117.99

§ 117.08 PASSENGERS.

It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to use a taxicab; provided, such person is not abusive and conducts himself or herself in an orderly manner. No person shall be admitted to the taxicab occupied by a passenger without the consent of that passenger. The driver shall take his or her passenger to the destination by the most direct available route from the place where the passenger enters the taxicab.
(1963 Code, § 5-9-10) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.09 RATES.

(A) *Metered taxicabs*. No person operating any metered taxicab in the city shall charge in excess of a minimum charge of $1.85 for the first half-mile and an additional $.10 charge per each 1/10 mile thereafter. The charges described in this division (A) shall be the same for 1 to 4 passengers using the service at the same time. Metered taxicabs shall not transport more than 4 passengers at any 1 time. No charge for packages that can be carried into the taxi.

(B) *Non-metered taxicabs*.

(1) No person operating any non-metered taxicab in the city shall charge in excess of the following rates:

Origin or Destination	***Rate***
First Street in LaSalle to south of Seventh Street in LaSalle	$1.95 and $.10 per block east or west
North of Seventh Street in LaSalle to south of Maple Road in LaSalle	$2.65 plus $.10 per block east or west
North of Maple Road in LaSalle to south of Baker Avenue in LaSalle	$1.95 plus $.10 per block east or west
North of Baker Avenue in LaSalle to the railroad tracks	$2.85 plus $.10 per block east or west
First Street to the Peru Mall	$4.35
West of St. Vincent's Avenue and north of Eleventh Street to or from the Peru Mall	$3.35 plus $.10 per block west of St. Vincent's Avenue
East of St. Vincent's Avenue and north of Eleventh Street to or from the Peru Mall	$3.35 plus $.10 per block east of St. Vincent's Avenue
South of Eleventh Street to and from the Peru Mall	$3.35 plus $.10 per block east or west of St. Vincent's Avenue
City of LaSalle to and from Jonesville, Illinois	$3.35
City of LaSalle to or from Oglesby, Illinois, west of Woodland Avenue	$4.25
City of LaSalle to or from Oglesby, Illinois, east of Woodland Avenue	$4.75
City of LaSalle to or from Spring Valley, Illinois, and east of Spalding Street	$6.35
City of LaSalle to or from Spring Valley, Illinois, and west of Spalding Street	$6.35

(2) Each additional passenger is not charged extra, regardless of the zone. No charges for packages that can be carried into the taxi.

(3) The charges described shall be the same for 1 to 4 passengers using the service at the same time. Metered and non-metered taxicabs shall not transport more than 4 passengers at any 1 time.
(1963 Code, § 5-9-11) (Ord. 534, passed 1-4-1954; Am. Ord. 629, passed 3-19-1962; Am. Ord. 734, passed 9-5-1967; Am. Ord. 841, 1-2-1974; Am. Ord. 862, passed 1-2-1974; Am. Ord. 886, passed 8-23-1976; Am. Ord, 973, passed 9-4-1979; Am. Ord. 1104, passed 3-10-1986; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.10 POSTING OF RATES.

The schedule of rates charged shall be posted in each taxicab in front of the passenger compartment in such a position that it will be in plain view of all passengers riding therein, and so lighted at night that it can be plainly seen.
(1963 Code, § 5-9-12) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.11 REVOCATION OF LICENSE.

The Mayor of the city shall have the right to revoke any license issued hereunder to any taxicab licensee whenever the owner or operator of the taxicab shall violate any of the provisions of this chapter or any other ordinance of the City of LaSalle, or any statute of the State of Illinois.
(1963 Code, § 5-9-13) (Ord. 534, passed 1-4-1954; Am. Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

§ 117.12 NUMBER OF TAXICABS LIMITED.

The number of taxicabs shall be limited to 10; provided that in the event that public convenience and necessity may require additional taxicab service and a petition is filed with the Public Vehicle Commission, then and in that event the Public Vehicle Commission after a full hearing shall report its findings and recommendations to the Council, and the Council upon hearing the report and findings of the Public Vehicle Commission shall be ordinance declare that public convenience and necessity requires the increased taxicab service.
(1963 Code, § 5-9-14) (Ord. 534, passed 1-4-1954)

§ 117.13 PUBLIC VEHICLE COMMISSION.

(A) There is hereby established a Public Vehicle Commission which shall consist of 3 members appointed by the Mayor for a term of 1 year. The Mayor shall designate the Chairperson of the Commission.

(B) The Public Vehicle Commission shall meet on the call of the Chairperson or of 2 members thereof, at such times as may be necessary to transact its business.
(1963 Code, § 5-9-15)

§ 117.14 DETERMINATION OF PUBLIC NECESSITY.

Upon petition being filed with the Public Vehicle Commission that there is a need of additional taxicab service, then the Public Vehicle Commission shall hear evidence as to the need of additional taxicab service, and the Public Vehicle Commission in reporting its finding and recommendation to the Council, shall consider the need of the public for taxicab service, the number of cabs in operation and the anticipated future demand.
(1963 Code, § 5-9-16)

§ 117.15 LICENSE RENEWAL GUARANTEED.

Taxicab owners having had issued to them a license under the provisions of this chapter, shall have the right to have their license renewed, and their rights are protected, and the grandfather's rights of licensees are hereby recognized.
(1963 Code, § 5-9-17)

§ 117.30 LICENSE REQUIRED.

No motor vehicle other than a licensed public passenger vehicle shall be operated along the public streets and ways of the city, for the carriage of passengers for hire, indiscriminately accepting and discharging passengers as may offer themselves for transportation.
(1963 Code, § 5-10-1) (Ord. 501, passed 4-2-1951)
Penalty, see § 117.99

§ 117.31 APPLICATION FOR LICENSE; FEES.

(A) Application for public passenger vehicle licenses shall be filed by the owner with the Clerk. The application shall contain the full name and address of the owner, the description of the vehicle for which a license is desired, the length of time the vehicle has been in use, and the number of persons it is capable of carrying. Upon the making of such application and the payment of the license fee provided for by this chapter, a license shall be issued to be signed by the Mayor and attested by the Clerk, authorizing the use of such public passenger vehicle within the city until the expiration of the license.
(1963 Code, § 5-10-2)

(B) The following annual license fees shall be paid for public passenger vehicles:

(1) For each motor coach or bus, $52.

(2) For each public passenger vehicle other than a motor coach or bus, $52.

(C) All such licenses shall expire on the thirtieth day of April succeeding the date of issue and when issued after May first, the fee shall be in proportion to the annual rate for the time of the date of issue to the thirtieth of April following, each fractional part of a month to be computed at a full month but in no case shall such license fee be less than ½ of the annual fee.
(1963 Code, § 5-10-4) (Ord. 501, passed 4-2-1951)

§ 117.32 CONDITION OF VEHICLE.

No public passenger vehicle shall be licensed until it has been found to be in safe condition for transportation of passengers.
(1963 Code, § 5-10-3) (Ord. 501, passed 4-2-1951)

§ 117.33 EXCEPTION.

This subchapter shall not apply to or govern taxicabs which are regulated and licensed by §§ 117.01 through 117.15 relating to taxicabs.
(1963 Code, § 5-10-4) (Ord. 501, passed 4-2-1951)

§ 117.99 PENALTY.

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

(B) Any person, firm or corporation violating any provision of §§ 117.01 through 117.15 shall be fined not less than $50 nor more than $500 for each offense. Any day on which an offense occurs or continues shall be deemed a separate offense.
(Ord. 1226, passed 10-2-1989; Am. Ord. 1227, passed 10-16-1989)

CHAPTER 118: MASSAGE BUSINESSES

Section

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§ 118.01 DEFINITIONS.

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

APPLICANT. Person applying for a permit under this chapter, and must include all partners, including limited partners, or a partnership applicant, any officer or director of a corporate applicant, and any stockholder holding more than 2% of the stock of a corporate applicant.

EMPLOYEE. Any and all persons who render any service to the massage establishment or its customers and receive compensation directly from the massage establishment.

HEALTH OFFICER. The Director of the Department of Health of the city or his or her authorized representative.

LICENSED INSPECTOR. The duly appointed Superintendent of Public Works.

MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT. Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the activities mentioned in the definition of ***MASSAGE*** above. ***MASSAGE ESTABLISHMENT*** shall not include any establishment exempted by § 118.19 of this chapter.

MASSEUR or ***MASSEUSE.*** Any individual who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PERMITTEE. The operator of a massage establishment that has a valid permit issued under this chapter.

SEXUAL or ***GENITAL AREA.*** The genitals, pubic area, anus, or perineum of any person, or the vulva or breasts of a female.
(Ord. 1096, passed 9-9-1985)

§ 118.02 PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of a massage establishment as herein defined, without first having obtained a permit from the Mayor, after approval of the Health Officer.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.03 APPLICATION.

(A) Every applicant for a permit to maintain, operate, or conduct a massage establishment shall file an application in duplicate, under oath, with the License Inspector upon a form provided by said License Inspector and pay a nonrefundable filing fee of $50 to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the License Inspector.

(B) The License Inspector shall, within 5 days, refer copies of such application to the Fire Department, the Board of Health, the Building Inspection Division, and the Police Department. Those departments shall, within 30 days, inspect the premises proposed to be operated as a massage establishment and make written recommendations to the License Inspector concerning compliance with the codes that they administer.

(C) Within 10 days of receipt of the recommendations of the aforesaid departments, the License Inspector shall notify the applicant that the application is granted, denied, or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the License Inspector shall advise the applicant in writing whether the application is granted or denied.

(D) Whenever an application is denied or held for further investigation, the License Inspector shall advise the applicant in writing of the reasons for such action.

(E) The failure or refusal of the applicant to give promptly any information relevant to the investigation of the application or his or her refusal to submit to or cooperate with any inspection required by this chapter shall be grounds for denial thereof by the Mayor.
(Ord. 1096, passed 9-9-1985)

§ 118.04 INFORMATION CONTAINED IN APPLICATION.

(A) The application for a permit to operate a massage establishment shall set forth the exact nature of the massage to be administered, and the proposed place of business and facilities therefor.

(B) In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership applicant, and any officer or director of a corporate applicant, and any stockholder holding more than 2% of the stock of a corporate applicant, shall furnish the following information:

(1) Name and address.

(2) Written proof that the individual is at least 18 years of age.

(3) All residential addresses for the past 3 years.

(4) The applicant's height, weight, color of eyes and hair.

(5) The business occupation, or employment of the applicant for the 3 years immediately preceding the date of application.

(6) The massage or similar business license history of the applicant; whether such person, in previously operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(7) All criminal or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations, within the last 5 years.

(8) The Chief of Police or his or her delegate shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

(9) If the applicant is a corporation, or a partner in a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation.
(Ord. 1096, passed 9-9-1985)

§ 118.05 ISSUANCE OF PERMIT.

(A) Upon receipt of the certificate of the Health Officer that the establishment is in compliance with all of the requirements of the Health Code and the certificate of the Building Inspector and Fire Inspector that the building meets the Building Code, and the Chief of Police that the applicant or applicants have not been convicted in a court of competent jurisdiction of the crimes listed in division (A)(2) of this section, the Mayor shall issue a permit to maintain, operate, or conduct a massage establishment, unless he or she finds:

(1) That the operation, as proposed by the applicant, if permitted, would not comply with all applicable laws of the city; or

(2) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of a felony; an offense involving sexual misconduct with children; prostitution, soliciting for purposes of prostitution, pandering, keeping of a place of prostitution; or any crime involving dishonesty, fraud, deceit, or other offenses opposed to decency and morality, within the last 5 years.

(B) Every massage establishment permit issued pursuant to this chapter will terminate at the expiration of 1 year from the date of its issuance, unless sooner suspended or revoked.
(Ord. 1096, passed 9-9-1985)

§ 118.06 REVOCATION OR SUSPENSION OF PERMIT.

(A) Any permit issued for a massage establishment may be revoked or suspended by the Mayor after a hearing for good cause shown; or in any case where any of the provisions of this chapter are violated, or any employee of the permittee, including a masseur or masseuse, is engaged in any conduct at the permittee's place of business which violates any of the provisions of this chapter or any state law which provides for imprisonment, and the permittee has actual or constructive knowledge of such violations or the permittee should have had actual or constructive knowledge of due diligence; or where any applicant has made a false statement on an application for a permit under this chapter; or in any case where the permittee or licensee refuses to permit any duly authorized Police Officer or Health Inspector of the city to inspect the premises or the operations therein. Such permit may also be revoked or suspended by the Mayor after hearing, upon the recommendations of the Health Officer, after finding of specific facts, indicating that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or customers or without due regard to proper sanitation or hygiene.

(B) The Mayor, before revoking or suspending any permit, shall give the permittee at least 10-days' written notice of the charges against him or her and the opportunity for a public hearing before the Mayor,

at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.
(Ord. 1096, passed 9-9-1985)

§ 118.07 MASSEUR OR MASSEUSE PERMIT REQUIRED.

Any person, including an applicant for massage establishment permit, who engages in the practice of massage as herein defined, shall file an application for a masseur or masseuse permit with the License Inspector upon a form provided by said License Inspector and shall pay a nonrefundable filing fee of $25 for an original application and $10 for a renewal application to the City Treasurer, who shall issue a receipt which shall be attached to the application filed with the License Inspector.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.08 APPLICATION FOR MASSEUR OR MASSEUSE PERMIT.

(A) The application for a masseur or masseuse permit shall contain the following:

(1) Name and residence address;

(2) Social security number and driver's license number, if any;

(3) Applicant's weight, height, color of hair and eyes;

(4) Written evidence that the applicant is at least 18 years of age;

(5) Business, occupation, or employment of the applicant for the 3 years preceding the date of application; and whether the applicant has been convicted of, pleaded nolo contendere to, or suffered a forfeiture on a bond involving a charge of committing any crime except minor traffic violations within the last 5 years. If the answer is in the affirmative, a statement must be made giving the place and the court in which such conviction, plea, or forfeiture was had, the specific charge under which the conviction, plea, or forfeiture was obtained, and the sentence imposed as a result thereof.

(B) The Chief of Police, or his or her delegate, shall have the right to take fingerprints and a photograph of the applicant and the right to confirm the information submitted.

(C) All persons who desire to perform the services of masseur or masseuse at a massage establishment shall first undergo a physical examination for contagious and communicable diseases which shall include a recognized blood test for syphilis, a culture for gonorrhea, a test or tests which will demonstrate freedom from tuberculosis, which is to be interpreted by a licensed physician acceptable to the Health Officer, and such other laboratory tests done in a laboratory acceptable to the Health Officer, as may be necessitated by the above examination, and shall furnish to the Health Officer a certificate based upon the applicant's physical examination and issued within 30 days of such examination, signed by a physician duly licensed by the state and stating that the person examined is either free from any contagious or communicable disease, or incapable of communicating any of such disease to others. Such persons shall undergo the physical examination referred to above and submit to the Health Officer the certificate required herein prior to commencement of their employment and at least once every 6 months thereafter.
(Ord. 1096, passed 9-9-1985)

§ 118.09 ISSUANCE OF MASSEUR OR MASSEUSE PERMIT.

(A) The License Inspector may issue a masseur or masseuse permit within 21 days following application, unless he or she finds that the applicant for masseur or masseuse permit has been convicted within the last 5 years of a felony; an offense involving sexual misconduct with children; keeping or

residing in a house of ill fame, solicitation of lewd or unlawful act, prostitution, or pandering; or any crime involving dishonesty, fraud, or deceit.

(B) Every masseur or masseuse permit issued pursuant to this chapter shall terminate at expiration of 1 year from the date of issuance, unless sooner revoked.
(Ord. 1096, passed 9-9-1985)

§ 118.10 SUSPENSION OR REVOCATION OF MASSEUR OR MASSEUSE PERMIT.

(A) Any masseur or masseuse permit may be revoked or suspended by the License Inspector, in any case where the masseur or masseuse has violated any provision of this chapter or fails the medical examination and testing required by § 118.08.

(B) The Mayor may delay the effective date of any suspension or revocation until after an opportunity for a hearing before the License Inspector, except for revocations or suspensions for failure to pass the medical examinations required in this chapter, or for suspensions or revocations based on any evidence that the masseur or masseuse has a communicable disease.

(C) The License Inspector shall give any masseuse or masseur whose permit has been suspended or revoked written notice of the charges and an opportunity to request a public hearing. Any requested hearing shall be held within 10 days of the suspension or revocation, whether or not the suspension or revocation was effective immediately.
(Ord. 1096, passed 9-9-1985)

§ 118.11 FACILITIES NECESSARY.

No massage establishment shall be issued a permit, nor be operated, established, or maintained in the city unless an inspection by the Health Officer, Building Inspector, and Fire Inspector reveals that the establishment complies with each of the following minimum requirements:

(A) Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the city;

(B) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected;

(C) Adequate bathing, dressing, and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided;

(D) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such nondisposable instruments and materials shall be disinfected after use on each patron;

(E) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas;

(F) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any 1 time. Urinals may be substituted for half of the water closets for the male patrons after 1 water closet has been provided. Toilets shall be designated as to the sex accommodated therein;

(G) Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule immediately adjacent thereto. Lavatories or washbasins shall be provided with soap and a dispenser and with sanitary towels;

(H) The premises shall be equipped with a service sink for custodial services:

(I) The premises shall meet the Building Code and Fire Code of the city. The Health Officer, the Building Inspector, and the Fire Inspector shall certify that the proposed massage establishment complies with all the requirements of this section and shall send such certification to the License Inspector.
(Ord. 1096, passed 9-9-1985)

§ 118.12 OPERATING REQUIREMENTS.

(A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(C) All employees, including masseurs and masseuses, shall be clean and wear clean, nontransparent outer garments. A separate dressing room for each sex must be available on the premises and each dressing room shall contain a tub or shower in good working order and individual lockers for each employee and customer. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.

(E) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, masseur, or masseuse.

(F) It shall be unlawful for any person knowingly, in a massage establishment, to place their hand upon, to touch with any part of their body, to fondle in any manner, or to massage a sexual or genital area of any other person.

(G) No masseur or masseuse, employee, or operator shall perform, offer or agree to perform, any act which would require the touching of the patron's sexual or genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions, or other preparations used in administering massage shall be kept in clean, closed containers or cabinets.

(J) Eating in the massage work areas shall not be permitted. Animals, except for seeing-eye dogs, shall not be permitted in the massage work areas.

(K) Each masseur and masseuse shall wash their hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.13 INSPECTIONS.

The Police Department and the Department of Public Health shall, from time to time, at least twice a year, make an inspection of each massage establishment granted a permit under the provisions of this chapter for the purposes of determining whether the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a

reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.14 EMPLOYMENT OF MINORS PROHIBITED.

It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.15 TRANSFER OF PERMITS.

No permit for the operation of a massage establishment issued pursuant to the provisions of this chapter shall be transferable except with the written consent of the Mayor and approval of the Health Officer; provided, however, that upon the death or incapacity of the permittee, the massage establishment may continue in business for a reasonable period of time to allow for an orderly transfer of the permit.
(Ord. 1096, passed 9-9-1985)

§ 118.16 DISPLAY OF PERMIT.

Every permittee shall display a valid permit in a conspicuous place within the massage establishment so that the same may be readily seen by persons upon entering the premises.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.17 RESPONSIBILITIES OF EMPLOYER.

It shall be the responsibility of the permittee and the employer of any person purporting to act as masseurs and masseuses to insure that each person employed as a masseur or masseuse shall first have obtained a valid permit pursuant to this chapter.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.18 TIME LIMIT FOR FILING APPLICATION.

All persons who presently operate a massage establishment or who are employed as a masseuse or masseur must apply for a permit. Applications for renewal of permits must be filed not more than 2 months nor less than 1 month prior to termination of an existing permit.
(Ord. 1096, passed 9-9-1985)

§ 118.19 EXCEPTIONS TO CHAPTER.

This chapter shall not apply to licensed hospitals, licensed nursing homes or clinics, or persons holding an unrevoked certificate to practice the healing arts under the laws of the state, or persons working under the direct supervision and in their presence, of any such persons or in any such establishments; nor shall this chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.
(Ord. 1096, passed 9-9-1985)

§ 118.20 KEEPING OF RECORDS.

(A) Every person who operates a massage business or practices or provides a massage shall, at all times, keep an appointment book in which the name and address of each and every patron shall be entered, together with the time, date, service provided, and the price charged.

(B) Such appointment book shall be available at all times for inspection by any person authorized to make inspections under this chapter, or by his or her respective authorized representative.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.21 MINORS ON PREMISES PROHIBITED.

No person shall permit any person under the age of 18 years to come or remain on the premises of any massage business establishment, and no person under 18 years of age shall remain there.
(Ord. 1096, passed 9-9-1985) Penalty, see § 118.99

§ 118.22 REVIEW OF LICENSE DECISIONS.

The decision of the License Inspector with regard to the issuance, suspension, or revocation of any license under this chapter shall be reviewable by the Mayor of the city upon the written request of the party filed with the Mayor within 10 days of such refusal, revocation, or suspension. The Mayor shall review evidence previously submitted to the License Inspector and any additional evidence presented with the written request for review. The decision of the Mayor, upon such review, shall be a final, appealable order.
(Ord. 1096, passed 9-9-1985)

§ 118.99 PENALTY.

Any person, firm, or corporation violating any provision of this chapter shall be fined not less than $5 nor more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 1096, passed 9-9-1985)

CHAPTER 119: AMBULANCE SERVICES

Section

119.01 Definitions
119.02 License required
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119.05 Liability insurance required
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Cross-reference:

Fire deployment fees, see § 33.34

§ 119.01 DEFINITIONS.

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

AMBULANCE. Any privately- or publicly-owned motor vehicle or aircraft that is specially designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including funeral coaches or hearses which otherwise comply with the provisions of this chapter, except any such motor vehicle or aircraft owned by or operated under the direct control of the United States.

AMBULANCE SERVICE. The providing by any person of an ambulance or ambulances as hereinbefore defined.

ATTENDANT. A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.

ATTENDANT DRIVER. A person who is qualified as an attendant and a driver.

DRIVER. An individual who drives or pilots an ambulance.

HEALTH OFFICER. The city Health Officer or any designated official of the Division of Emergency Medical Services and Highway Safety of the Illinois Department of Public Health.

LICENSE OFFICER. The Mayor of the city.

PATIENT. An individual who is sick, injured, wounded, or otherwise incapacitated or helpless.
(Ord. 1005, passed 3-2-1981)

§ 119.02 LICENSE REQUIRED.

No person, either as owner, agent, or otherwise, shall operate, conduct, or maintain an ambulance service with its place of business, be it principal or secondary, within the city unless he or she holds a currently valid license for an ambulance service, issued pursuant to this chapter. An ambulance service operated by an agency of the United States shall not be required to be licensed hereunder.
(Ord. 1005, passed 3-2-1981) Penalty, see § 119.99

§ 119.03 APPLICATION FOR AMBULANCE SERVICE LICENSE.

Applications for ambulance service licenses shall be made to the License Officer and shall contain:

(A) The name and address of the applicant and of the owner of the ambulance or ambulances.

(B) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business.

(C) The training and experience of the applicant in the transportation and care of patients.

(D) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state or Federal Aviation Agency license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance or ambulances.

(E) The location and description of the place or places from which it is intended to operate.

(F) Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with this chapter.

(G) An accompanying license fee for a license to operate an ambulance service of $1.
(Ord. 1005, passed 3-2-1981)

§ 119.04 STANDARDS FOR AMBULANCE SERVICE LICENSE.

(A) Each ambulance service shall, at all times, be in compliance with the Ambulance Service Voluntary Compliance Program as promulgated by the Illinois Department of Public Health, Division of Emergency Medical Services and Highway Safety as may be in effect at that time and comply with all other applicable laws and local ordinances regarding the health, sanitation, safety, and the operation of an ambulance service.

(B) Any change of ownership of a licensed ambulance service shall terminate the licenses, and shall require a new application and a new license and conformance with all the requirements of this chapter as upon original licensing.

(C) Licenses shall run from January first of each year through December thirty-first of that year.

(D) Application for transfer of any ambulance service license to another person shall require conformance with all the requirements of this chapter as upon original licensing. No ambulance license may be sold, assigned, mortgaged, or otherwise transferred without the approval of the license officer and a finding of conformance with all the requirements of this chapter as upon original licensing.

(E) Each licensed ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the Health Officer or his or her designated representatives during usual hours of operation.

(F) No official entry made upon a license may be defaced, removed or obliterated.
(Ord. 1005, passed 3-2-1981) Penalty, see § 119.99

§ 119.05 LIABILITY INSURANCE REQUIRED.

(A) No ambulance service license shall be issued under this chapter, unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the state, for each and every ambulance owned or operated by or for the applicant or licensee, providing for the payment of damages:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of

liability imposed on the owner by law, regardless of whether the ambulance was being driven by the owner or the owner's agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances, in such sums and under such terms as may be required in regulations promulgated by the License Officer.

(B) Said insurance policies shall be submitted to the License Officer for approval prior to the issuance of each ambulance service license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the License Officer, in such form as the License Officer may specify, by all licensees required to provide such insurance under the provisions of this chapter.

(C) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for.
(Ord. 1005, passed 3-2-1981)

§ 119.06 DUTIES OF LICENSE OFFICER.

(A) The License Officer shall, within 30 days after receipt of an application for an ambulance service license as provided for herein, cause such investigation as he or she deems necessary to be made of the applicant and of the applicant's proposed operations.

(B) The License Officer shall issue a license to be valid for a period of 1 year, said year running from January first through December thirty-first, unless earlier suspended, revoked or terminated, when he or she finds:

(1) That each such ambulance service, its required equipment and the premises designated in the application have been certified by the Health Officer as provided for herein;

(2) That the applicant is a responsible and proper person to conduct or work in the proposed business;

(3) That only duly licensed drivers, attendants and attendant drivers are employed in such capacities;

(4) That all the requirements of this chapter and all other applicable laws and ordinances have been met.
(Ord. 1005, passed 3-2-1981)

§ 119.07 DUTIES OF HEALTH OFFICER.

(A) Prior to the issuance of any ambulance service license hereunder, the Health Officer shall cause to be inspected the vehicles, equipment, and premises designated in each application hereunder, and shall certify approval in a written report to the License Officer when the Health Officer finds compliance with the standards prescribed in § 119.04(A) of this chapter, and with the regulations promulgated under such section; provided, however, that under the terms of this chapter the Health Officer shall have no responsibility, and shall exercise no authority in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

(B) Subsequent to issuance of any ambulance license hereunder, the Health Officer shall cause to be inspected each such licensed vehicle, and its equipment and premises, whenever the Health Officer deems such inspection to be necessary but in any event no less frequently than yearly and shall promptly report the findings in a written report to the License Officer. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances.

(C) A copy of each initial, yearly equipment and premises inspection report submitted by the Health Officer to the License Officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.
(Ord. 1005, passed 3-2-1981)

§ 119.08 STANDARDS FOR AMBULANCE EQUIPMENT.

(A) Required equipment in each ambulance shall include, at all times when the ambulance is in use, such equipment adequate in the judgment of the Health Officer for insuring the comfort and care of persons who are injured or ill and in need of ambulance transportation.

(B) The Health Officer is authorized to promulgate regulations, after public notice and opportunity for public hearing, for the implementation of standards provided herein, as to required equipment in ambulances. In determining the adequacy of equipment, the Health Officer shall take into consideration the current list of essential equipment for ambulances, adopted by the American College of Surgeons or its duly authorized Committee on Trauma. Each licensee of an ambulance service shall comply with such reasonable regulations hereunder as may be promulgated by the Health Officer and shall maintain in each such ambulance, at all times when it is in use as such, all such equipment as may be prescribed by the Health Officer hereunder.
(Ord. 1005, passed 3-2-1981)

§ 119.09 APPLICATION FOR DRIVER AND ATTENDANT LICENSES.

Applications for drivers, attendants, and attendant-drivers licenses hereunder shall be made upon such forms as may be prepared or prescribed by the License Officer and shall contain:

(A) The applicant's full name, current residence, place of residence for 1 year previous to moving to this present address, and length of time he or she has resided in the state;

(B) The applicant's age, marital status, height, and color of eyes and hair;

(C) Whether the applicant has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;

(D) The applicant's training and experience in the transportation and care of patients, and whether the applicant has previously been licensed as a driver, chauffeur, attendant, or attendant-driver, and if so, when and where, and whether the applicant's license has ever been revoked or suspended in any jurisdiction and for what cause;

(E) Two recent photographs of the applicant, of a size designated by the License Officer, 1 of which shall be attached by the License Officer to the license;

(F) Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this chapter.
(Ord. 1005, passed 3-2-1981)

§ 119.10 STANDARDS FOR DRIVER AND ATTENDANT LICENSES.

(A) The License Officer shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as the License Officer deems necessary to be made of the applicant for a drivers, attendants, or attendant-drivers license.

(B) The License Officer shall issue a license to a driver, attendant, or attendant-driver hereunder, valid for a period of 1 year, unless earlier suspended, revoked or terminated, when the License Officer finds that the applicant:

(1) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(2) Is able to speak, read, and write the English language;

(3) Has been found by a duly licensed physician, upon examination attested to on a form provided by the Health Officer, to be of sound physique, possessing eyesight in 1 eye of 20/20 vision, and the other or worse eye can be corrected to at least 20/40 vision, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance.

Provided however, that no one shall be licensed as a driver or attendant driver unless that person holds a currently valid chauffeur's permit from the state, or FAA commercial license for aircraft pilots.

(C) A license as driver, attendant or attendant-driver issued hereunder shall not be assignable or transferable.

(D) No official entry made upon a license may be defaced, removed, or obliterated.
(Ord. 1005, passed 3-2-1981)

§ 119.11 RENEWAL OF LICENSE.

Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this chapter as upon original licensing.
(Ord. 1005, passed 3-2-1981)

§ 119.12 REVOCATION OF LICENSE.

(A) The License Officer may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for violation of any applicable provisions, standards or requirements of this chapter, or of regulations promulgated thereunder, or of any other applicable laws or ordinances or regulations promulgated thereunder; but, only after warning and such reasonable time for compliance as may be set by the License Officer. Within 10 days after a suspension, the licensee shall be afforded a hearing, after reasonable notice. The License Officer shall, within 14 days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of said license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

(B) The initial yearly ambulance, equipment, and premise inspection reports of the Health Officer herein provided for shall be prima facie evidence of compliance or non-compliance with, or violation of, the provisions, standards, and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

(C) Upon suspension, revocation, or termination of an ambulance service license hereunder, such ambulance service shall cease operations as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation, or termination of a drivers, attendants, or attendant-drivers license hereunder, such driver, attendant, or attendant-driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.
(Ord. 1005, passed 3-2-1981)

§ 119.13 OBEDIENCE TO TRAFFIC REGULATIONS.

(A) The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this section, but subject to the conditions herein stated, and only when such driver has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.

(B) Subject to the provisions of division (A) hereof, the driver of an ambulance may:

(1) Park or stand, irrespective of the otherwise applicable provisions of law, ordinance, or regulation;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits permitted by law, ordinance, or regulation so long as the driver does not endanger life or property; and

(4) Disregard laws, ordinances, or regulations governing direction or movement or turning in specified directions.

(C) The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance, or regulation.

(D) The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others. (Ord. 1005, passed 3-2-1981) Penalty, see § 119.99

§ 119.14 AMBULANCE SERVICE FEES.

(A) The following fees are hereby established for fees charged for advanced life support ambulance services and basic life support ambulance services and related matters for services as set forth below.

AMBULANCE FEE SCHEDULE		
SERVICE	***NON-RESIDENT***	***RESIDENT***
Advanced Life Support - Except Public Aid and Medicare:		
ALS-1 base rate	$750	$600
ALS-2 base rate	$1,000	$600
3 miles average @ $25/mile (actual miles will be billed)	$75	$75
Oxygen	$75	$75
Pulse oximeter	$75	$75
Cardiac monitor	$75	$75
Advanced Life Support Medicare or Public Aid:		
ALS-1 base rate	$500	
ALS-2 base rate	$650	
2 miles average @ $10/mile (actual miles will be billed)	$30	
Oxygen (public aid only)	$75	
Basic Life Support Except Medicare or Public Aid:		
Base rate	$550	$450
3 miles average @ $25/mile (actual miles will be billed)	$75	$75
Total	$625	$525
Basic Life Support Medicare or Public Aid:		
Base rate	$375	
3 miles average @ $10/mile (actual miles will be billed)	$30	
Total	$405	

(B) *Refuse treatment billing*. Any person or resident who requests emergency medical services from the Fire Department ambulance, and is treated but refuses transport to the hospital will be charged a minimum of $100.

(C) All fees will be determined by the above chart; however, for ambulance services provided to patients covered under the federal Medicare system, Medicare will be billed under the appropriate billing

code as provided under the Uniform Medicare Fee Schedule for ambulance services, as the same may be from time to time amended, and based on services provided and the mileage covered.

(D) In the event that additional care is provided, additional treatment will be billed when appropriate in a fair, reasonable, usual and customary manner.

(E) In the event that an individual who received ambulance services received compensation from a third party, which is allocable to ambulance service fee, such compensation shall be promptly forwarded by the individual to the city.

(F) Notwithstanding anything else contained herein to the contrary, under no circumstances shall any term or provision of this schedule adversely affect the rights of the city as set forth in the Illinois Health Care Services Lien Act (ILCS Ch. 770, Act 23) or other statutory and/or legal lien and/or other remedy available.
(Ord. 2258, passed 1-10-2011)

§ 119.99 PENALTY.

(A) Any person violating, or failing to comply with, the provisions of § 119.02 and the applicable provisions hereof relating to the licensing of ambulances, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding $500.

(B) Any person violating, or failing to comply with, any other provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding $500.

(C) Each day that any violation of, or failure to comply with, this chapter is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder.
(Ord. 1005, passed 3-2-1981)

CHAPTER 120: ADULT USES

Section

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§ 120.01 DEFINITIONS.

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

ADULT BOOK STORE. An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or waitresses, strippers, male or female impersonators, or similar entertainers.

ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons thereon.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

BODY SHOP OR MODEL STUDIO. Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by person paying such consideration or gratuity, or share for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or

specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

BUILDING STRUCTURE. Any structure or group of structures housing 2 or more businesses which share a common entry, exit, wall, or frontage wall, including, but not limited to, shopping centers, shopping malls, shopping plazas, or shopping squares.

SPECIFIED ANATOMICAL AREAS. Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region, or pubic hair;

(b) Buttock; or

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following conditions:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

(4) Excretory functions as part or in connection with any activities set forth in (1) through (3) above.
(Ord. 1157, passed 10-19-1987)

§ 120.02 ADULT USES ENUMERATED.

The following shall be considered adult uses for the purpose of this chapter:

(A) Adult book stores;

(B) Adult motion picture theater;

(C) Adult mini motion picture theater;

(D) Adult entertainment cabaret;

(E) Body shop or model studio.
(Ord. 1157, passed 10-19-1987)

§ 120.03 LIMITATIONS ON ADULT USES.

Adult uses shall be permitted subject to the following restrictions:

(A) An adult use shall not be allowed within 500 feet of another existing adult use.

(B) An adult use shall not be located within 700 feet of any zoning district which is zoned for Single-Family Residence District (R-1), Single-Family Residence District (R-2), Two-Family Residence District (R-3), or Multiple Dwelling District (R-4).

(C) An adult use shall not be located within 500 feet of a preexisting school or place of worship.

(D) An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.
(Ord. 1157, passed 10-19-1987)

§ 120.04 MEASUREMENT OF DISTANCES.

For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property

line of the adult use to the nearest property line of another adult use, school, place of worship, or district zoned for residential use.
(Ord. 1157, passed 10-19-1987)

§ 120.05 LICENSE REQUIRED, FILING OF APPLICATION, AND FILING FEE.

(A) It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an adult use as herein defined, without first having obtained a separate license of such adult use from the City Clerk.

(B) Every applicant for a license to maintain, operate, or conduct an adult use shall file an application in duplicate under oath with the City Clerk upon a form provided by the City Clerk and pay a nonrefundable filing fee of $100 to the City Clerk, who shall issue a receipt which shall be attached to the application filed with the City Clerk.

(C) Within 14 days after receiving the application, the City Clerk shall notify the applicant that the application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the City Clerk shall advise the applicant in writing whether the application is granted or denied.

(D) Whenever an application is denied or held for further investigation, the City Clerk shall advise the applicant in writing of the reasons for such action. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his or her refusal to submit to or cooperate with any inspection or investigation required by this chapter shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the City Clerk.
(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.06 CONTENTS OF APPLICATION FOR LICENSE.

An applicant for a license shall furnish the following information under oath:

(A) Name and address;

(B) Written proof that the individual is at least 18 years of age;

(C) The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto;

(D) All residential addresses for applicant for the past 3 years;

(E) The applicant's height, weight, color of eyes and hair;

(F) The business occupation or employment of the applicant for the 3 years immediately preceding the date of application;

(G) All criminal or city ordinance violation convictions, forfeiture of bond and pleadings of polo contendere on all charges except minor traffic violations within the last 3 years.

(H) If the applicant is a corporation or a partner in a partnership, the name of the corporation shall be set forth exactly in its articles of incorporation and shall list the names of all partners or shareholders owning an interest of 10% or more.
(Ord. 1157, passed 10-19-1987)

§ 120.07 ISSUANCE OF ADULT USE LICENSE.

(A) The City Clerk shall issue a license to maintain, operate, or conduct an adult use unless the City Clerk finds:

(1) That the applicant is under the age of 18 years or under any legal disability;

(2) That the applicant, at the time of application for renewal of any license issued under this chapter, would not be eligible for such license upon a first application.

(B) Every adult use license issued pursuant to this chapter will terminate at the expiration of 1 year from the date of its issuance, unless sooner revoked.
(Ord. 1157, passed 10-19-1987)

§ 120.08 SUSPENSION OR REVOCATION OF LICENSE FOR ADULT USE.

(A) Any license issued for an adult use may be revoked or suspended by the Mayor if the Mayor shall find:

(1) That the licensee has violated any of the provisions of this chapter regulating adult uses;

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

(B) The Mayor, before revoking or suspending any license, shall give the licensee at least 10-days' written notice of the charges against him or her and the opportunity for a public hearing before the Mayor, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.
(Ord. 1157, passed 10-19-1987)

§ 120.09 AUTOMATIC SUSPENSION.

(A) In the event a person under the age of 18 years is on the premises of an establishment operating as an adult use under this chapter, and views any specified sexual activities or specified anatomical areas as defined in § 120.01 of this chapter, then the license issued pursuant to this chapter shall be suspended for a period of 3 months.

(B) In the event a licensee is convicted of violating any of the provisions of ILCS Ch. 720, Act 5, § 11-20, as now in force or as may be amended from time to time, then the license issued pursuant to this chapter shall be suspended for a period of 3 months.

(C) The Mayor, before suspending any license, shall give at least 10-days' written notice of the charge. The licensee may within 5 days of receipt of the notice request a public hearing before the Mayor at which time the licensee may present evidence bearing upon the question. The notice required hereunder may be delivered personally to the licensee or be posted on the premises of the establishment being used as an adult use.
(Ord. 1157, passed 10-19-1987)

§ 120.10 EXTERIOR DISPLAY.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.
(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.11 DISPLAY OF LICENSE AND PERMIT.

Every licensee shall display a valid license in a conspicuous place within the adult use business so that the same may be readily seen by persons entering the premises.
(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.12 EMPLOYMENT OF PERSONS UNDER AGE PROHIBITED.

It shall be unlawful for any adult use licensee or his or her manager or employee to employ in any capacity within the adult business any person who is not at least 18 years of age.
(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.13 ILLEGAL ACTIVITY ON PREMISES.

No licensee or any officer, associate, member, representative, agent or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any ordinance of the city or law of the state or the United States.
(Ord. 1157, passed 10-19-1987) Penalty, see § 120.99

§ 120.99 PENALTY.

Any person who shall violate any of the provisions of this chapter shall be guilty of a violation. A person who is convicted shall be punished by a fine of not less than $300 nor more than $500.
(Ord. 1157, passed 10-19-1987)

CHAPTER 121: AUTO COURTS

Section

121.01 Definition
121.02 License required, application and plans
121.03 License fee
121.04 Fire walls, sanitary requirements, lights
121.05 Accommodation of trailer coaches
121.06 Violations; inspections

§ 121.01 DEFINITION.

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

AUTO COURT. Any parking lot, motel, garage, or tract of land for the accommodation of motor vehicles where transient sleeping accommodations are afforded or provided on the same premises for the public or for the occupants of the automobiles; provided, that a hotel which furnishes parking space or has a garage in connection with the hotel shall not be construed as an auto court.
(1963 Code, § 5-11-1) (Ord. 581, passed 7-10-1957)

§ 121.02 LICENSE REQUIRED, APPLICATION AND PLANS.

(A) It shall be unlawful to conduct or operate an auto court in the city without having first obtained a license therefor or without complying with all of the provisions of this chapter.
(1963 Code, § 5-11-2)

(B) Each applicant for a license to operate or maintain an auto court shall file an application with the Clerk; and shall state thereon, the name and address of the applicant, name and address of the owner or manager thereof, location of the auto court, and the maximum number of persons and vehicles to be accommodated. This application shall be accompanied by plans of the auto court showing the proposed or existing locations of all building, toilet, bath and wash basin facilities, slop sinks, water faucets, sewer connections, driveways, and other improvements.
(1963 Code, § 5-11-3) (Ord. 581, passed 7-10-1957) Penalty, see § 10.99

§ 121.03 LICENSE FEE.

The annual license fee for such license shall be $100; and the license year shall be the same as that provided for general business licenses in the city.
(1963 Code, § 5-11-5) (Ord. 581, passed 7-10-1957)

§ 121.04 FIRE WALLS, SANITARY REQUIREMENTS, LIGHTS.

(A) No parking space shall be provided for motor vehicles within 10 feet of any building or structure used for housing accommodations in an auto court unless the wall facing such parking space is constructed of fireproof materials and unless the windows in such wall, if any, are equipped with reinforced fire resistant glass.
(1963 Code, § 5-11-4)

(B) No such premises shall be operated as an auto court unless they are equipped with adequate toilet and other sanitary facilities to serve the total number of persons accommodated therein. All such

sanitary facilities shall be properly connected with the sanitary sewer system of the city if the premises are located on a street served by such sewer or with a septic tank complying with the regulations pertaining thereto.
(1963 Code, § 5-11-6)

(C) Any area or premises of an auto court open to use by the public or by all persons staying in or being accommodated in the court shall be kept adequately lighted at nighttime; provided, that such lights must be so shaded or otherwise regulated so as to prevent them from shining upon any adjacent premises.
(1963 Code, § 5-11-8) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

§ 121.05 ACCOMMODATION OF TRAILER COACHES.

It shall be unlawful to use or permit the use of an auto court for the accommodation of a trailer coach unless all requirements pertaining to trailer camps including, but not limited to, those set forth in the city zoning ordinance are complied with; provided, that where a license fee for a trailer coach park has been paid, it shall not be necessary to pay an additional fee for the operation of an auto court on the same premises.
(1963 Code, § 5-11-9) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

§ 121.06 VIOLATIONS; INSPECTIONS.

(A) It shall be unlawful to permit any violation of this code or other law in any auto court; such premises must be kept clean and sanitary at all times, and waste material must be removed therefrom at least once every 24 hours. The Chief of Police shall inspect or cause to be inspected each auto court to see to the compliance with the provisions of this chapter.

(B) It shall be unlawful to use or permit the use of any auto court, or any portion thereof, for immoral purposes.
(1963 Code, § 5-11-7) (Ord. 581, passed 7-10-1957)
Penalty, see § 10.99

CHAPTER 122: BILL POSTING

Section

122.01 License required, application and fee
122.02 Bond required
122.03 Term of license
122.04 Placing handbills on vehicles
122.05 Owner's permission required for posting
122.06 Mutilation of lawfully posted bills prohibited

§ 122.01 LICENSE REQUIRED, APPLICATION AND FEE.

(A) It shall be unlawful for any person to post, tack up, exhibit or carry for distribution along any street any handbills, circulars, sheets, lithographs, signs, books, pamphlets or advertising samples without having first obtained a license and given bond in accordance with the terms of this chapter.
(1963 Code, § 5-4-1)

(B) The license herein mentioned shall be granted by the Mayor and countersigned by the Clerk, upon the proper application therefor, and the payment into the Treasury of the sum of $50 in advance, together with the sum of $1 to the Clerk for his or her fees for the issuance thereof, and after the approval of the bond as aforesaid.
(1963 Code, § 5-4-3) (Ord. passed 5-20-1919)

§ 122.02 BOND REQUIRED.

The bond shall be in the penal sum of $500, signed by 2 good and sufficient sureties, to be approved by the Council, and among other things shall be conditional that no obscene, immoral or indecent handbills, circulars or other advertising matter shall be posted or distributed upon any of the streets in the city.
(1963 Code, § 5-4-2)

§ 122.03 TERM OF LICENSE.

The license shall be in force from the time of its issuance up to, and including, April 30 next following, and no license shall be granted for any purpose other than in accordance with the terms of this chapter.
(1963 Code, § 5-4-4)

§ 122.04 PLACING HANDBILLS ON VEHICLES.

It shall be illegal and a violation of this chapter for any person to place, throw or otherwise distribute any handbills, circulars, sheets, lithographs, signs, books, pamphlets, or advertising samples upon any public street, alley, or sidewalk of the city, or to paste, attach or place the same in or upon any vehicle, or other privately or publicly owned conveyance of any sort, without the permission of the owner of such conveyance first being had and secured. No license issued or bond approved hereunder shall be construed to permit the owner or holder thereof to violate any of the provisions of this section.
(1963 Code, § 5-4-5) (Ord. 270, passed 3-31-1930)
Penalty see § 10.99

§ 122.05 OWNER'S PERMISSION REQUIRED FOR POSTING.

It shall be unlawful for any person to place any advertisement, handbill or placard upon any wall, building, fence, sidewalk or other property, public or private, without the permission of the owner or person in charge thereof.
(1963 Code, § 5-4-6)

§ 122.06 MUTILATION OF LAWFULLY POSTED BILLS PROHIBITED.

It shall be unlawful for any person to cover, mutilate, deface, tear down or injure in any manner any poster, bill or advertisement lawfully posted in the city within 10 days after the same has been posted nor until after the expiration of the date where the same are dated.
(1963 Code, § 5-4-7)

CHAPTER 123: JUNK DEALERS AND SCAVENGERS

Section

Junk Dealers

123.01 Definitions
123.02 License required; application
123.03 Term of license
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123.05 Location restrictions
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Scavengers

123.20 Definitions
123.21 License required
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123.28 Disinfected carts; vehicles
123.29 Containers
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JUNK DEALERS

§ 123.01 DEFINITIONS.

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

JUNK. Old iron, chain, brass, copper, tin, lead or other base metals, old rope, old bags, rags, wastepaper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds and sizes when the number of each kind or size is less than 1 gross, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any 1 or more of the materials or articles herein mentioned.

JUNK DEALER. Every person that shall engage in the business of buying, selling, bartering, or exchanging, or that shall collect, receive, store, or hold in possession for sale, barter, or exchange, any of the things by this section defined as junk, whether dealing at wholesale or at retail, or as a junk peddler.
(1963 Code, § 5-8-1)

§ 123.02 LICENSE REQUIRED; APPLICATION.

No person shall carry on or conduct the business of a junk dealer without first having paid the fees herein provided for and obtained a license from the city. Such license fees shall be payable to the Clerk, to whom application for license shall first be made in writing.
(1963 Code, § 5-8-2) (Ord. 319, passed 6-6-1933)
Penalty, see § 10.99

§ 123.03 TERM OF LICENSE.

The license herein provided for shall be paid in 2 equal installments: 1 on or before the first day of May, and the other on or before the first day of November.
(1963 Code, § 5-8-3) (Ord. 331, passed 6-18-1934)

§ 123.04 LICENSE FEES.

(A) The license fees for licenses herein provided for shall be as follows:

(1) The sum of $200 per annum, in advance, as a license fee for each junk store or yard maintained or conducted by any junk dealer.

(2) The sum of $100 per annum, in advance, as a license fee for each truck or other vehicle used in the conduct of business by any junk dealer not maintaining or conducting a store or yard.

(3) The sum of $100 per annum, in advance, as a license fee for pursuing the business of junk dealer by any person having no store or yard and using no truck or other vehicle in the conduct of said business.

(B) The provisions of this section relating to license fees shall not apply to the custodian of the city dumping grounds.
(1963 Code, § 5-8-4) (Ord. 502, passed 5-7-1951)

§ 123.05 LOCATION RESTRICTIONS.

(A) It shall be unlawful for any person to establish or maintain any junk shop or junk yard, wholesale or retail, within 700 feet of any church, hospital, or public or parochial school in the city.

(B) It shall be unlawful for any person to establish or maintain any junk shop or junk yard on any lot, a part of which fronts on any street in any block in which 2/3 of the buildings on both sides of the street are used exclusively for residence purposes, or within 300 feet of any such street or at any other place prohibited by the provisions of the Zoning Code.
(1963 Code, § 5-8-5) (Ord. 77, passed 6-18-1923) Penalty, see § 10.99

§ 123.06 PURCHASES FROM MINORS.

It shall be not be lawful for any junk dealer or other person to purchase, barter for, receive, or otherwise procure from any minor under the age of 18 years, without the written consent of the minor's parents or guardian, any piece of junk, as herein defined, or other articles of personal property.
(1963 Code, § 5-8-6) (Ord. passed 11-6-1917) Penalty, see § 10.99

§ 123.07 KEEPING OF RECORDS.

Any junk dealer shall, whenever requested by the Chief of Police or the Mayor, give a full and accurate account of how the dealer came into possession of any piece of junk, the person from whom the dealer purchased the same and the date of purchase, and for the purpose of rendering such statement, shall keep a book in which shall be entered the foregoing information, which book shall at all times be open to inspection by any officer of the city.
(1963 Code, § 5-8-7) Penalty, see § 10.99

SCAVENGERS

§ 123.20 DEFINITIONS.

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

ASHES. Residue from fires used for cooking and for heating buildings.

GARBAGE. Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage, and sale of produce.

REFUSE. Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including,

but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles. Provided, ***REFUSE*** shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, or scraps of shavings.
(1963 Code, § 5-18-2) (Ord. 714, passed 8-22-1966)

§ 123.21 LICENSE REQUIRED.

(A) No person, firm, or corporation shall engage in the business of collecting and hauling garbage, ashes, or any other refuse without first having obtained a license as scavenger.

(B) Every person, firm, or corporation desiring to engage in business in the city as a scavenger shall make application to the Clerk for a license to do so and shall pay the Clerk an annual license fee in the amount of $25.

(C) All licenses issued hereunder shall be issued by the Mayor and attested by the Clerk under the corporate seal of the city, and no license shall be issued until the application therefor, together with the annual fee accompanying it, shall have been approved by the Mayor. All applications for licenses shall remain on file in the office of the Clerk to be listed in a record to be kept for this purpose.

(D) It shall be unlawful to dispose of any garbage, refuse, or ashes anywhere within the city except in a state approved landfill, maintained by the city or leased by the city.
(1963 Code, § 5-18-1) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.22 DEPOSIT ON STREETS.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the city; provided, that this section shall not be construed to prohibit placing garbage, refuse, or ashes in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.
(1963 Code, § 5-18-3) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.23 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 or grass, excepting in a tightly covered metal container.
(1963 Code, § 5-18-4) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.24 WIND BLOWN REFUSE.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material that it can be blown away by the wind anywhere in the city except in a covered container.
(1963 Code, § 5-18-5) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.25 COLLECTION OF GARBAGE, REFUSE, ASHES.

The collection of garbage, refuse, and ashes in the city shall be either by private contract with a licensed scavenger, or by the city.
(1963 Code, § 5-18-6) (Ord. 714, passed 8-22-1966)

§ 123.26 COMMERCIAL BUILDING GARBAGE REMOVAL.

The owners or occupants of all buildings other than private residences shall arrange for the removal of garbage and refuse from such buildings at regular intervals so as to maintain the cause of the health and welfare of the inhabitants of the city.
(1963 Code, § 5-18-7) (Ord. 714, passed 8-22-1966)

§ 123.27 TRANSPORTATION OF LOOSE MATERIALS.

No person shall transport any sand, gravel, earth, ashes, stone, coal, wastepaper, filth, garbage, rubbish, or other loose or offensive materials or liquids in any vehicle upon the streets or alleys of the city unless the box or container or such materials upon the vehicle shall be sufficiently firm and tight so as to prevent the falling or spilling of any such material from the vehicle upon the streets or alleys, and the vehicles containing ashes, wastepaper, or rubbish, shall have a cover of canvas or other suitable covering so as to prevent the blowing, falling or spilling of ashes, wastepaper, or rubbish from vehicles upon the streets or alleys.
(1963 Code, § 5-18-8) (Ord. 714, passed 8-22-1966)
Penalty, see §10.99

§ 123.28 DISINFECTED CARTS; VEHICLES.

All carts and vehicles under the provisions of this subchapter shall be thoroughly disinfected and put in an inoffensive condition when not in use.
(1963 Code, § 5-18-9) (Ord. 714, passed 8-22-1966)
Penalty, see § 10.99

§ 123.29 CONTAINERS.

All garbage, refuse, and ashes for collection by the city or private scavenger shall be placed in metal containers equipped with a cover and equipped with handles so that they may be lifted and carried by 1 person. No such container when filled with garbage shall weigh more than 40 pounds.
(1963 Code, § 5-18-10) (Ord. 714, passed 8-22-1966)

§ 123.30 EVIDENCE OF VIOLATION.

The fact that garbage, refuse, or ashes remain on any occupant's premises in the city in violation of this subchapter shall be prima facie evidence that the occupant of such premises is responsible for the violation of this chapter.
(1963 Code, § 5-18-11) (Ord. 714, passed 8-22-1966)

CHAPTER 124: REGISTRATION OF CERTAIN CONTRACTORS

Section

124.01 Definition
124.02 Registration required
124.03 Application; fee
124.04 Unlawful operation
124.05 Contractor exclusions

124.99 Penalty

§ 124.01 DEFINITION.

For purposes of this chapter, the term ***CONTRACTOR*** means any person and/or entity engaged in the type of business of constructing, altering, or repairing residential, commercial, and/or industrial structures and accessory structures, with said types of contractors to be as set forth in Exhibit "A", attached to Ordinance No. 1961, passed June 5, 2006, which is hereby made a part of this chapter as if fully set forth herein.
(Ord. 1961, passed 6-5-2006)

§ 124.02 REGISTRATION REQUIRED.

Each contractor doing business within the city shall be required to register with the city on/or before May 1 of each year.
(Ord. 1961, passed 6-5-2006) Penalty, see § 124.99

§ 124.03 APPLICATION; FEE.

The manner of registration shall be that a contractor desiring to engage in the business of construction as defined herein in the city, shall file an application with the building inspection office, and pay the fee as required. The fee for registration shall be $25 per year.
(Ord. 1961, passed 6-5-2006)

§ 124.04 UNLAWFUL OPERATION.

It shall be unlawful for any person or entity to engage in the business of construction in the city, as defined within this chapter, without being registered as a contractor; and paying the fee associated, as required.
(Ord. 1961, passed 6-5-2006) Penalty, see § 124.99

§ 124.05 CONTRACTOR EXCLUSIONS.

Notwithstanding anything else contained herein to the contrary, it is expressly provided that the term contractor shall not include the following:

(A) Any person performing work as a contractor solely for or on behalf of a governmental entity.

(B) An owner performing work on the owner's own premises.
(Ord. 1961, passed 6-5-2006)

§ 124.99 PENALTY.

It shall be unlawful for any person or entity to engage in the business of a contractor, as defined in this chapter, in violation of any provision of this chapter, and any violator found guilty shall be fined not less than $75, nor more than $500, per each offense. It is additionally provided that each day that an offense continues may constitute an additional violation.
(Ord. 1961, passed 6-5-2006)

CHAPTER 125: TATTOO AND BODY PIERCING ESTABLISHMENTS

Section

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125.02 License required
125.03 Application for license; investigation
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125.13 Body piercing
125.14 Tattooing of persons under 18 years of age

125.99 Penalty

§ 125.01 DEFINITIONS.

For the purposes of this chapter, the words and terms defined below shall have the following meanings:

BODY PIERCING. Any procedure whereby a part of the human body is pierced by a sharp instrument in order to allow insertion of a piece of jewelry, a ring or other commercial device through the orifice thus created.

OPERATOR. Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed, and any individual who performs or practices the art of tattooing other human beings.

TATTOO, TATTOOED, and ***TATTOOING.*** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin.
(Ord. 2098, passed 11-5-2007)

§ 125.02 LICENSE REQUIRED.

It shall be unlawful for any person and/or entity to maintain and operate a tattoo establishment, with or without body piercing, without first having obtained a license as provided in this chapter.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.03 APPLICATION FOR LICENSE; INVESTIGATION.

Every applicant for a license to maintain, operate or conduct a tattoo establishment shall file an application upon a form provided by the City Clerk, and pay a non-refundable filing fee of $100 to the City Clerk. The City Clerk shall, within 15 days thereafter, refer copies of such application and all additional information to the Police Department, Fire Department, Building Inspector and Mayor. The Police Department, Fire Department and Building Inspector shall, within 45 days, inspect the premises proposed to be operated as a tattoo establishment, and make recommendations to the City Clerk concerning compliance with the ordinances of the city. Upon receipt of the recommendations of the respective Police Department, Fire Department and Building Inspector, the City Clerk shall notify the applicant on determination by the Mayor as to whether the applicant's application has been granted, denied or held for further investigation. The period of such

additional investigation shall not exceed an additional 30 days.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.04 EXPIRATION AND RENEWAL OF LICENSE.

A license as provided for in this chapter shall expire upon the expiration of each calendar year. Applications for renewal shall be made no later than March 1. The renewal fee shall be $75. There shall be a $25 late filing fee for applications for renewal filed after April 1 for each fiscal year. An application for renewal shall be processed in the same manner as the initial application noted in § 125.03. The failure to renew any licenses required by this chapter shall result in the cessation of use on the premises.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.05 COMPLIANCE WITH REGULATIONS.

No license or renewal of a license shall be granted unless the premises and applicant comply with all zoning regulations and building code regulations of the city.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.06 ADDITIONAL STANDARDS FOR PREMISES; OPERATION GENERALLY.

No tattoo establishment shall receive license or be operated, established or maintained unless the establishment shall comply with each of the following minimum regulations:

(A) The establishment shall have a certificate of compliance with or inspection by the county health department, if available.

(B) The room in which tattooing is done shall have an enclosed area of not less than 500 square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

(C) Toilet facilities shall be provided within the establishment. When 5 or more employees or patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. Lavatories shall be provided with both hot and cold running water and shall be installed in the toilet room. Lavatories shall be provided with soap and a dispenser with sanitary towels.

(D) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a solid wall or door totally eliminating any view into the tattooing room.

(E) Closed cabinets shall be provided for use in the storage of clean linens, towels, needles, and other materials and instruments used in tattooing. All used linens, towels, equipment, instruments, and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the clean storage areas.

(F) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

(G) No tattoo establishment shall be open to the public for business between the hours of 9:00 p.m. and 8:00 a.m. except that during the months of April through August inclusive of each year, the tattoo establishment may also be open to the public on Friday and Saturday evening during said months until 10:00 p.m.

(H) The main entrance door of any tattoo establishment shall be visible from a public street and shall remain unlocked during business hours.

(I) Unless and until a further amendment to this chapter shall be enacted, any tattoo establishment presently in operation as of the date of enacting of this chapter shall not be required to comply with divisions (B), (C), and (D) of this section.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.07 STANDARDS FOR TATTOOING; OPERATORS; ALCOHOLIC BEVERAGES.

(A) The operator shall wash his hands thoroughly with antiseptic soap and water before starting any tattoo. The hands shall be dried with individual, single-use towels.

(B) The area on the patron to be tattooed shall first be thoroughly washed with a sterile, single-use sponge with warm water containing an antiseptic liquid soap. The area should be shaved with a safety razor, using single-service blades for each customer or patron, followed by a solution of 70% alcohol, to be applied to the area before tattooing is begun.

(C) Only petroleum jelly in collapsible metal or plastic tubes shall be used on the area to be tattooed, and it shall be applied with sterile gauze.

(D) Single-service or individual containers of dye or ink shall be used for each patron, and the container thereafter shall be discarded immediately after completing work on each patron. Any dye in which the needles are dipped shall not be used on another person. All needles, pigments, dyes, colors and any other material used in tattooing and all bandages and surgical dressings used in connection with tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. After completing work on any person, the tattooed area shall be washed with sterile gauze and 70% alcohol solution and allowed to dry. A sterile gauze dressing shall be fastened to the tattooed area.

(E) Operators shall at all times while in the performance of their services wear uniforms or garments which cover the torso, and such garments shall be kept clean and in a sanitary condition.

(F) No person, while on the premises of any tattoo establishment, shall possess, sell, dispense, provide, give, keep or maintain any alcoholic beverage.

(G) No intoxicated person shall be tattooed by an operator on the licensed premises.

(H) Operators shall at all times comply with the regulations of the Department of Labor's Occupational Safety and Health Administration (29 C.F.R. 1910.1030), as presently existing or hereafter amended, with respect to occupational exposure to blood, bloodborne pathogens or other potentially infectious materials, which regulations are incorporated by reference in this section.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.08 INSPECTIONS.

The Fire Department, Police Department, Building Inspector and/or City Engineer may make an inspection of each establishment granted a license under the provisions of this chapter for the purposes of determining compliance and/or for the purposes of granting and/or renewing a license hereunder.
(Ord. 2098, passed 11-5-2007)

§ 125.09 SUSPENSION OR REVOCATION OF LICENSE.

It shall be cause for revocation or suspension that a licensee has violated the provisions of this chapter, or any ordinance of the city relative to the operation of the business or use of the premises, or has made a false statement on any application for license under this chapter, or if the licensee shall refuse to permit any authorized police officer or authorized member of the Police Department, Fire Department, Building Inspector or City Engineer of the city to inspect the premises or the operations thereof at reasonable times.
(Ord. 2098, passed 11-5-2007)

§ 125.10 TRANSFER OF LICENSE.

No license for the operation of a tattoo establishment shall be transferable.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.11 DISPLAY OF LICENSE.

Each licensee shall display a valid current license in a conspicuous place within the licensed establishment so that the license may be readily seen by persons entering the establishment.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.12 EXEMPTIONS.

The provisions of this chapter shall not apply to licensed medical doctors or doctors of osteopathic medicine who perform body piercing or tattoo individuals while in the course of their medical practice.
(Ord. 2098, passed 11-5-2007)

§ 125.13 BODY PIERCING.

Body piercing may be performed within such licensed tattoo establishment, but shall be done only by a physician or osteopath or in the physical presence and under the direct supervision of a physician or osteopath authorized to practice medicine or osteopathic medicine in the state as set forth in the Illinois Medical Practice Act, ILCS Ch. 225, Act 60, §§ 1 *et seq.*, as the same may be from time to time amended. It is expressly provided that the piercing of ears and nipples shall be exempt from the provisions of this section. No operator shall pierce any portion of any specified anatomical areas provided as follows: human genitals, pubic regions or buttock. The piercing of any portion of one of the above specified anatomical areas, namely human genitals, pubic regions or buttock is prohibited; again this prohibition shall not apply to licensed medical doctors or doctors of osteopathic medicine, who perform body piercing while in the course of their medical practice.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.14 TATTOOING OF PERSONS UNDER 18 YEARS OF AGE.

In accordance with ILCS Ch. 720, Act 5, § 12C-35, no person under the age of 18 may be tattooed except by a person authorized to practice medicine or osteopathic medicine as set forth in this chapter.
(Ord. 2098, passed 11-5-2007) Penalty, see § 125.99

§ 125.99 PENALTY.

In addition to license suspension or revocation as provided in this chapter, any person or entity violating the provisions of this chapter shall be fined not less than $75 and not more than $750; and a separate offense shall be determined to have been committed each day during which or on which the violation should continue.
(Ord. 2098, passed 11-5-2007)

CHAPTER 126: PARAPHERNALIA SALES

Section

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§ 126.01 DEFINITIONS.

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

CANNABIS. Marijuana, hashish, and other substances recited in the Cannabis Control Act, ILCS Ch. 720, Act 550, §§ 1 *et seq.*, as the same may be from time to time amended.

COCAINE SPOON. A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful use of a spoon. A ***COCAINE SPOON*** may or may not be merchandised on a chain, and may or may not be labeled as a cocaine spoon or coke spoon.

CONTROLLED SUBSTANCE. Any drug or substance recited in the Illinois Controlled Substances Act, ILCS Ch. 720, Act 570, §§ 100 *et seq.*, as the same may be from time to time amended.

MARIJUANA OR HASHISH PIPE. A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawful smoking of tobacco, and which may or may not be equipped with a screen.

MINOR. Any male or female person who has not yet attained the age of 18 years.

PARAPHERNALIA. Any empty gelatin capsule, vial, hypodermic syringe or needle, cocaine spoon, marijuana pipe, hashish pipe, cigarette paper of colorful design, named and oriented for use with illegal cannabis or drugs, roach clips, or any other instrument, implement or device which is primarily adapted or designed for the administration or use of any controlled substance.
(Ord. 2099, passed 11-5-2007)

§ 126.02 LICENSE REQUIRED.

It shall be unlawful for any person as principal, clerk or agent to sell any items, effects, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by the Illinois Compiled Statutes, without obtaining a license therefore from the city. Such licenses shall be in addition to all other licenses held by the applicant.
(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.03 APPLICATION.

Application to sell any item, effects, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall

be in a form prescribed by the Chief of Police of the Police Department. Every application shall be filed with the Police Department and shall be accompanied by affidavits by the license applicant and each and every employee of such applicant authorized to sell such items, that such person has never been convicted of a drug related offense.
(Ord. 2099, passed 11-5-2007)

§ 126.04 RECORDKEEPING.

(A) Every licensee under this chapter must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold by such licensee. This record shall be open to the inspection of any police officer at any time during the normal hours of business. Such record shall contain the following:

(1) Name and address of purchaser;

(2) Name and quantity of the product;

(3) Date and time of purchase, and form of identification used; and

(4) The licensee or agent's signature.

(B) Such records shall be retained for not less than 2 years.
(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.05 DISPLAY OF ITEMS; PROXIMITY TO MINORS.

It shall be unlawful to publicly display any items, effects, paraphernalia, accessories or things designed or marketed for use with illegal cannabis or drugs as defined in this chapter in any business establishment within the city that permits or allows persons under the age of 18 years to enter into and upon its place of business.
(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.06 REVOCATION OF LICENSE.

The Mayor shall have the authority to revoke all licenses and permits issued to any licensee of this chapter who pleads guilty in a court of law and/or has been found guilty in a court of law of violating any provision of this chapter. For purposes of this section, a violation of this chapter by any agent or employee of the licensee shall be deemed a violation of license by the licensee. A revocation of a license or permit shall not bar the imposition of a fine or penalty, or the availability of any other relief that may be appropriate at law and/or in equity.
(Ord. 2099, passed 11-5-2007)

§ 126.07 COMPLIANCE WITH OTHER REGULATIONS.

The licensee under this chapter shall comply with all other applicable ordinances of the city.
(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.08 FEE SCHEDULE.

The annual license fee for a license issued under this chapter shall be $150 per fiscal year, which fiscal year commences May 1. Every such license shall be effective and valid from the first day of a fiscal year, and shall expire on the last day of the fiscal year for which it is granted. There shall be no prorations of any license fee. Any presently acting business, which would be covered by the gambit of this chapter, shall apply for a license within 60 days subsequent to the date of enactment of this chapter.
(Ord. 2099, passed 11-5-2007)

§ 126.09 SALE OR DELIVERY TO MINORS PROHIBITED.

The sale, barter, gift or exchange of all types of smoking paraphernalia, and items, effects, paraphernalia, accessories, or things designed or marketed for use with illegal cannabis or drugs, is

hereby prohibited to persons under the age of 18 years.
(Ord. 2099, passed 11-5-2007) Penalty, see § 126.99

§ 126.99 PENALTY.

(A) Any person violating any section of this chapter may be fined not less than $25 nor more than $100 for a first offense. Any person violating this chapter, and being guilty of violating this chapter on a second or subsequent offense shall be subject to a fine of not less than $60 nor more than $500. A violation of any section of this chapter shall constitute an independent violation, and there may be multiple violations of this chapter on a given day, depending upon the number of sections of this chapter being violated.

(B) Additional violation of this chapter on a continuing basis for a period in excess of 24-hours, shall be deemed a separate offense for each day that the continuing violation continues.
(Ord. 2099, passed 11-5-2007)

CHAPTER 127: PAWN SHOPS, PAWNBROKERS, AND SECONDHAND DEALERS

Section

Pawn Shops and Pawnbrokers

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PAWN SHOPS AND PAWNBROKERS

§ 127.01 DEFINITION.

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

PAWNBROKER. Every individual, corporation, business, partnership or entity, whether or not currently in operation, which lends money on the deposit or pledge of physically delivered personal property, other than property the ownership of which is subject to legal dispute, securities, printed evidence of indebtedness or printed evidence of ownership of the personal property, or who deals in the purchase of said property on the condition of selling the property back again at a stipulated price or used property purchased for resale. The business of a ***PAWNBROKER*** shall not include the lending of money on deposit or pledge of title to property.
(Ord. 2322, passed 1-9-2012)

§ 127.02 LICENSE REQUIRED.

No person, persons, corporation, partnership or other entity shall conduct or operate the business of a pawnbroker without having first been licensed through the office of the City Clerk.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.03 APPLICATION; INVESTIGATION OF APPLICANT; QUALIFICATIONS.

(A) Application for a pawnbroker's license shall be made through the City Clerk and any such application shall state the number of employees

intended to be engaged therein . The Chief of Police or his or her designee shall investigate each licensee applicant and shall report in writing whether or not such applicant is a person of good character. No license shall be issued to any person, partnership, corporation or other entity, if any, owner, manager, partner, officer, director or shareholder owning more than 5% of the shares of stock in the corporation has been convicted of any felony offense or convicted of the offense(s) of possession of stolen goods, burglary, robbery, or who has been convicted of any criminal offense involving dishonesty or moral turpitude.

(B) Every applicant for a pawnbroker's license, as well as every owner, partner, manager, officer, director, employee, and, in this case, of a corporate applicant, every shareholder owning more than five percent of the shares of stock in the corporation shall undergo a criminal background investigation, which investigation may include fingerprinting, prior to the issuance of a pawnbroker's license.

(C) No person under the age of 18 years shall take pledge for pawn nor purchase any item for resale. (Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.04 LICENSE FEE.

The annual license fee for a pawnbroker's license shall be $1,000. Any pawnbroker currently and actively operating the business of a pawnbroker upon the effective date of this subchapter and any pawnbroker commencing operation between the date of this subchapter and April 30, 2012 shall comply with the registration provisions of this subchapter within 30 days of today's date in reference to an existing business and in reference to a new business shall comply with the registration provisions prior to commencing business. In reference to payment of a license fee, any existing business and/or business commencing operation after the effective date of this subchapter, but prior to April 30, 2012 shall pay the registration fee on or before May 1, 2012 and any business commencing operation subsequent to May 1, 2012 shall pay the registration fee at or prior to the commencement of business operation.
(Ord. 2322, passed 1-9-2012)

§ 127.05 DUTY TO REPORT STOLEN OR LOST ARTICLES RECEIVED.

Each pawnbroker or pawnbroker's employee or agent shall report to the Chief of Police any article pawned, pledged or sought to be pledged or any article sought to be sold to or with the pawnbroker, if the pawnbroker or his or her employee or its agent reasonably believes that the article was stolen or that the article was lost and found by the person attempting to pawn, pledge it or sell it.
(Ord. 2322, passed 1-9-2012)

§ 127.06 ISSUANCE OF SIGNED MEMORANDUM.

Every pawnbroker shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any property, a memorandum, contract, or note signed by him or her containing an accurate account and description of all goods, articles or other things pawned or pledged, the amount of money, value of things loaned thereon, the time of pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees charged. (Ord. 2322, passed 1-9-2012)

§ 127.07 RECORD REQUIREMENTS.

All pawnbrokers doing business in the city shall keep a standard record book that has been approved by the Chief of Police. At the time of each and every purchase, loan or taking of a pledge, an accurate account and description of all the goods, articles or other things pawned or pledged; the amount of money, value or thing loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan and the name and residence address of the person making such sale, pawn or pledge shall be entered in the record book. All items of jewelry taken for resale or pawn or pledge or held shall be clearly photographed in color so as to be able to clearly identify the item of jewelry and all photographs taken shall be maintained and preserved as herein provided.

All such entries shall be printed, typed or written in ink in the record book. Record book entries shall also include the serial number or any identification number of items received. Except for items purchased from dealers possessing a federal employee identification number who have provided a receipt to the pawnbroker, every pawnbroker shall also record, in its record book, an accurate account or description, serial number or other identification number of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, not in the course of a pledge or loan, the time of such purchase or receipt and the time and the name and address of the person or business which sold or delivered such goods, articles or other things to the pawnbroker. No entry made in the record book shall be erased, mutilated, altered or in any way changed.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.08 IDENTIFICATION REQUIRED.

(A) It shall be unlawful for any pawnbroker, agent or employee of a pawnbroker to fail to request and require identification to be shown by each person pledging, pawning or selling any item, article or other thing to the pawnbroker. One form of identification shall be a valid driver's license or identification card issued by a governmental entity which contains a photograph of the person identified, as well as the person's address. If the pictured identification is not government issued, then two forms of identification must be shown, and at least one of the two forms of identification must contain a photograph, and at least one form of identification must include the person's residence address. In addition to a valid driver's license or government issued identification card, other acceptable forms of pictured identification shall include, but not be limited to, employee or student identification cards, pictured credit card, or a pictured civic, union or professional association membership card. If the customer or person pawning, pledging or selling any item or article does not present identification issued by a governmental entity, the pawnbroker shall photograph the customer in color print and record the customer's name, residence address, date of birth, gender, height and weight on the reverse side of the photograph.

(B) In lieu of a record book, the pawnbroker may maintain such records required by this section in computer form if the computer form has been approved in writing by the Chief of Police.

(C) The pawnbroker shall also have installed, and operating at all times during business hours, a video surveillance camera positioned so as to record all transactions, as well as the facial features of those persons selling any item to the pawnbroker or pawning or pledging any item.

(D) When directed by the Chief of Police, all pawnbrokers shall subscribe to and participate in "leadsonline.com". All items purchased, pawned or pledged shall be entered into the "leadsonline.com" database within 12 hours of receipt of the item.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.09 INSPECTION OF RECORDS.

The record book or computer generated records (if approved as herein provided), video surveillance records, photographs taken, as well as every article or other thing of value sold, pawned or pledged, shall at all times be open to the inspection by the Chief of Police or any sworn law enforcement officer. The record book, any computer generated records and all photographs taken shall be maintained for a period of 3 years after the date on which the record or pawn ticket was prepared. Video surveillance records shall be maintained for a period of 1 year after the date on which the record or pawn ticket was prepared.
(Ord. 2322, passed 1-9-2012)

§ 127.10 DAILY REPORT.

Except as may be otherwise provided herein, every pawnbroker shall make out and deliver to the Chief of Police or his or her designee, on a daily

basis, before 12:00 noon, a legible exact copy of the record book or computer generated record as required herein. Such record shall list all property and other thing of value received on deposit or purchased during the preceding 24 hour period, including the exact time when such item was received or purchased, a description of the person or persons by whom the item was left in pledge, or from whom the item was purchased.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.11 TRANSACTIONS WITH PROHIBITED PARTIES.

(A) It shall be unlawful for any pawnbroker, or his, her, or its agent or employee, to purchase any item or to take or receive any pawn or pledge in advancement of any loan, any property of any kind from a person under the age of 18 years, or the ownership, or which is claimed by any such minor, or which may be in the possession or control of any minor.

(B) It shall be further unlawful for any pawnbroker to purchase or take any article in pawn or pledge from any person appearing to be intoxicated or under the influence of any drug or controlled substance or from any person known to have been convicted of theft, burglary, deceptive practices, robbery or armed robbery. It shall further be the duty of every pawnbroker, or agent or employee thereof, to return any pawned or pledged or sole property to the rightful owner of such property without the payment of the money advanced by the pawnbroker, or employee or agent, or any other cost or charge of any kind any such property which has been stolen.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.12 SALE OF PROPERTY; SALE OF DEFAULTED PROPERTY.

(A) No personal property received or purchased for resale by any pawnbroker shall be sold by the pawnbroker or removed from the place of business of such pawnbroker for a period of 30 days after delivery to the Chief of Police, of those records as herein required.

(B) No personal property pawned or pledged shall be sold or otherwise disposed of by an pawnbroker prior to 30 days after the date the pawner or pledger is in default in the payment of interest on the money so advanced by the pawnbroker, unless by the written consent of the pawner or pledger.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.13 PROHIBITED ITEMS.

No pawnbroker, or agent or employee thereof, shall receive, accept as a pawn or pledge or purchase any firearm, stun gun or taser or any article, the possession of which is prohibited pursuant to the Illinois Criminal Code (ILCS Ch. 720, Act 5, § 24-l(a)(l)).
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

§ 127.14 VIEW FROM STREET.

No person shall install, place or erect any blind, screen, curtain partition, article or other thing in the windows or upon the doors of any pawnshop which prevents or restricts a clear and full view into the interior of the licensed premises from the street, road or sidewalk. The interior of all pawnshops shall be illuminated by natural or artificial white lights during all hours the pawnshop is opened for business so that all parts of the interior of the premises are clearly visible from the street, road or sidewalk.
(Ord. 2322, passed 1-9-2012) Penalty, see § 127.99

SECONDHAND DEALERS

§ 127.25 DEFINITIONS.

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

CURRENCY. Coin or paper money that is purchased, sold or otherwise transferred at greater than face value.

PRECIOUS METAL. Gold, silver or platinum, excluding costume jewelry.

PRECIOUS STONE OR GEM. Any genuine diamond, emerald, ruby, sapphire or pearl of any value and any other genuine stone or gem, excluding costume jewelry.

PRIMARY BUSINESS. Not less than 51% of annual calendar gross sales of the business or not less than 51% of the business annual calendar expenses.

SECONDHAND DEALER. Any person whose primary business is engaged in the business of purchasing, selling, receiving, trading, consignment selling, or otherwise transferring for value any secondhand property; provided, however, ***SECONDHAND DEALER*** shall exclude all not-for-profit corporations, educational institutions, religious institutions, fraternal organizations and all institutions and entities subject to the Illinois Charitable Trust Act ILCS Ch. 760, Act 55, §§ 1 *et seq.*, and all such entities shall not be subject to the terms of this subchapter.

SECONDHAND PROPERTY. Any previously owned precious metal, or jewelry made of precious metal or stones, or currency.
(Ord. 2323, passed 1-9-2012)

§ 127.26 LICENSE REQUIRED.

No person, persons, corporation, partnership or other entity shall conduct or operate the business of a secondhand dealer without having first been licensed through the office of the City Clerk.
(Ord. 2323, passed 1-9-2012) Penalty, see § 127.99

§ 127.27 APPLICATION; INVESTIGATION OF APPLICANT; QUALIFICATIONS.

(A) Application for a secondhand dealer's license shall be made through the City Clerk and any such application shall state the number of employees intended to be engaged therein. The Chief of Police or his or her designee shall investigate each licensee applicant and shall report in writing whether or not such applicant is a person of good character. No license shall be issued to any person, partnership, corporation or other entity, if any, owner, manager, partner, officer, director or shareholder owning more than 5% of the shares of stock in the corporation has been convicted of any felony offense or convicted of the offense(s) of possession of stolen goods, burglary, robbery, or who has been convicted of any criminal offense involving dishonesty or moral turpitude.

(B) Every applicant for a secondhand dealer's license, as well as every owner, partner, manager, officer, director, employee, and, in this case, of a corporate applicant, every shareholder owning more than five percent of the shares of stock in the corporation shall undergo a criminal background investigation, which investigation may include fingerprinting, prior to the issuance of a secondhand dealer's license.

(C) No person under the age of 18 years shall take for purchase any item for resale.
(Ord. 2323, passed 1-9-2012)

§ 127.28 LICENSE FEE.

The annual license fee for a secondhand dealer's license shall be $500. Any secondhand dealer currently and actively operating the business of a secondhand dealer upon the effective date of this subchapter and any secondhand dealer commencing operation between the date of this subchapter and April 30, 2012 shall comply with the registration provisions of this subchapter within 30 days of today's date in reference to an existing business and in reference to a new business shall comply with the

registration provisions prior to commencing business; In reference to payment of a license fee, any existing business and/or business commencing operation after the effective date of this subchapter, but prior to April 30, 2012 shall pay the registration fee on or before May 1, 2012 and any business commencing operation subsequent to May 1, 2012 shall pay the registration fee at or prior to the commencement of business operation.
(Ord. 2323, passed 1-9-2012)

§ 127.29 DUTY TO REPORT STOLEN OR LOST ARTICLES RECEIVED.

Each secondhand dealer or secondhand dealer's employee or agent shall report to the Chief of Police any article purchased, if the secondhand dealer or his or her employee or its agent reasonably believes that the article was stolen or that the article was lost and found by the person attempting to sell it.
(Ord. 2323, passed 1-9-2012)

§ 127.30 RECORDKEEPING AND IDENTIFICATION.

Every secondhand dealer shall maintain a record of all transactions involving articles of secondhand property, which record shall be legibly typed or printed in ink in the English language and shall contain the following items.

(A) A description of each person desiring to sell an article of secondhand property including the person's full name, address of residence, date of birth, height, weight and gender. The secondhand dealer shall require each person desiring to sell an article of secondhand property to produce either of the following:

(1) One (1) form of state or federal government issued identification, including either a driver's license, identification card or passport, provided that the form of identification includes a color photograph of the seller; or

(2) Two (2) other forms of identification, provided that 1 of the forms of identification includes the seller's current address of residence and is a photo identification.

(B) A description of each article of secondhand property including the brand name and a description of all identifying markings.

(C) If the article of secondhand property is jewelry, the description must also include the type of jewelry, the precious metal or metals of the jewelry's composition, the type, cut and shape of each precious stone, and a description of all inscriptions. The descriptions must be accompanied by a color photograph of the article of jewelry.

(D) In lieu of a record book, the secondhand dealer may maintain such records required by this section in computer form if the computer form has been approved in writing by the Chief of Police.

(E) The secondhand dealer, when directed by the Chief of Police, shall also have installed, and operating at all times during business hours, a video surveillance camera positioned so as to record all transactions, as well as the facial features of those persons selling any item to the secondhand dealer.

(F) The secondhand dealer, when directed by the Chief of Police, shall subscribe to and participate in "leadsonline.com". All items purchased shall be entered into the "leadsonline.com" database within 12 hours of receipt of the item.

(G) Every secondhand dealer shall maintain the records required by this section for 3 years after the date of each transaction.
(Ord. 2323, passed 1-9-2012)

§ 127.31 INSPECTION OF RECORDS.

The record book or computer generated records (if approved as herein provided), video surveillance records, photographs taken, as well as every article or

other thing of value purchased, shall at all times be open to the inspection by the Chief of Police or any sworn law enforcement officer. The record book, any computer generated records and all photographs taken shall be maintained for a period of three years after the date on which the record was prepared. Any video surveillance records shall be maintained for a period of one year after the date on which the transaction took place.
(Ord. 2323, passed 1-9-2012)

§ 127.32 DAILY REPORT.

Except as may be otherwise provided herein, every secondhand dealer shall make out and deliver to the Chief of Police or his or her designee, on a daily basis, before 12:00 noon, a legible exact copy of the record book or computer generated record as required herein. Such record shall list all property and other thing of value received on deposit or purchased during the preceding twenty-four hour period, including the exact time when such item was received or purchased, a description of the person or persons by whom the item was left in pledge, or from whom the item was purchased.
(Ord. 2323, passed 1-9-2012)

§ 127.33 TRANSACTIONS WITH PROHIBITED PARTIES.

(A) It shall be unlawful for any secondhand dealer, or his, her, or its agent or employee, to purchase any item of any kind from a person under the age of 18 years, or the ownership, or which is claimed by any such minor, or which may be in the possession or control of any minor.

(B) It shall be further unlawful for any secondhand dealer to purchase from any person appearing to be intoxicated or under the influence of any drug or controlled substance or from any person known to have been convicted of theft, burglary, deceptive practices, robbery or armed robbery. It shall further be the duty of every secondhand dealer, or agent or employee thereof, to return any property to the rightful owner of such property without the payment of the money advanced by the secondhand dealer, or employee or agent, or any other cost or charge of any kind any such property which has been stolen.
(Ord. 2323, passed 1-9-2012) Penalty, see § 127.99

§ 127.34 SALE OF PROPERTY.

No personal property received or purchased by any secondhand dealer shall be sold by the secondhand dealer or removed from the place of business of such secondhand dealer for a period of 10 days after delivery to the Chief of Police, of those records as herein required.
(Ord. 2323, passed 1-9-2012) Penalty, see § 127.99

§ 127.35 REMOVAL OF IDENTIFYING MARKS PROHIBITED.

No secondhand dealer shall remove, alter or obliterate any manufacturer's make, model or serial number, personal identification number, or identifying marks engraved or etched upon an article of secondhand property that was purchased by the secondhand dealer. In addition, no secondhand dealer shall purchase an article of secondhand property where the manufacturer's make, or serial number, personal identification number or identifying marks engraved or etched upon the article of secondhand property has been removed, altered or obliterated.
(Ord. 2323, passed 1-9-2012) Penalty, see § 127.99

§ 127.36 VIEW FROM STREET.

No person shall install, place or erect any blind, screen, curtain partition, article or other thing in the windows or upon the doors of any secondhand dealer which prevents or restricts a clear and full view into the interior of the licensed premises from the street, road or sidewalk. The interior of all secondhand dealers shall be illuminated by natural or artificial

white lights during all hours the secondhand dealer is opened for business so that all parts of the interior of the premises are clearly visible from the street, road or sidewalk.
(Ord. 2323, passed 1-9-2012) Penalty, see § 127.99

§ 127.37 HOURS OF OPERATION.

No secondhand dealer shall receive in the conduct of his or her business any goods, articles or things from any person between 6:00 p.m. and 8:00 a.m. In the event a secondhand dealer is located in a mall or other shopping center, the hours of operation can be the same as the normal operating hours at the mall or shopping center anchor store.
(Ord. 2323, passed 1-9-2012) Penalty, see § 127.99

§ 127.99 PENALTY.

(A) (1) Notwithstanding any other provision of this code to the contrary, any person who violates the provisions of §§ 127.01 through 127.14 shall be fined in an amount not less than $60 or more than $750 for each offense. Additionally, each day that a violation of this chapter continues to exist shall constitute a new and separate offense, and each violation of a separate provision of §§ 127.01 through 127.14 shall also constitute a separate and independent offense.

(2) A violation of the provisions of §§ 127.01 through 127.14 by an employee or agent of the licensee shall be imputed to the licensee and shall be considered the act of the licensee for which the license issued may be suspended or revoked.

(B) (1) Notwithstanding any other provision of this code to the contrary, any person who violates the provisions of §§ 127.25 through 127.37 shall be fined in an amount not less than $60 or more than $750 for each offense. Additionally, each day that a violation of §§ 127.25 through 127.37 continues to exist shall constitute a new and separate offense, and each violation of a separate provision of §§ 127.25 through 127.37 shall also constitute a separate and independent offense.

(2) A violation of the provisions of §§ 127.25 through 127.37 by an employee or agent of the licensee shall be imputed to the licensee and shall be considered the act of the licensee for which the license issued may be suspended or revoked.
(Ord. 2322, passed 1-9-2012)

CHAPTER 128: AMUSEMENTS AND ENTERTAINMENT

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AMUSEMENTS AND SHOWS

§ 128.001 LICENSE REQUIRED.

(A) No theatrical or other exhibition, show, or amusement for the witnessing of which an admission fee is charged to the public except as hereinafter provided, shall be given, exhibited or performed within the city, unless the person owning, leasing, managing, or operating the theater, hall, tent auditorium, opera house, or other place within which the same is produced shall have first obtained a license therefor as hereinafter provided.

(B) For the purposes of this chapter theatricals or other exhibitions, shows, and amusements are divided into two classes, as follows:

(1) *First class*. Circuses, menageries, operas, operetta, musical comedy, drama, motion pictures, talking pictures, vaudeville or variety exhibitions; not however, including vocal or musical exhibitions of the kind commonly known as concerts.

(2) *Second class*. All other exhibitions, shows, or amusements.
('63 Code, § 5-3-1) Penalty, see § 128.999

§ 128.002 APPLICATION; FORM.

(A) Any person desiring to produce, present, conduct, operate, or offer for gain or profit any of the foregoing classes of amusements at any place within the city shall make application in writing to the City Clerk, and shall set forth therein a description of the place where it is proposed to produce, present, conduct, operate, or offer such amusement, a description of the kind and class of entertainment to be offered, the highest price to be charged for admission thereto, and the seating capacity of such place. When such application shall have been signed by the applicant, the Mayor shall make, or cause to be made, an examination of such place, and if all of the provisions of this code relating to the giving of entertainments, and of the location, construction, and maintenance of the places within which such entertainments are given are complied with, the Mayor shall issue, or cause to be issued, a license to such applicant attested by the Clerk, which shall entitle the licensee to conduct, produce, present, operate, or offer the certain class of amusement at the place designated in the application for the period of time specified in such license, upon the payment of the license fee hereinafter specified.

(B) Each individual applicant for a license hereunder, or one of the partners of a partnership applicant, or one of the officers of a corporate applicant, shall fill out and subscribe a form provided by the Clerk which shall include answers and information on the following points: name, residence, citizenship, including the citizenship of officers of a corporation, and whether or not the applicant was ever convicted of a felony or misdemeanor; such statement, together with the application, shall be transmitted to the Mayor by the Clerk.
('63 Code, § 5-3-2)

§ 128.003 SALE OF TICKETS; RESTRICTIONS.

All licenses for entertainments of any of the classes hereinbefore enumerated shall contain a proviso that no gaming, raffle, lottery, or chance distribution of money, gift, or article of value, contrary to law, shall be connected therewith or allowed by the person obtaining such license. The license shall also state the highest price of admission to be charged for any such entertainment; also the seating capacity of the place in which it is proposed to give such entertainment; and no more than the highest price of admission specified in such license shall be charged for admission to such entertainment, and no more than the number of persons for which such place in which the entertainment is to be given has seating capacity for shall be allowed to enter or occupy such place at any one time. No ticket shall be sold for a continuous performance while a performance is in progress unless seats are available at the time of such sale or will be available within 30 minutes from the time of the sale and verbal notice of the length of time before which seats will be available is given to the person applying for tickets before such tickets are sold. ('63 Code, § 5-3-3) Penalty, see § 128.999

§ 128.004 NOTICE OF VIOLATION; REVOCATION.

When any licensed person shall be charged with violating the provisions of the licensee's license as aforesaid, the Mayor is directed to give the parties accused reasonable notice thereof and to inquire into the truth of the charge and to hear evidence for and against said charge, and if the accusations be sustained to the Mayor's satisfaction, the license of any such person may be revoked.
('63 Code, § 5-3-4)

§ 128.005 REFUSAL OF LICENSE.

If the place at which it is desired to offer any of the foregoing entertainments be not a fit or proper place, and not located, constructed, maintained, operated, or conducted in accordance with the provisions of this code; or if the person making application for the license be not of good moral character, the Mayor may refuse to approve such application, and no license shall be issued by the Clerk without the approval of the Mayor.
('63 Code, § 5-3-5)

§ 128.006 LICENSE FEES.

(A) The fee for a theater license shall be $600.

(B) The fee for distributor registration shall be $500.

§ 128.007 SPECIAL PERMITS; APPLICATION.

(A) Applications for special permits to cover temporary increase in maximum price shall be made to the Clerk and upon payment to the Clerk for each day during which such excessive admission fee is to be charged an amount equal to 5% of the difference between the annual license fee paid and the annual license fee required to be paid for such entertainment when the additional admission fee is charged, the Mayor shall issue, or cause to be issued, such special permit, attested by the Clerk. Special permits may be issued for any period of time provided that the special permit fee is paid in advance on the basis of the aforesaid daily rate.

(B) Any person holding a license hereunder and desiring for the entire remainder of the license period to increase the admission fees or the seating capacity in excess of that covered by such license, shall make application to the Clerk, for a license covering such increase in admission fees or seating capacity. Upon the surrender of the license held by the licensee and the payment to the Clerk of the increased rate required by the changes, as aforesaid, the Mayor shall issue, or cause to be issued, a license covering such place of amusement with the increased fee or seating capacity. The additional fee shall be the pro rata share of the difference between the license fee paid and the license fee called for by the increased fee or seating capacity with reference to the portion of the license year remaining under the license already issued.
('63 Code, § 5-3-7)

§ 128.008 PRORATING LICENSE FEES.

Licenses for a period of less than 9 months may be issued under the same terms and conditions as hereinafter set forth upon payment of the following license fees:

(A) For a period of more than 6 months and less than 9 months a total license fee equal to 80% of the annual license fee.

(B) For a period of more than 3 months and not more than 6 months a total license fee equal to 55% of the annual license fee.

(C) For more than 1 month and not more than 3 months a total license fee equal to 35% of the annual license fee.

(D) For a period of 1 month or any part thereof more than 1 week a total license fee equal to 20 % of the annual license fee.

(E) Fora period of 1 week a total license fee equal to 15% of the annual license fee.

(F) For a period of less than 1 week at the daily rate of 10% of the annual license fee; provided, that the daily license fee of an amusement of the second class shall be 3% of the annual fee.
('63 Code, § 5-3-8)

§ 128.009 EXEMPTIONS.

No license shall be necessary for the production of any of the amusements or entertainments

hereinbefore specified when the entire proceeds thereof shall go to any charity or charitable organization, religious organization, school, or board of education.
(63 Code, § 5-3-9) (Ord. 368, passed 4-4-38)

§ 128.010 OCCUPYING STREETS PROHIBITED.

It shall be unlawful for any street fair, carnival, show, concession, and entertainment to occupy any portion of any public street, alley, or place of the city for any purpose whatsoever.
('63 Code, § 5-3-10) (Ord. 347, passed 7-1-35) Penalty, see § 128.999

§ 128.011 SHOOTING GALLERIES; LICENSE.

(A) No person shall operate any shooting gallery or place for target shooting within the city, without first obtaining a license therefor. This license fee for shooting galleries shall be $50 per annum, and for shorter periods, the sum of $1 per day for the issuance of a license.

(B) No license shall authorize the firing of any gun in violation of any provision of this code, nor shall it authorize the establishment of any shooting gallery or target practice in any alley, or in any enclosed place within the city.

(C) No shooting gallery shall remain open after 11:00 p.m. of any day.
('63 Code, § 5-3-12), Penalty, see § 128.999

§ 128.012 FORTUNETELLERS; LICENSE.

(A) No fortune teller, palmist, spirit medium, clairvoyant or person engaged in the practice of any calling of like character shall be permitted to pursue such calling without first having obtained a license so to do.

(B) Any person desiring to practice fortune telling, spirit medium, palmistry, or clairvoyance or calling of like character shall pay a license fee of $3 per day, payable in advance, for every day or fraction thereof that such person shall engage in the practice within the city.
('63 Code, § 5-3-13) (Ord., passed 5-7-12) Penalty, see § 128.999

§ 128.013 OUTDOOR AMUSEMENTS; CLOSING HOURS.

It shall be unlawful to operate any public park, course, track, garden, or other place devoted or used for outdoor amusement or recreation purposes between the hours of 12:00 midnight, and 7:00 a.m. of the following day.
('63 Code, § 5-3-14) (Ord. 279, passed 7-28-30) Penalty, see § 128.999

BILLIARD HALLS AND BOWLING ALLEYS

§ 128.025 LICENSE REQUIRED.

No person shall keep any billiard table, pool table, or bowling alley without first having obtained a license therefor from the Clerk.
('63 Code, § 5-5-1) Penalty, see § 128.999

§ 128.026 LICENSE FEE.

Every applicant for any such license shall first pay therefor into the treasury $50 and the license shall be subject to revocation by the Mayor whenever it shall appear to the Mayor's licensee satisfaction that the licensee has wilfully violated any of the provisions of this subchapter.
('63 Code, § 5-5-2)

§ 128.027 MINORS IN BILLIARD HALLS.

No keeper of a billiard table or pool table shall permit any minor to frequent or loiter about the premises occupied by the keeper, or to play upon the

keeper's table, without the written consent of the parent or guardian of the minor.
('63 Code, § 5-5-3) Penalty, see § 128.999

§ 128.028 CONDUCT IN BILLIARD HALLS.

No keeper of a billiard table or bowling alley shall sell any intoxicating liquors contrary to the provisions of this code relating thereto; nor permit any riotous, noisy, or disorderly conduct upon the premises occupied by the keeper, to the disturbance or annoyance of the neighborhood.
('63 Code, § 5-5-4) Penalty, see § 128.999

AUTOMATIC MUSICAL INSTRUMENTS

§ 128.040 DEFINITION.

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

AUTOMATIC MUSICAL INSTRUMENT or AUTOMATED MUSICAL AMUSEMENT DEVICE. any phonograph, piano player, music box, juke box, 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.
('63 Code, § 5-14-1) (Ord 439, passed 4-15-46; Am. Ord. 1702, passed 4-24-2000)

§ 128.041 LICENSE REQUIRED.

No person, firm or corporation shall keep, or permit to be kept, for gain or profit from operation within the city, any automatic musical instrument without first having obtained a license as herein provided.
('63 Code, § 5-14-2) (Ord. 439, passed 4-15-46; Am. Ord. 1702, passed 4-24-2000) Penalty, see § 128.999

§ 128.042 APPLICATION.

(A) An application for the license shall be made to the City Clerk for investigation, with the results of the investigation being referred to the Mayor for decision on the application; in the event the Mayor deems further investigation is necessary, the same shall be referred to the Licensing Committee of the City Council of the City of LaSalle for further investigation; otherwise the Mayor at the Mayor's discretion may authorize the City Clerk to issue a license for keeping, installing and/or displaying an automated musical instrument and/or automated musical amusement device.

(B) Additionally, each automated musical instrument and/or automated musical amusement device shall be properly labeled at all times, with the name and address of the distributor of the device.
('63 Code, § 5-14-3) (Ord. 439, passed 4-15-46; Am. Ord. 1702, passed 4-24-2000)

§ 128.043 LICENSE FEE; TERM OF LICENSE.

(A) The annual fee for such license shall commencing with fiscal year beginning May 1, 2000, be $50 for each such instrument kept or installed on the licensed premises.

(B) Each such license shall terminate on the first day of May next following it.
('63 Code, § 5-14-4) (Ord. 439, passed 4-15-46; Am. Ord. 1702, passed 4-24-2000)

§ 128.044 TRANSFER OF LICENSE.

No license issued to any person, firm or corporation shall be transferable.
('63 Code, § 5-14-5) (Ord. 439, passed 4-15-46; Am. Ord. 1702, passed 4-24-2000)

§ 128.045 SPECIAL REGULATIONS.

No license issued hereunder shall permit the operation of any automatic musical instrument at any place of 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.
('63 Code, § 5-14-6) (Ord. 439, passed 4-15-46; Am. Ord. 1702, passed 4-24-2000) Penalty, see § 128.999

COIN OPERATED AMUSEMENT DEVICES

§ 128.060 DEFINITIONS.

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

AMUSEMENT DEVICE. Any amusement or video amusement machine or device operated by means of insertion of a coin, token, or similar object, or which is rented on a time basis for the purpose of amusement or skill and for the playing of which a fee is charged. This shall include any device which upon the insertion of a coin, slug, token or disk may be operated by the public as a game, entertainment or amusement. It includes such devices as pin-ball machines, skill-ball machines, electronic games using video screens and electrical impulses, it includes any other type of mechanical game, the object of which is to secure a particular score or high score by the use of ball, spheres, springs, trigger devices or electrical impulses. The term does not include vending or health machines which do not incorporate gaming or amusement features. Nor does the term include any coin operated mechanical or musical devices. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

DISTRIBUTOR. Any person, firm, corporation, partnership or association who sets up for operation by another or leases or distributes for the purpose of operation by another, any amusement device as herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income-derived from such device, or otherwise. A ***DISTRIBUTOR*** shall also include any person, firm, corporation, partnership or association who owns and operates for his, her, or its own use more than 5 amusement devices. A ***DISTRIBUTOR*** shall not be defined to include any individual business or proprietor who leases, rents, or shares in a division of the income derived from an amusement device, which such device is owned by another who is classified as a distributor within the terms of this subchapter.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.061 DISTRIBUTOR LICENSE REQUIRED.

It shall be unlawful for any person, firm, corporation, partnership, or association to distribute or cause to be distributed any amusement device within the municipal limits of the city without first having obtained a distributor's license.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000) Penalty, see § 128.999

§ 128.062 APPLICATION FOR DISTRIBUTOR LICENSE.

Application for a distributor's license shall be made to the City Clerk of the City of LaSalle and shall set forth the full name and address of the applicant or applicants, or the names and addresses of the partners if the applicant is a partnership or the names and addresses of the officers of the corporation if the applicant is a corporation, the present or last occupation of the applicant at the time of the filing of the application, a statement as to whether or not the applicant has been convicted of any felony or of pandering, gambling, operating a gambling device, operating a gaming house or being a keeper of a house of ill-fame or any other misdemeanor, and a statement

as to whether or not the applicant is at the time of making the application keeping or is in any way connected with a gaming house or house of ill-fame.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.063 INVESTIGATION OF APPLICANT.

The application for a distributor's license shall be referred by the City Clerk to the license committee of the City Council and the committee shall investigate the applicant and shall make its report and recommendations on that application to the Mayor.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.064 LOCATION AND NUMBER OF DEVICES.

At the time of application for a distributors license, the applicant shall provide to the City Clerk of the City of LaSalle a list of every location in which a distributor then has an amusement device as defined herein and shall further at said time provide the number of machines at each such location. Additionally, each distributor shall supply the City Clerk of the City of LaSalle on or before November 1 of each fiscal licensed year, an updated list of every location in which a distributor has an amusement device located, and the number of amusement devices located at each such location.
(Ord. 1704, passed 4-24-2000)

§ 128.065 LABELING OF DEVICES.

Each distributor shall at all times keep and maintain each amusement device that said distributor has within a given location properly labeled with the name and address of the distributor of the amusement device.
(Ord. 1704, passed 4-24-2000)

§ 128.066 DISTRIBUTOR LICENSE FEE.

Prior to the fiscal year commencing May 1, 2000, each application for a distributor's license issued hereunder shall be accompanied by a semi-annual license fee in the amount of $250 and the fee shall be paid to the City Clerk at the time application is made. Each application for a distributor's license issued for the fiscal year commencing May 1, 2000, and thereafter shall be accompanied by an annual license fee in the amount of $1,000, and the fee shall be paid to the City Clerk at the time application is made.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.067 DISTRIBUTOR LICENSE TERM.

Prior to May 1, 2000, a distributor's license shall be issued for a period of 6 months. The 6 month period to run from May 1 to October 31 and from November 1 to April 30. During that time, the distributor's license fee shall be due and payable on or before the date of issuance of the license or the first day of November as the case may be during the year 1999. There shall be no fractional division of the license or the license fees charged herein to a distributor. Commencing with May 1, 2000, a distributor's license shall be issued for a period of 1 year. The 1 year period to run from May 1 to April 30. A distributor's license fee shall be due and payable on or before the first of May. There shall be no fractional division of the license or the license fees charged herein to a distributor.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.068 ISSUANCE OF DISTRIBUTOR LICENSES.

Upon approval of the application for a distributors license by the Mayor with the consent and approval of the City Council, the distributor's license shall be issued. The distributor's license shall not be

assignable or transferable nor shall there be any rebate made on any distributor's license which is terminated before the end of the license period.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.069 REVOCATION OR SUSPENSION OF DISTRIBUTOR LICENSE.

Any distributor's license issued under this subchapter shall be subject to revocation or suspension for violation of this or any ordinances of the city or on just cause by the Mayor with the consent and approval of the City Council. The licensee shall first, however, be given an opportunity to be heard after due notice, and a determination shall be made. The acceptance of any license under this subchapter shall constitute an agreement between the parties to such license that the same may be revoked.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.070 DEVICE LICENSE REQUIRED.

It shall be unlawful for any person, firm, corporation, partnership or association to display or cause to be displayed for play by the public any amusement device without first obtaining a device license for each amusement device so displayed.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000) Penalty, see § 128.999

§ 128.071 DISPLAY OF DEVICE LICENSE; NUMBER OF DEVICES IN ONE LOCATION.

(A) Upon payment of the required device license fee, the City Clerk shall issue a device license sticker which shall be conspicuously displayed on the amusement device. No person, firm, corporation, partnership or association shall display or cause to be displayed prospectively more than 10 amusement devices, in any one location, at any one time, except that pool tables shall not count as one of the 10 of the amusement devices for purposes of the limit of 10. There may be up to 2 pool tables and no more than 2 pool tables in any one location.

(B) Additionally, the limitation that prospectively there shall be no more that 10 amusement devices, as defined within this chapter, at any time subsequent to the effective date of this section, shall be subject to the following additional exception: wherein the business operation on the premises does not sell alcoholic beverages, and wherein the premises are located in C-3 Central Business Zoning District, and wherein the business operation on the premises does not allow patronization of same by persons over the age of 21, unless the individual over the age of 21 is a parent or guardian of a person on the premises under the age of 21, then on such premises where all of the additional provisions are met, no person, firm, corporation, partnership or association shall display or cause to be displayed more than 15 of the amusement devices, defined within this chapter in more than one location at any one time. Additionally, notwithstanding anything else contained herein to the contrary, no more than 2 of such amusement devices shall be pool tables in any one location at any one time.
(Ord. 1042, passed 5-9-83 5-9-83; Am. Ord. 1704, passed 4-24-2000; Am. Ord. 2277, passed 5-31-2011) Penalty, see § 128.999

§ 128.072 DEVICE LICENSE FEES; NONTRANSFERABLE.

(A) License fees prospectively for any amusement device concerning which a license fee shall be issued subsequent to the effective date of this section, shall be $60 per machine, per year. Any amusement device concerning which a fee was paid prior to the effective date of this section at the previous rate of $50 per machine, shall remain in effect as to that machine for this fiscal year ending May 30, 2012, but thereafter, the fee as to the machine shall be increased to $60 as well.

(B) A device license may not be transferred to another machine. Device license fees shall be due and

payable on or before May 1 of each year or at such time as a new machine is placed in any establishment. All device license fees must be renewed on or before May 1 of each year regardless of when acquired. Owner operated license devices which are owned by a non-distributor must be licensed.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000; Am. Ord. 2277, passed 5-31-2011)

§ 128.073 DEVICES MUST BE KEPT IN PLAIN VIEW.

All amusement devices shall at all times be kept and displayed in plain view of all persons who may frequent or may be in any place of business or other place where such devices are kept or used. The city, through its officers, agents and employees shall have the right to enter at all times any establishment, place or building which any amusement device is operated or set-up for operation and to inspect, investigate and test such devices.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000) Penalty, see § 128.999

§ 128.074 RECORD OF LICENSES.

The City Clerk shall keep a record of all device licenses and distributor's licenses issued pursuant to the terms of this subchapter showing the names and addresses of all persons to whom distributor's licenses are issued and the description of the device and location for each device license issued hereunder and any other information deemed essential.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.075 REVOCATION OR SUSPENSION OF DEVICE LICENSE.

Any device license issued under this subchapter shall be subject to revocation or suspension for violation of this subchapter or any ordinance of the city upon just cause by the Mayor with the consent and approval of the City Council. Acceptance of any amusement device license issued under this subchapter shall constitute an agreement between the parties to such license even though the license itself does not state such fact that the same may be revoked. The licensee shall first, however, be given an opportunity to be heard, after due notice, prior to any determination on revocation of a device license.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

§ 128.076 RESTRICTIONS ON MINORS.

It shall be unlawful for any device licensee or his or her employees and agents to permit a minor to be present on the premises and playing amusement devices herein defined in violation of curfew laws or to permit any person under the age of 16 years to be present on the premises and playing the amusement devices between 7:00 a.m. and 2:00 p.m. when school is in session.
(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000) Penalty, see § 128.999

§ 128.999 PENALTY.

(A) Any person, firm corporation, partnership or association violating any provision of §§ 128.040 through 128.045, shall be fined not less than $250, nor more than $500 for each such violation, and a separate offense shall be deemed committed on each day the violation exists. (Ord. 1702, passed 4-24-2000)

(B) Any person, firm, corporation, partnership or association violating any provision of §§ 128.060 through 128.076 shall be fined not less than $250 nor more than $500, and a separate offense shall be deemed committed on each day the violation exists.(Ord. 1042, passed 5-9-83; Am. Ord. 1704, passed 4-24-2000)

(C) Any person who violates any of the provisions of this chapter for which a specific penalty is not provided shall be fined an amount not to exceed $500.

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST JUSTICE AND ADMINISTRATION

131. OFFENSES AGAINST PROPERTY

132. OFFENSES AGAINST PERSONS

133. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

134. DRUG OFFENSES

CHAPTER 130: OFFENSES AGAINST JUSTICE AND ADMINISTRATION

Section

130.01 Compliance with state law required
130.02 Impersonating an officer
130.03 Concealing knowledge
130.04 Escape
130.05 Aiding in escape
130.06 Furnishing items to prisoners

130.99 General penalty

§ 130.01 COMPLIANCE WITH STATE LAW REQUIRED.

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law, insofar as such laws are applicable to municipal government.
(1963 Code, § 6-2-23) Penalty, see § 130.99

§ 130.02 IMPERSONATING AN OFFICER.

It shall be unlawful for any person to represent falsely himself or herself to be an officer of the municipality or who shall attempt to impersonate any such officer or who shall without authority perform any official act therein on behalf of an officer.
(1963 Code, § 6-3-22) Penalty, see § 130.99

§ 130.03 CONCEALING KNOWLEDGE.

It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this code.
(1963 Code, § 6-2-11) Penalty, see § 130.99

§ 130.04 ESCAPE.

It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.
(1963 Code, § 6-2-19) Penalty, see § 130.99

§ 130.05 AIDING IN ESCAPE.

It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer.
(1963 Code, § 6-2-18) Penalty, see § 130.99

§ 130.06 FURNISHING ITEMS TO PRISONERS.

It shall be unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug, or other article without the consent of the officer in charge.
(1963 Code, § 6-2-51) Penalty, see § 130.99

§ 130.99 GENERAL PENALTY.

Whoever violates any provision of this title for which another penalty is not specifically provided, shall be fined not more than $750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

CHAPTER 131: OFFENSES AGAINST PROPERTY

Section

131.01 Retail theft
131.02 Theft
131.03 Possession of burglar tools
131.04 Petit theft
131.05 Fraudulently avoiding payment of admission fees
131.06 Swindling
131.07 False pretenses
131.08 Criminal damage to property
131.09 Malicious injury to property

§ 131.01 RETAIL THEFT.

(A) *Definitions*. For the purpose of this section, the words and phrases defined herein shall have the meanings ascribed to them in those sections unless a contrary meaning is clear from the context.

(1) ***CONCEAL MERCHANDISE.*** Although there may be some notice of its presence, merchandise is not visible through ordinary observation.

(2) ***FULL RETAIL VALUE.*** The merchant's stated or advertised price of the merchandise.

(3) ***MERCHANDISE.*** Any item of tangible personal property.

(4) ***MERCHANT.*** An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.

(5) ***MINOR.*** A person who is less than 18 years of age, is unemancipated and resides with his or her parents or legal guardian.

(6) ***PERSON.*** Any natural person or individual.

(7) ***PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT.*** Includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

(8) ***RETAIL MERCANTILE ESTABLISHMENT.*** Any place where merchandise is displayed, held, stored or offered for sale to the public.

(9) ***SHOPPING CART.*** Those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

(10) ***UNDER-RING.*** To cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

(B) *Offense of retail theft*. A person commits the offense of retail theft when he or she knowingly:

(1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for

sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

(2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or

(4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

(C) *Presumptions*. If any person:

(1) Conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and

(2) Removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment; such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.

(D) *Detention*.

(1) Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(a) To request identification;

(b) To verify such identification;

(c) To make reasonable inquiry as to whether such person has in his or her possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;

(d) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(e) In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person;

(2) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

(E) *Affirmative defense*. A detention as permitted in this section does not constitute an arrest or an unlawful restraint, nor shall it render the merchant liable to the person so detained.

(F) *Civil liability*.

(1) A person who commits the offense of retail theft as defined in divisions (B)(1), (2) or (3) above shall be civilly liable to the merchant of the merchandise in an amount consisting of:

(a) Actual damages equal to the full retail value of the merchandise as defined herein; plus

(b) An amount not less than $100 nor more than $1,000; plus

(c) Attorney's fees and court costs.

(2) If a minor commits the offense of retail theft, the parents or guardian of the minor shall be civilly liable as provided in this section.

(3) A conviction or a plea of guilty to the offense of retail theft is not a prerequisite to the bringing of a civil suit hereunder.

(4) Judgments arising under this section may be assigned.

(G) *Separability*. If any division, clause, sentence, paragraph or part of this section is for any reason adjudged by any court of competent jurisdiction to be invalid, such judgment will not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the division, clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(H) *Penalty*.

(1) The penalty for retail theft of property, the full retail value of which does not exceed $150 shall be not less than $100, nor more than $500.

(2) The penalty for any retail theft of property, the full retail value of which exceeds $150 shall be not less than $250, nor more than $1,000.
(Ord. 1152, passed 9-8-1987)

§ 131.02 THEFT.

A person commits the offense of theft when he or she knowingly:

(A) Obtains or exerts unauthorized control over property of the owner; or

(B) Obtains by deception control over property of the owner; or

(C) Obtains by threat control over property of the owner; or

(D) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him or her to believe that the property was stolen and;

(1) Intends to deprive the owner permanently of the use or benefit of the property; or

(2) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

(3) Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.
(1963 Code, § 6-2-55) (Ord. 768, passed 4-14-1969) Penalty, see § 130.99

§ 131.03 POSSESSION OF BURGLAR TOOLS.

It shall be unlawful for any person to have in his or her possession any nippers of any description known as burglar's nippers, pick-lock, skeleton key, jimmy, or other burglar's instrument or tool of any description, unless it be shown that the possession is innocent or for a lawful purpose.
(1963 Code, § 6-2-7) Penalty, see § 130.99

§ 131.04 PETIT THEFT.

It shall be unlawful for any person to commit petit theft, which is hereby defined as a theft when the property taken is of a value of less than $150.
(1963 Code, § 6-2-35) Penalty, see § 130.99

§ 131.05 FRAUDULENTLY AVOIDING PAYMENT OF ADMISSION FEES.

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.
(1963 Code, § 6-2-1) Penalty, see § 130.99

§ 131.06 SWINDLING.

It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for themselves or for another any money or property or a representative of either.
(1963 Code, § 6-2-46) Penalty, see § 130.99

§ 131.07 FALSE PRETENSES.

It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom such person received the food, goods, wares, and merchandise.
(1963 Code, § 6-2-21) Penalty, see § 130.99

§ 131.08 CRIMINAL DAMAGE TO PROPERTY.

Whoever commits any of the following acts shall be fined not to exceed $500 or imprisoned in a penal institution other than the penitentiary not to exceed 6 months, or both, or for the commission of any act enumerated in division (A) or (F):

(A) Knowingly damages any property of another without his or her consent; or

(B) Recklessly by means of fire or explosive damages property of another; or

(C) Knowingly starts a fire on the land of another without his or her consent; or

(D) Knowingly injures a domestic animal of another without his or her consent; or

(E) Knowingly deposits on the land or in the building of another, without his or her consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(F) Damages any property with intent to defraud an insurer.
(1963 Code, § 6-2-53) (Ord. 749, passed 4-15-1968)

§ 131.09 MALICIOUS INJURY TO PROPERTY.

It shall be unlawful for any person wilfully and maliciously to injure, deface, mutilate, remove, pull down, break, or in any manner interfere with or molest or secrete or destroy any real or personal property belonging to or under the control of any person.
(1963 Code, § 6-2-41) Penalty, see § 130.99

CHAPTER 132: OFFENSES AGAINST PERSONS

Section

132.01 Assault
132.02 Battery
132.03 Cruelty
132.04 Encouraging delinquency
132.05 Cigarette smoking prohibited

§ 132.01 ASSAULT.

It shall be unlawful for any person to commit assault, which is hereby defined as any conduct which places another in reasonable apprehension of receiving a battery.
(1963 Code, § 6-2-2) Penalty, see § 130.99

§ 132.02 BATTERY.

It shall be unlawful for any person to commit battery. A person commits battery if he or she intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.
(1963 Code, § 6-2-5) Penalty, see § 130.99

§ 132.03 CRUELTY.

It shall be unlawful for any person to cruelly or inhumanely whip, injure, beat, or mistreat his or her own spouse, child, stepchild, or apprentice, or other child under his or her care.
(1963 Code, § 6-2-13) Penalty, see § 130.99

§ 132.04 ENCOURAGING DELINQUENCY.

It shall be unlawful for any person, by any act or neglect, to encourage, aid, or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.
(1963 Code, § 6-2-14) Penalty, see § 130.99

§ 132.05 CIGARETTE SMOKING PROHIBITED.

(A) It shall be unlawful for any person under 18 years of age to possess or smoke cigarettes, cigars, pipes or other tobacco products within the corporate limits of the city.

(B) Any person violating the provisions of this section shall be fined $25 for a first violation and $500 for any second or subsequent violations.
(Ord. 1931, passed 9-12-2005)
Cross-reference:
Cigarette dealers, see Ch. 113

CHAPTER 133: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

133.01 Unlawful assembly
133.02 Collecting crowds
133.03 Disturbing the peace
133.04 Riot
133.05 Drunkenness
133.06 Curfew
133.07 Truancy
133.08 False fire alarms
133.09 Keeping of junk restricted
133.10 Barbed wire and electric fences
133.11 Renting premises for unlawful purposes
133.12 [Reserved]
133.13 Events causing annoyance or injury prohibited
133.14 Posting bills
133.15 Hypnotists prohibited
133.16 Loitering and related offenses
133.17 Sale of firearms prohibited
133.18 Discharge of firearms prohibited
133.19 Concealed weapons

133.99 Penalty

§ 133.01 UNLAWFUL ASSEMBLY.

It shall be unlawful for 2 or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command of an officer so to do.
(1963 Code, § 6-2-3) Penalty, see § 133.99

§ 133.02 COLLECTING CROWDS.

It shall be unlawful for any person to collect within the city a crowd of people to the annoyance of the citizens thereof or to the annoyance or injury of the public.
(1963 Code, § 6-2-10) Penalty, see § 133.99

§ 133.03 DISTURBING THE PEACE.

A person commits the offense of disorderly conduct, also known as disturbing the peace, when a person knowingly:

(A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(B) Transmits in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;

(C) Transmits in any manner to another a false alarm in the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time for such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place;

(D) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;

(E) 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;

(F) Urinates or defecates on any public street, alley, sidewalk or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where such act could be observed by any member of the public, except in such place that has been designated as a restroom;

(G) Starts a fight or engages in a fight in the city. A fight means any physical altercation between 2 or more individuals. Self-defense as allowed pursuant to Illinois law shall be an affirmative defense to this charge; or

(H) Willfully, maliciously, intentionally, or unnecessarily disturbs the peace and quiet of another, or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises, or indecent behavior, or by offensive or unbecoming conduct.
(1963 Code, § 6-2-16) (Am. Ord. 2148, passed 10-20-2008) Penalty, see § 133.99

§ 133.04 RIOT.

It shall be unlawful for any person to fail or refuse immediately to disperse upon an order to do so by a police officer, when 2 or more persons are assembled for the purpose of disturbing the peace or for the purpose of committing any unlawful act.
(1963 Code, § 6-2-45) Penalty, see § 133.99

§ 133.05 DRUNKENNESS.

It shall be unlawful for any person to be found drunk, intoxicated, or under the influence of intoxicating liquor upon any public thoroughfare or other public place.
(1963 Code, § 6-2-17) Penalty, see § 133.99

§ 133.06 CURFEW.

(A) It shall be unlawful for any person under the age of 15 years to be or remain upon any street or alley or other public place in the city after 10:00 p.m. unless such person is accompanied by a parent or guardian, or other person of the age of 21 years or more, or unless engaged in some occupation or business in which the child may lawfully engage under the statutes of this state.

(B) It shall be unlawful for any person between the ages of 15 and 17 years inclusive, to be or remain on any street or alley or other public place in the city after the hour of 11:30 p.m. unless such person is accompanied by a parent or guardian, or other person of the age of 21 or more, or unless engaged in some business or occupation in which such child may be lawfully engaged under the statutes of this state.
(1963 Code, § 6-6-1)

(C) It shall be unlawful for anyone having legal care and custody of any person, as described herein to allow or permit such person to go upon any public street, alley or other public place in the city in the nighttime as restricted in divisions (A) and (B) above of this section.
(1963 Code, § 6-6-2)

(D) Every member of the Police Force while on duty is hereby authorized to detain any minor wilfully violating the provisions of divisions (A) or (B) of this section until the parent or guardian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or guardian.
(1963 Code, § 6-6-3)

(E) The Chief of Police may have sounded a proper signal at 10:00 p.m. each evening to indicate the curfew.
(1963 Code, § 6-6-4) (Ord. 613, passed 9-6-1960)

(F) This section does not apply to a minor who is:

(1) Accompanied by the minor's parent or guardian;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with state law.

Penalty, see § 133.99

§ 133.07 TRUANCY.

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

(1) ***PARENTAL PERMISSION.*** Shall include permission from a person in loco parentis and shall be given for reasons only of personal illness, serious family illness, death in the family, serious home emergencies, necessary and lawful family support, employment, valid religious justification, school district's, providing appropriate evidence of home schooling and/or compelling family reasons.

(2) ***TRUANT.*** A child subject to compulsory school attendance and who is absent without parental/guardian permission from such attendance for a school day or a portion thereof.

(B) *Truancy prohibited.*

(1) It shall be unlawful for any person within the corporate limits of the city, or enrolled in a school within the corporate limits of the city, and enrolled in grades 1 through 12 who is (1) required by law to attend school; (2) subject to the compulsory attendance requirements of the Illinois School Code, as it may be amended from time to time; or (3) enrolled in a public, private or parochial school (hereinafter referred to as student) to absent himself or herself from attendance at school without parental or guardian school permission. It shall also be unlawful for any parent or legal guardian of any such child to allow a child to violate this section.

(2) It shall further be unlawful for any student enrolled in public, private or parochial school to absent himself or herself from attendance at said school without parental/guardian permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and students and/or those who have custody shall be subject to a fine as set forth hereafter. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission is submitted in writing to the proper school authorities within 24 hours after such absence.

(3) It shall be unlawful for any person who has custody or control of a student to permit such

child not to attend some public, private or parochial school in the district wherein the child resides during the entire time it is in the session during the regular school term, without reasonable and adequate excuse, such excuse including, personal illness, serious family illness, death in the family, serious home emergency, necessary and lawful family support, employment, valid religious justification or providing evidence of satisfactory participating in home schooling, or compelling family reason. Any person violating this section is guilty of the offense of truancy and shall be subject to a fine as set forth hereafter.

(4) False excuse prohibited. It shall be an offense under this section for a parent or other individual to knowingly submit to the proper school authorities a written excuse under any of the provisions herein that contains false information, including falsification of a signature. A person convicted of an offense under this section shall be subject to a fine set forth hereafter.
(Ord. 1764, passed 4-29-2002) Penalty, see § 133.99

§ 133.08 FALSE FIRE ALARMS.

(A) No person shall knowingly give, or cause to be given, any false alarm signal or call of fire by any means whatsoever.
(1963 Code, § 4-1-13) (Ord. 677, passed 6-29-1964)

(B) It shall be unlawful for any person to wilfully, by outcry or otherwise, make or circulate any false alarm of fire, or wilfully turn in a false alarm of fire. Upon the arrest and conviction of any such person, the person furnishing the information leading to such arrest and conviction shall be entitled to be paid out of the treasury the sum of $25. The Mayor is hereby authorized, whenever, in the Mayor's judgment, it becomes necessary, to advertise the fact that a reward of $25 will be paid to the person furnishing information leading to the arrest or conviction of any person for the violation of the provisions of this section.
(1963 Code, § 4-3-1) Penalty, see § 133.99

§ 133.09 KEEPING OF JUNK RESTRICTED.

It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public parks, public grounds, business buildings, or residences without first providing proper and tight buildings for the storage of the same.
(1963 Code, § 6-2-27) Penalty, see § 133.99

§ 133.10 BARBED WIRE AND ELECTRIC FENCES.

It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot, stairway, entrance to a building or parcel of land.
(1963 Code, § 6-2-4) Penalty, see § 133.99

§ 133.11 RENTING PREMISES FOR UNLAWFUL PURPOSES.

It shall be unlawful for any person to rent, use, or allow to be used any building or property owned by that person, for any purpose whereby riotous or disorderly persons are gathered.
(1963 Code, § 6-2-28) Penalty, see § 130.99

§ 133.12 [RESERVED].

§ 133.13 EVENTS CAUSING ANNOYANCE OR INJURY PROHIBITED.

It shall be unlawful for any person to rent, use or allow to be used, any yard, ground or grave, or other

real estate within the city for public picnics or open air dances, to be conducted in such manner as to be an annoyance or injury to the public.
(1963 Code, § 6-2-38) Penalty, see § 130.99

§ 133.14 POSTING BILLS.

It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement or notice of nay kind on any curbstone, flagstone or any other portion or part of any sidewalk, or upon any tree, lamppost, hitchpost, telegraph pole, hydrant or upon any private wall, door or gate, without the consent in writing of the owner of the wall, door or gate; provided, however, that this sections hall not prevent posting by proper city and county officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections.
(1963 Code, § 6-2-40) Penalty, see § 133.99

§ 133.15 HYPNOTISTS PROHIBITED.

It shall be unlawful for any person to practice hypnotism or for any person to be a subject for such hypnotist provided that this shall not apply to hypnotism as used in the treatment of patients by an accredited doctor of medicine or doctor of dentistry nor shall it prohibit the teaching of hypnotism In any state accredited educational institution which maintains an academic standard of the college level.
(1963 Code, § 6-2-24) Penalty, see § 133.99

§ 133.16 LOITERING AND RELATED OFFENSES.

(A) It shall be unlawful for any person to loiter as defined herein, either alone and/or in concert with others, in such a manner as to:

(1) Obstruct any public street, public highway, public sidewalk, public alley or way, or any other public place or building by hindering and/or impeding and/or intending to hinder and/or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.

(2) To loiter while alone and/or consort with others in or upon any public street, public highway, public sidewalk and/or public place or building in such a manner so as to commit in any of the aforesaid public places and/or any other public place any act or thing which is an obstruction or interference to the free and uninterrupted use of property, or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, alley, or public way or any other public place or building, all of which prevents the free and uninterrupted ingress, egress or regress therein, thereof and/or thereto, and no person shall by his or her presence or by other means, either alone or in concert with others, interfere with or interrupt the conduct of business in the offices located in such buildings or public places.

(B) For purposes of this section, the following definitions shall apply:

LOITERING. Includes the following activity: Remaining idle in essentially 1 location and spending time idly in connection therewith; to linger; to stay, to saunter, to delay, to stand around; and shall also include the colloquial expression “hanging around”; moving slowly about; sleeping in motor vehicles or trailers located on public property; sleeping on streets or sidewalks, alleys, public ways, parks or other public property.

PUBLIC PLACE. Includes, but is not limited to, the following: All places commonly known as being distinctively public, such as public streets; public restrooms; sidewalks; parks; alleys and buildings; all places privately owned but open to the public generally, shopping centers, transportation terminals, retail stores, movie theatres, office buildings and restaurants.

SURROUNDING AREA. That area easily and immediately accessible to the person under observation.

(C) It shall be unlawful in the city, pursuant to this section, for any person or persons to place or erect upon any public way or passage way to any building an obstruction of any type, provided that this section shall not prevent the duly authorized or required placing of temporary barriers or warning signs for the purpose of safeguarding the public.

(D) When any person causes or commits any offense or conditions enumerated above within this section, a police officer or any law enforcement officer may order that the person and/or persons stop causing or committing same and to move on and/or disburse and/or remove the obstruction. Any person and/or persons who refuse or fail to immediately so move on and/or disburse and/or remove said obstruction shall be guilty of an additional violation of this section.
(Ord. 2038, passed 10-23-2006) Penalty, see § 133.99

§ 133.16 SALE OF FIREARMS PROHIBITED.

It shall be unlawful to sell, barter, offer for sale or give away any air gun, pop gun or sling shot within the city.
(1963 Code, § 6-5-1)

§ 133.17 DISCHARGE OF FIREARMS PROHIBITED.

It shall be unlawful for any person to fire or discharge or carry any air gun, pop gun or sling shot within the city.
(1963 Code, § 6-5-2)

§ 133.18 CONCEALED WEAPONS.

It shall be unlawful for any person to wear or carry concealed about his or her person any pistol, revolver, slingshot, metallic knuckles, bowie knife, dirk, razor or other dangerous or deadly weapon or to display any such weapon in a boisterous or threatening manner; provided, that the provisions of this section shall not be held to apply to any police officer while in the discharge of his or her duties, not to any person summoned by any police officer to aid him or her in making an arrest or preserving the peace.
(1963 Code, § 6-5-3)

§ 133.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 130.99.

(B) Any student who violates the provisions of § 133.07 and/or any persons, including, but not limited to, a person having custody of a student hereunder who violates § 133.07 shall be a subject to a fine of not less than $5 and not more than $500.
(Ord. 1764, passed 4-29-2002; Am. Ord. 2320, passed 12-12-2012)

(C) Any person or persons violating the provisions of § 133.08 shall upon conviction, be fined not less than $5 nor more than $200.
(1963 Code, § 4-1-13) (Ord. 677, passed 6-29-1964)

(D) Any person who violates § 133.03 shall be fined not less than $50, nor more than $750, for each offense; additionally, each violation of § 133.03 shall be considered a separate, individual offense.
(Ord. 2148, passed 10-20-2008)

(E) The penalty for a finding of guilty, plea of guilty and/or conviction for any violation of § 133.16 shall be a fine of not less than $50 and no more than $500 for each violation of § 133.16. Each individual violation of § 133.16 shall constitute a separate offense hereunder and each day upon which such a violation occurs shall constitute a separate offense.
(Ord. 2038, passed 10-23-2006)

CHAPTER 134: DRUG OFFENSES

Section

134.01 Possession of cannabis prohibited
134.02 Definitions
134.03 General prohibition

134.99 Penalty

§ 134.01 POSSESSION OF CANNABIS PROHIBITED.

(A) It shall be unlawful for any person to possess 2.5 grams or less of any substance containing cannabis.

(B) ***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, 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 seed of such plant, and 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.

(C) Any person found guilty of violating this section shall be fined not less than $350, and not more than $750 for each violation offense.

(D) In the event that any provision of this section shall be declared invalid, the invalidity of said provision shall not affect the remainder of the provisions of this section.
(Ord. 2147, passed 10-20-2008)

§ 134.02 DEFINITIONS.

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

CANNABINOID. Includes, but not limited to, any material, compound, mixture or preparation containing any quality of the following substances having a stimulant effect on the central nervous system, to include but not limited to:

(1) Salvia divinorum or Salvinorum A: all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plants and every compound, manufacturer, salts, derivative, mixture, or preparation of such plant, its seeds or extracts.

(2) (6aR, 10aR)-9-(hydroxymethyl -6, 6dimethyl-3-(methyloctan-2-yl)-6a, 7, lOa-Tetrahydrobenzo © chromen-l-ol, commonly known as HU-210.

(3) l-Pentyl-3-(l_naphthoy)indole, commonly known as JWH-018 Spice or k2.

(4) l-Butyl-3(1_naphthoyl)indole, commonly known as JWH-073).

(5) Naphthoylindoles known as JWH-398 and additionally the methyl versions.

(6) N-benzylpiperazine, commonly known as BZP.

(7) 1-3-trifluoromethylphenyl, piperazine, commonly known as TFMPP.

(8) JB 318 and/or any other synthetic version thereof.

(9) Naphthoylpyrroles and any methyl versions thereof.

(10) Phenylacetylindoles (including benzoylindoles, JWH-250).

(11) Cyclohexylphenols (such as the CP-group CP 47, 497).

(12) HU-210and/or any version thereof.

(13) Any other synthetic cannabinoid.

Any similar substances to the above which when inhaled, or otherwise ingested, may produce intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changes, distorts, or disturbs the auditory, visual or mental process, and the product or substance has no other apparent legitimate purpose for consumers.

Illegal products include the products marketed under the following commercial names: Blaze, Dascents, Dialo, Fire N' Ice, Genie, K2, K2 Summit, K-2 Sec, KO Knock-Out 2, Mojo, Pandora Potpourri, Pep Spice, Sage, Saliva Divinorum, Sense, Silver, Skunk, Solar Flare, Spice, Spice Cannabinoid, Spice Diamond, Spice Gold, Spicy Green, Yucatan Fire and Zohai.

DELIVER. The actual, constructive, or attempted transfer from one person to another of cannabinoid substances or other similar drugs such as K2, whether or not there is an agency relationship, and includes a sale.

MIND ALTERING SUBSTANCES. Any substance whether described as tobacco, herbs, incense, spice, salts or any other description or blend thereof, regardless of whether the substance is marketed for the purpose of being smoked or for human consumption, which if smoked burned, inhaled or taken orally causes intoxication, euphoria, or any other mind-altering effect. For purposes of this chapter, ***MILD-ALTERING SUBSTANCES*** shall not include medication for which the possession party holds a valid prescription, or beer, wine or intoxicating liquor.

POSSESS. With the knowledge of the presence and nature of a substance, either actually or constructively in control of a substance. A person has actual possession if he or she has the substance on his or her person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or person is in constructive possession of it.

USE. The partaking, inhaling, smoking, consumption, ingestion or injection of any type of synthetic cannabinoid substance or other similar drug such as K2.
(Ord. 2300, passed 10-3-2011)

§ 134.03 GENERAL PROHIBITION.

It shall be unlawful for any person to use, possess, purchase, sell, publicly display for sale or attempt to sell, give, or barter any of the substances mentioned in § 134.02 including all substances mentioned in the definition of cannabinoid within the city limits of LaSalle.
(Ord. 2300, passed 10-3-2011) Penalty, see § 134.99

§ 134.99 PENALTY.

Any person and/or entity who shall violate any provision of §§ 134.02 through 134.03 shall be fined

not less than $250 nor more than $750 for each and every violation thereof. Each violation §§ 134.02 through 134.03 shall be considered a separate independent violation thereof in reference to the provision herein in reference to fines and penalties, and every day that the violation of any provision of §§ 134.02 through 134.03 shall continue, shall constitute a separate offense. Additionally, the penalty provisions herein are in addition to and not to the exclusion of any other lawful penalty provided and/or allowed by law.
(Ord. 2300, passed 10-3-2011)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS

151. FLOODPLAIN DAMAGE PREVENTION

152. RESIDENTIAL RENTAL PROPERTY

153. ZONING

154. VACANT BUILDINGS

CHAPTER 150: BUILDING REGULATIONS

Section

Adoption of Standard Codes

150.01 International Fire Code
150.02 International Fuel Gas Code
150.03 National Electrical Code
150.04 International Building Code
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Dangerous Buildings

150.20 Definitions
150.21 Unfit dwellings and buildings designated
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Construction Regulations

150.40 Construction of fences
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Moving Buildings

150.55 Housemover's license; permit
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150.61 Notice to utility companies required
150.62 Warning lights required after sunset
150.63 Injury to property
150.64 Indebtedness to city

150.99 Penalty

ADOPTION OF STANDARD CODES

§ 150.01 INTERNATIONAL FIRE CODE.

(A) *Adoption.* A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Fire Code, 2003 edition,* including Appendix Chapters B, C, D and E, as published by the International Code Council, Inc. is hereby adopted as the Fire Code of the City of LaSalle in the State of Illinois; for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said Fire Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) below of this section.

(B) *Additions, insertions and changes*. The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 102.6 Referenced codes and standards. Add the following:

"102.6.1 Building. All references to the International Existing Building Code shall be replaced with the following "Chapter 34 of the International Building Code."

102.6.2 Electrical. The provisions of the National Electric Code as amended by City ordinances shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. All references in the Fire Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances.

102.6.3 Plumbing. The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Fire Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(3) Section 109.3 Violation Penalties. Delete the text of Section 108.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair or do work in violation of the approved construction documents or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the fire code official shall, upon conviction be sentenced to pay a fine of not less than $50 nor more than $500. Each day that a violation continues shall be deemed a separate violation."

(4) Section 111.4 Failure to Comply Insert "$50" and "$500."

(C) *Geographic limits*. The geographic limits referred to in certain sections of the *2003 International Fire Code* are hereby established as follows:

(1) Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): "All areas other than those zoned M-1 or M-2 within the corporate limits of the City of LaSalle."

(2) Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): "All areas with residential zoning (areas zoned R-1, R-2, R-3 and R-4) within the corporate limits of the City of LaSalle."

(3) Section 3406.2.4.4 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): "All areas with residential zoning (areas zoned R-1, R-2, R-3 and R-4) within the corporate limits of the City of LaSalle."

(4) Section 3804.2 (geographic limits in which the storage of liquid petroleum gas is restricted for the protection of heavily populated or congested areas): "All areas with residential zoning (areas zoned R-1, R-2, R-3 and R-4) within the corporate limits of the City of LaSalle."
(Ord. 1793, passed 3-31-2003)

§ 150.02 INTERNATIONAL FUEL GAS CODE.

(A) *Adoption*. A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which

is available at the LaSalle Public Library, all copies being marked and designated as the International Fuel Gas Code, as published by the International Code Council, Inc. be and is hereby adopted as the Fuel Gas Code of the City of LaSalle in the State of Illinois; for regulating and governing fuel gas systems and gas-systems and gas-fired appliances in the City of LaSalle; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said Fuel Gas Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes*. The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 101.2 Exception. Delete the text of the exception of Section 101.2 and substitute the following: "Detached one-and two-family dwellings and their accessory structures shall comply with the International Residential Code."

(3) Section 102.8 Referenced codes and standards. Add the following:

"102.8.1 Electrical. The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Fuel Gas Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances.

102.8.2 Plumbing. The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Fuel Gas Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(4) Section 106.3 Application for permit. Add: "106.3.2 Additional permits, approvals or certificates. If additional permits, approvals or certificates are required by other agencies, including but not limited to the Illinois Environmental Pollution Agency, LaSalle County Health Department, Department of Natural Resources or Illinois Department of Transportation, such permits, approvals or certificates shall be submitted with the building permit application and no permit shall be issued unless said documents are received by the Building Inspector."

(5) Section 106.5.2 Fee Schedule. Delete the text of Section 106.5.2 and substitute the following: "The fees for mechanical work shall be considered incidental to the cost of the building permit issued in accordance with the Building Code of the City of LaSalle."

(6) Section 106.5.3 Fee Refunds. Delete the text of Section 106.5.3

(7) Section 108.2 Notice of Violation. Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(8) Section 108.4 Violation Penalties. Delete the text of Section 108.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay

a fine of not less than $50 nor more than $500. Each day that a violation continues shall be deemed a separate violation."

(9) Section 108.5 Stop Work Orders. Insert: "$50" and "$500."

(10) Section 109.2 Membership of the board. Delete the text of Section 109.2 and substitute the following: "The board of appeals shall consist of the membership of the Zoning Board of Appeals."
(Ord. 1794, passed 3-31-2003)

§ 150.03 NATIONAL ELECTRICAL CODE.

(A) *Adoption; compliance required.*

(1) For the purposes of supplementing the provisions and regulations contained in this Title, and for setting forth minimum standards for the installation of electrical wiring, the city hereby adopts by reference the standards, specifications, rules and regulations of the National Fire Protection Association as compiled and published as the *National Electrical Code, 2002 Edition*, (NFPA No. 70-2002), hereinafter referred to as the NEC, Article 80 of the NEC, 1 copy of which shall be kept on file in the City Clerk's office, 1 copy of which shall be kept on file in the Building Inspector's office and 1 copy of which shall be kept in the LaSalle Public Library, all copies to be available for public inspection.

(2) No electrical wiring for heat, light and power shall be installed in a building or structure, nor shall an alteration or an extension of an existing electrical wiring system be made except in conformity with the provisions of this section and the *National Electrical Code, 2002 Edition*, (NFPA No. 70-2002).

(3) In case of conflict between the NEC and the rules and regulations herein specified, the rules and regulations contained in this section shall prevail.

(B) *Application for service installation.*

(1) Any person desiring to make an electrical service installation in any premises as defined in this section shall make application to make such installation and for service connection of the premises with a private electric power utility, to the city on a printed form provided by said city. The application shall be signed by the owner of the premises in which the installation will be made. With every such application, there shall be paid to the city the minimum fee of $10.

(2) All applications shall also contain the printed agreement thereon that the applicant will conform to and abide by all the rules, regulations and provisions of ordinances of the city pertaining to the installation and maintenance of electric wiring, fixtures and appliances then or thereafter in force.

(C) *Plans and specifications.*

(1) *Filing required.* The application shall contain a statement of the nature and extent of the electrical installation and the name and address of the electrical contractor who will perform the work or service.

(a) The owner or contractor shall file with the City Building Inspector detailed plans and specifications for such electrical installation for use of the city in making inspections of the installation.

(b) No installation shall commence until such plans and specifications have been furnished to and approved by the Building Inspector.

(2) *Wiring requirements.* All plans shall include the wiring layout, with the location of outlets, distribution facilities and the size of wire to be used. All work performed and all materials used shall be in accordance with the plans and specifications submitted with the application for permit and any revisions or changes from the plans submitted shall be considered a violation unless approved by the Building Inspector.

(3) *Single-family residences*. Plans for single-family residences shall include the location and size of service entrance equipment.

(4) *Other residences*. Plans for other than single- and 2-family residences shall include a riser diagram, fixture schedule, panel schedule, motor list, location of service entrance equipment, details of wall penetration for service entrance connected load and demand factor used to calculate load demand, and all such drawings and plans will require a professional engineer's or architect's seal.

(5) *Possible exemptions*. At the discretion of the Building Inspector or his or her designee, minor modifications, alterations or additions to existing facilities may not require a professional engineer's or architect's seal.

(6) *Approval*. Approval of detailed plans and specifications by the Building Inspector will not constitute responsibility by the city for adequacy, completeness, correctness or reliability of the plans and specifications. The final responsibility for the plans and specifications rests with the professional engineer or architect whose seal appears on the plans and specifications or, in the case where the requirement of a professional engineer's or architect's seal is waived, upon the person who submits the plans and specifications with the permit application.

(D) *Occupancy permit required*. When all electrical work has been completed, the Building Inspector shall endorse the permit, such endorsement meaning that all electrical work pursuant to the permit has been completed and inspected and that all fees have been paid. An occupancy permit shall not be issued for any premises until such copy of the permit has been filed and all fees have been paid.

(E) *Electrical inspections*.

(1) The city requires that inspections be made during the installation of the electric wiring system to assure compliance with this section. The owner or contractor shall give 24-hours' notice to the city and shall obtain an appointment period during which such inspection shall take place. The city may require a representative of the electrical contractor or the electrician installing the electric wiring system to be present on the site with plans and specifications which were submitted for the permit when the Building Inspector makes his or her inspection.

(2) Rough inspections are required before any work is concealed or covered such as walls and concrete. A red tag will indicate a violation or violations exist. Violations must be corrected before the electric wiring system is covered or concealed and approval of work obtained. Approval shall be indicted by the placing of a yellow tag with the Building Inspector's or his or her designee's signature.

(3) Final inspection and approval by the Building Inspector of the completed electrical installation shall be made before an occupancy permit is issued. Permanent electrical service can be installed, at the option of the Building Inspector, as soon as the service riser, meter socket, main disconnect and interconnecting conduit and conductors are properly installed and grounded.

(F) *Additions, insertions and changes*.

(1) Article 80.15 - Delete the text of Article 80.15 and substitute the following: "The Zoning Board of Appeals shall serve as the Electric Board for the purpose of hearing appeals related to the City's Electric Code."

(2) Article 80.23(B)(3) - Delete the text of Article 80.23(B)(3) and insert the following: "Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall upon conviction thereof, be punished by a fine of not less than $50 or more than $500 for each offense. Each day that a violation continues shall be deemed a separate violation."

(3) Article 80.25 - Notification: Delete the text of Article 80.25(C) and insert the following: "Notification. If, within five business days after the Building Inspector is notified in writing of the completion of an installation of electric equipment,

other than a temporary approval installation, the Building Inspector has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation."

(4) Article 80.27 Inspector's Qualifications - Delete the text of Article 80.27.

(5) Article 80.29 Liability for Damages - Insert the following: "City of LaSalle."

(6) Article 80.35 Effective Date - Insert the following: "fourteen, 14."

(7) Article 230.1 Scope - Add the following: "All service installations shall comply with the standards and requirements as designated by the local electric utility. In case of conflict between the NEC and the rules and regulations as specified by the local electric utility, the rules and regulations as established by the local electric utility shall prevail. No service meter shall be installed or electric service provided to a building without approval by the Building Inspector, which shall be designated by a yellow "APPROVED" sticker attached to the meter base by the Building Inspector."

(8) Article 310.2 Conductors - Delete the text of Article 310.2 (B) and substitute the following: "Conductor Material. Conductors in this article shall be of copper. Aluminum is only approved for use by the local electric utility for service installations."

(9) Article 320 - Armored Cable (BX): This may only be used as an extension to an existing system of a residence where it is impossible to use conduit. This method will not be used in a basement; except for a short piece to connect to junction box

(10) Article 322 Flat Cable Assemblies: Type FC and Article 324: - Flat conductor Cable: Type FCC - Can be used only for the repair of existing systems.

(11) Article 334 - Nonmetallic-Sheathed Cable - This method will only be allowed in 1 or 2-family dwellings and shall only be allowed in floors located above grade. In no case will this method be allowed in a basement or any other story located below grade.

(12) Article 338 - Service-Entrance Cable: Use of this method is not permitted unless approved by the Building Inspector.

(13) Article 340 - Underground Feeder and Branch Circuit Cable: Paragraph 340-10(4) is not acceptable. Type OF Cable shall not be used in any basement or other story located below grade.

(14) Article 362 - Electrical Nonmetallic Tubing - Type ENT: Use of this method is only permitted in concealed locations in all uses.
(Ord. 1795, passed 3-31-2003)

§ 150.04 INTERNATIONAL BUILDING CODE.

(A) *Adoption of building code.* That a certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Building Code* including Appendix Chapter F, Chapter H and Chapter J, as published by the International Code Council, Inc. be and is hereby adopted as the Building Code of the City of LaSalle in the State of Illinois; for control of buildings and structures as herein provided; and each and all of the regulations provisions, penalties, conditions and terms of said Building Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes*. The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 101.2 Exception. Delete the text of the exception of Section 101.2 and substitute the following: "Detached one- and two-family dwellings and their accessory structures shall comply with the International Residential Code."

(3) Section 101.4.1 Electrical. Delete the text of Section 101.4.1 and substitute the following: "The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Building Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances."

(4) Section 101.4.4 Plumbing. Delete the text of Section 101.4.4 and substitute the following: "The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Building Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(5) Section 105.2 Work Exempt from Permit. Delete the text of No. 2 in the listing under the subtitle "Building."

(6) Section 105.3.1 Action on Application. Add: "The Building Inspector is permitted to waive review and examination of the plan and specifications if the registered architect or engineer who prepared the plans and specifications certifies that they conform to the requirements of the City Building Code."

(7) Section 106.1 Submittal documents - Add: "If additional permits, approvals or certificates are required by other agencies, including but not limited to the Illinois Environmental Pollution Agency, LaSalle County Health Department, Department of Natural Resources or Illinois Department of Transportation, such permits, approvals or certificates shall be submitted with the building permit application and no permit shall be issued unless said documents are received by the Building Inspector."

(8) Section 106.2 Site Plan - Add: "Section 106.2.1 - Storm Water Control - All multi-family residential, commercial and industrial sites shall submit a site plan indicating the design of a storm water control facility which has been designed by a registered professional engineer. Said site plan shall bear the engineer's seal and be accompanied by design calculations. All such facilities shall be designed to discharge a flow at or below the amount discharged by the site in its undeveloped state and shall be designed in accordance with the standards as designated by the City Engineer."

(9) Section 108.4 Work commencing before permit issuance. Add: "The additional fee required to be paid by anyone failing to obtain a permit prior to beginning of construction shall be set at $100."

(10) Section 113.2 Notice of Violation. Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(11) Section 113.4 Violation Penalties. Delete the text of Section 113.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the

provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay a fine of not less than $50 nor more than $500. Each day that a violation continues shall be deemed a separate violation."

(12) Section 112.3 Qualifications. Add: "The Zoning Board of Appeals shall serve as the Board of Appeals for the City Building Code."

(13) Section 705.1. "The provisions of this Section shall apply to all multiple-family structures containing three or more living units; one or more living units in a structure containing any other type of use such as business or industrial; or any size commercial, business or industrial building without living units. The fire resistance rating of structural elements (including outside walls and floors) and tenant separation or party walls, shall be a minimum of two hours, except that the required fire resistance rating and tenant separation or party shall be a minimum of one hour for business or commercial occupancies which are equipped with a fire suppression and fire alarm system throughout the structure.

Exterior wall construction shall be masonry. Brick veneer construction shall not be permitted. All floors shall be of pre-cast concrete type, poured concrete type, or other type having at least a two hour resistance rating. It is additionally provided hereunder that whenever the building under consideration is of such an unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties or substantial hardship or injustice, the City Council may upon application to the City Council, within its discretion to be appropriately exercised, vary or modify such requirements so that the owner of the premises may develop the property in a reasonable manner but so that at the present time the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of this Ordinance preserved."

(14) Section 1612 relating to Flood Loads is deleted in its entirety. All regulations related to flood loads and construction in the floodplain shall be governed by Ordinance 2282 (see Chapter 151).

(15) Section 3410.2 Applicability. Delete the paragraph in its entirety and substitute the following: "Structures existing prior to April 1, 2003, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provision in Sections 3410.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, S and U. These provisions shall not apply to buildings with occupancies in Group H, I or R.

(C) *Additional definitions*. As used in this section and the International Building Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official" and/or "Building Inspector" shall mean the person referred to in this section, who is responsible for code administration and enforcement for the City of LaSalle, or the person so designated as such by the City of LaSalle.

(3) The term "*International Building Code*" or "Code" shall mean the edition of the International Building Code most recently adopted by the City of LaSalle.

(Ord. 1796, passed 3-31-2003; Am. Ord. 1957, passed 5-22-2006)

§ 150.05 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(A) *Adoption*. A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Property Maintenance Code*, as published by the

International Code Council, Inc. be and is hereby adopted as the Property Maintenance Code of the City of LaSalle in the State of Illinois; for control of buildings and structures as herein provided; and each and all of the regulations provisions, penalties, conditions and terms of said Property Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes*. The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 101.3 Intent. Delete the last sentence.

(3) Section 102.3 Application of other codes. Delete the text of Section 102.3 and substitute the following: "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, the International Residential Code, State of Illinois Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Fire Code and the National Electric Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of LaSalle Zoning Ordinance No. 590 or any amendments thereof."

(4) Section 102.7 Referenced codes and standards. Add the following: "102.7.1 Electrical. The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Property Maintenance Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances. 102.7.2 Plumbing. The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Property Maintenance Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(5) Section 103.5 Fees. Delete the text of Section 103.5 and substitute the following: "The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the building department. In the event that the building permit is not secured prior to commencement of construction, the permit fee shall be increased by an additional $100."

(6) Section 106.4 Violation Penalties. Delete the text of Section 106.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction, be sentenced to pay a fine of not less than $50 nor more than $500. Each day that a violation continues shall be deemed a separate violation."

(7) Section 111. The Zoning Board of Appeals shall serve as the Board of Appeals as referenced by this code.

(8) Section 302.4 Insert "six (6) inches."

(9) Section 304.14 Insert "May 1 to September 30."

(10) Section 602.3 Insert "October 1 to May 31."

(11) Section 602.4 Insert "October 1 to May 31."

(12) Section 604.2 Add the following: "If the meter is removed at any time, the service shall be upgraded to a minimum of 100 amperes."

(13) Section 605.2 Delete the last sentence and add the following: "All bathroom receptacles and receptacles serving the kitchen counter shall be of the ground fault circuit interrupter type."

(14) Section 702(F), means of egress, the following addition is made thereto: "It shall be unlawful in any place or in any manner to block, impede, hamper, occupy or obstruct the immediate means of egress from any fire escape which provides any means of egress, or emergency means of egress or rescue from any building or structure within the City of LaSalle." That the penalty for violating this division (14) shall be as provided within division (B)(6) of this section.

(C) *Additional definitions*. As used in this section and the International Property Maintenance Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official" and/or "Building Inspector" shall mean the person referred to in this section who is responsible for code administration and enforcement for the City of LaSalle.

(3) The term "International Building Code" or "Code" shall mean the 2003 edition of the International Building Code or the edition most recently adopted by the City of LaSalle.

(D) That Ordinance Number 1138 of the City of LaSalle, entitled Unsafe or Dangerous Building Ordinance is hereby superceded by this section to the extent that Ordinance 1138 is in conflict herewith. To the extent that Ordinance No. 1138 is not in conflict herewith, said ordinance is not superceded and shall remain in full force and effect. Additionally, all other ordinances or parts thereof in conflict with this section are hereby superceded by this section to the extent in conflict herewith; any prior ordinances, or parts thereof, not in conflict herewith, are not superceded by this section and shall remain in full force and effect.

(Ord. 1797, passed 3-31-2003; Am. Ord. 1973, passed 7-31-2006; Am. Ord. 2035, passed 9-25-2006)

§ 150.06 INTERNATIONAL RESIDENTIAL CODE.

(A) *Adoption of residential code*. A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Residential Code, 2003 edition*, including Appendix Chapter A, Chapter B, Chapter C, Chapter D, Chapter F, Chapter G, Chapter K and Chapter L, as published by the International Code Council, Inc. be and is hereby adopted as the Residential Code of the City of LaSalle in the State of Illinois; for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached 1 and 2 family dwellings and multiple single family dwellings (townhouses) not more than 3 stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all the regulations provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of LaSalle are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes*. The following sections are hereby revised as follows:

(1) Section R101.1 Title. Insert: "City of LaSalle."

(2) Section R101.2 Exception. Delete the text of the exception of Section RIO 1.2 and substitute the following: "Exception: Existing buildings undergoing repair , alteration or additions, and change

of occupancy shall be permitted to comply with the International Building Code."

(3) Section R102.4 Referenced codes and standards. Add the following to the exception: "The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Residential Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances. All regulations related to flood loads and construction in the floodplain shall be governed by Ordinance 2282."

(4) Section R105.2 Work Exempt from Permit. Delete the text of No. 1 and No. 2 in the listing under the subtitle "Building."

(5) Section R106.1 Submittal documents. Add: "If additional permits, approvals or certificates are required by other agencies, including but not limited to the Illinois Environmental Pollution Agency, LaSalle County Health Department, Department of Natural Resources or Illinois Department of Transportation, such permits, approvals or certificates shall be submitted with the building permit application and no permit shall be issued unless said documents are received by the Building Inspector."

(6) Section R108.4 Related fees. Add: "The additional fee required to be paid by anyone failing to obtain a permit prior to beginning of construction shall be set at $100."

(7) Section R112.3 Qualifications. Add: "The Zoning Board of Appeals shall serve as the Board of Appeals for the City Building Code."

(8) Section R113.2 Notice of Violation - Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(9) Section R113.4 Violation Penalties - Delete the text of Section 113.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay a fine of not less than $50 nor more than $500. Each day that a violation continues shall be deemed a separate violation."

(10) Section R112.3 Qualifications. Delete the text of this section and insert the following: "The board of appeals shall consist of the membership of the Zoning Board of Appeals."

(11) Section R502.11.1 Design. Add the following: "Engineered trusses for flooring which utilize metal for the truss portion of the floor joist shall not be allowed."

(C) *Additional definitions*. As used in this section and the International Building Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official" and/or "Building Inspector" shall mean the person referred to in this section who is responsible for code administration and enforcement for the City of LaSalle or the person so designated as such by the City of LaSalle.

(3) The term "International Building Code" or "Code" shall mean the edition of the International Building Code most recently adopted by the City of LaSalle.
(Ord. 1798, passed 3-31-2003)

§ 150.07 INTERNATIONAL MECHANICAL CODE.

(A) *Adoption*. A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Mechanical Code, 2003 edition*, including Appendix A, as published by the International Code Council, Inc. be and is hereby adopted as the Mechanical Code of the City of LaSalle in the State of Illinois; for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of LaSalle; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations provisions, penalties, conditions and terms of such *International Mechanical Code, 2003 edition*, published by the International Code Council, on file in the office of the City of LaSalle are hereby referred to, adopted and made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes*. The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle".

(2) Section 106.5.2 Fee Schedule. Delete the text of Section 106.5.2 and substitute the following: "The fees for mechanical work shall be considered incidental to the cost of the building permit issued in accordance with the Building Code of the City of LaSalle."

(3) Section 106.5.3 Fee Refunds. Delete the text of Section 106.5.3.

(4) Section 108.2 Notice of Violation. Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(5) Section 108.4 Violation Penalties. Delete the text of Section 108.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical work in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay a fine of not less than $50 nor more than $500. Each day that a violation continues shall be deemed a separate violation."

(6) Section 108.5 Stop Work Orders. Delete the last sentence of this section and insert the following: "Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than $50 nor more than $500 dollars."

(7) Section 109.2 Membership of the board. Delete the text of this section and insert the following: "The board of appeals shall consist of the membership of the Zoning Board of Appeals."

(C) *Additional definitions*. As used in this section and the International Building Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official/Inspector" shall mean the person referred to in this section, who is responsible for code administration and enforcement for the City of LaSalle.

(3) The term "International Mechanical Code" or "Code" shall mean the edition of the International Mechanical Code most recently adopted by the City of LaSalle.
(Ord. 1799, passed 3-31-2003)

DANGEROUS BUILDINGS

§ 150.20 DEFINITIONS.

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

BUILDING. A structure or part thereof.

DEMOLISH. To destroy a building and to remove all debris and waste materials from the lot on which the building stood.

DWELLING. Any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

OCCUPANT. Any person over 1 year of age living, sleeping, cooking, or eating in, or having actual possession of dwelling unit or rooming unit.

OWNER. The holder of fee simple title.

PARTIES IN INTEREST. All individuals, associates, and corporations who have a mortgage or other interest of record in a dwelling or building or who are in possession thereof.

PUBLIC OFFICER. The officer or officers who are authorized by law to exercise the powers prescribed by this subchapter.

PUBLIC RECORD. Deeds, mortgages and other instruments of record relating to land titles.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing 1 or more rooming units in which space is let by the owner or occupant to 3 or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the occupant.

ROOMING UNIT. 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.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearings, walls, columns, beams, or gutters, except repair or replacement of supporting members.
(Ord. 1138, passed 7-13-1987)

§ 150.21 UNFIT DWELLINGS AND BUILDINGS DESIGNATED.

Any dwelling or building which has any or all of the following defects shall be deemed unfit for human habitation.

(A) Any dwelling or building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to 1/3 of the thickness of such members, per each 10 feet of height from the ground, unless initially designed to support such deviation.

(B) Any dwelling or building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40% damage or deterioration of the nonsupporting, enclosed, or outside walls covering.

(C) Any dwelling or building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(D) Any dwelling or building which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or may cause or aid in the spread of disease or injury to the health of the occupants or neighboring structures.

(E) Any dwelling or building which has parts thereof which are so attached that they may fall and injure persons or property.

(F) Any dwelling or building which does not have an unobstructed means of egress leading to an open space at ground level.

(G) Any dwelling or building which does not have ventilation provided by openable doors or windows equal to 4.5% of total floor area of each room, except where there is supplied forced air ventilation complying with all applicable laws and ordinances.

(H) Any dwelling or building having rooms with the ceiling height less than 7 feet throughout ½ of the area of such room. Any portion of a room having a ceiling height less than 5 feet high shall not be considered in computing the total floor area of such room.

(I) Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.

(J) Any dwelling or building which does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system.

(K) Any dwelling which does not have an installed tub or shower and lavatory property connected to hot and cold water supply pipes and sewer system.

(L) Any dwelling which does not have a flush type water closet located in a room affording privacy and property connected to the water supply pipes and sewer system.

(M) Any dwelling or building which does not have installed electric lighting facilities consisting of at least 2 separate wall-type convenience outlets or 1 ceiling-type fixture and 1 wall-type outlet for every habitable room installed in accordance with the electrical ordinance of the city.

(N) Any dwelling or building which does not have either central heating, fireproof flues or fireproof vents. All heating equipment whether installed by owner or occupant must be vented and maintained in good order and repair.

(O) Any dwelling or building which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.

(P) Any dwelling or building which has been so damaged by fire, wind, flood or the elements or has become so deteriorated as to become an attractive nuisance to children who might play in or about the dwelling or building to their danger.

(Q) Any dwelling or building which shall become vacant deteriorated or open at door or window, leaving the interior of the dwelling or building exposed to the elements or accessible to entrance by vagrants or trespassers.
(Ord. 1138, passed 7-13-1987)

§ 150.22 PERSONS OCCUPYING DWELLINGS OR BUILDINGS.

The number of persons occupying any dwelling or building unit shall be limited to the following requirements:

(A) Each sleeping room shall have at least 70 square feet of floor space for the first occupant thereof and not less than 30 square feet of floor space for each additional occupant.

(B) The total of all habitable rooms in a dwelling or building shall be such as to provide at least 150 square feet of floor space for the first occupant thereof and at least 50 additional square feet of floor space for each additional occupant thereof. Any floor space under a ceiling less than 5 feet high shall not be counted.
(Ord. 1138, passed 7-13-1987) Penalty, see § 150.99

§ 150.23 ROOMING HOUSES.

No person shall operate a rooming house or shall let to another for occupancy any room unless such rooming house or room complies with the following requirements:

(A) Each rooming house and room shall be in compliance with the minimum standards set forth in § 150.21 (A), (B), (C), (D), (E), (G), (H) and (M), and § 150.22(A).

(B) Each rooming house shall be equipped with at least 1 flush water closet, 1 lavatory, and 1 tub or shower for each 10 persons or fraction thereof within the rooming house, including members of the family, if they are to share the use of the facilities. All such facilities shall be properly connected to the water supply and sewer system.

(C) Each flush water closet, lavatory, tub, or shower required above shall be located within the rooming house, in a room, or rooms, which:

(1) Affords privacy.

(2) Is accessible by a common hall without going outside the rooming house.

(3) Is accessible by a common hall without going through sleeping quarters of others.

(4) Is not more than 1 story removed from the room of an occupant intended to share the facilities.
(Ord. 1138, passed 7-13-1987) Penalty, see § 150.99

§ 150.24 NUISANCE CONDITIONS; REPAIR OR DEMOLITION.

Any dwelling or rooming house unfit, for human habitation is hereby declared to be a public nuisance, and shall be repaired or demolished and debris removed from site as hereinbefore and hereinafter provided. The following criteria shall be used in ordering repair or demolition.

(A) If the dwelling, building or rooming house shall be found to be unsafe, dangerous or unfit for human habitation in violation of the terms of this subchapter or other ordinances of the city, the City Building Inspector shall serve a notice thereof upon all owners and parties in interest specifying the conditions that render the building or dwelling unsafe, dangerous or unfit for human habitation. The owner shall repair it or commence demolition within 15 days.

(B) If the owner fails to comply with an order of the Building Inspector hereunder, the Building Inspector may cause such building to be repaired, altered, or improved, or to be vacated or closed, and he or she may cause to be placed on the building so closed a plaque with the following words: "This Building Is Unfit For Human Habitation. The Use Or Occupation Of This Building For Human Habitation Is Prohibited And Unlawful."

(C) If the owner fails to comply with an order to repair or demolish, the City Attorney is authorized to commence legal action seeking a court order authorizing demolition or repair of the dwelling, building or structure. It shall not be a defense to this cause of action that the dwelling, building or structure is boarded up or otherwise enclosed.

(D) The amount of costs of such repairs, alterations, or improvements, or vacating and closing and demolition and the costs of suit including a reasonable attorney's fee shall be and become a lien against said real estate. The City Building Inspector may cause a claim for lien in a form approved by the City Attorney, to be filed of record as an instrument relating to land titles, which lien shall be superior to all prior existing liens and encumbrances, except taxes.
(Ord. 1138, passed 7-13-1987) Penalty, see § 150.99

§ 150.25 SERVICE OF COMPLAINTS AND ORDERS.

The notices, complaints and orders issued hereunder shall be served upon persons either personally or by certified mail, return receipt requested, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the City Building Inspector in the exercise of reasonable diligence, and the said officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same for 2 consecutive weeks in a newspaper printed and published in the city, and a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint.
(Ord. 1138, passed 7-13-1987)

§ 150.26 EMERGENCIES.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a dwelling, building, or rooming house, unfit for human habitation or a dangerous building, as defined herein, is immediately repaired or demolished,

the City Building Inspector shall cause the immediate repair or demolition of such dwelling or rooming house or building, the cost of such emergency repair or emergency demolition shall be a lien, and collected in the same manner as provided in § 150.24(D). (Ord. 1138, passed 7-13-87)

CONSTRUCTION REGULATIONS

§ 150.40 CONSTRUCTION OF FENCES.

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

(1) ***FRONT YARD.*** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main buildings or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.

(2) ***REAR YARD.*** The yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies and unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(3) ***SIDE YARD.*** Starting at a yard between the buildings and the side line of the lot extending from the front of the same building located on the property or any projection thereof other than steps, unenclosed balconies and unenclosed porches to the rear lot line.

(4) ***YARD.*** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purposes of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

(B) *Height*. That all fences hereafter constructed in or upon rear or side yards in the City of La Salle shall be at the maximum height of 6 feet. All fences so constructed shall be designed in such a manner that the posts of the fence shall be on the interior of the fence and face the property of the individual constructing the fence. Any and all fences placed in front yards of the city cannot be more than 4 feet in height and can only be constructed of chain link material.

(C) *Location*. It shall be unlawful to construct any fence on a corner lot within a distance of 25 feet from the curb in each direction at a height of more than 2 feet 6 inches above the level of the adjacent street pavement. It shall be unlawful for any firm, person or corporation other than the city, to construct any fence on city property with the exception of decorative fences.

(D) *Decorative fences*. Decorative fences are hereby defined to be fences containing no more than 2 horizontal rails with the top rail to be no more than 30 inches in height.

(E) *Decorative fences near sidewalks*. No decorative fence shall be constructed closer than 2 feet from any sidewalk line. If no sidewalk line exists, then no decorative fences shall be constructed closer than 7 feet from the edge of the existing pavement.

(F) *Exception*. This section shall not apply to the placement or height of shrubs, bushes or hedges.

(G) *Permit, diagram required.* Prior to construction of any fence henceforth, a permit authorizing construction must be obtained from the Superintendent of Public Works for the City, the cost of said permit being $2. In addition, prior to receiving a permit, the petitioner must evidence by diagram to

the Superintendent of Public Works, the type, height, and location of the fence he or she plans to construct. If said diagram indicates petitioner's fence will be in compliance with this section, a permit shall be issued by the Superintendent of Public Works. If said diagram indicates petitioner's fence will not be in compliance with this section, no permit will be issued.
(Ord. 871, passed 9-22-1975; Am. Ord. 1016, passed 8-17-1981)

§ 150.41 INSTALLATION OF SIDEWALKS IN CERTAIN LOCATION.

(A) The composition of the inner 2/3 of any sidewalk henceforth installed on Marquette Street between First and Second Streets (inner being that part of the sidewalk closest to the actual commercial structure) shall be of exposed aggregate concrete, with the composition of the outer 1/3 of said sidewalk (outer being that portion of sidewalk abutting the curb) being of brick.

(B) Approximately every 16 feet "on Center," the exposed aggregate concrete sidewalk shall be divided by a brick divider, which shall run from the curb to the commercial structure, be 24 inches in width, and which will separate dissimilar sidewalk finishes and provide convenient breaks for replacement of sidewalk.
(Ord. 866, passed 4-21-1975; Am. Ord. 873, passed 10-20-1975) Penalty, see § 150.99

MOVING BUILDINGS

§ 150.55 HOUSEMOVER'S LICENSE; PERMIT.

In order to regulate the use of the streets and public places within the city by persons desiring to move buildings and other structures thereon it is hereby provided that no person shall move any building, house, or other structure along or upon the public streets, alleys, ways, or places within the city without first having obtained a license as a house mover as herein provided, and without also receiving a permit to move such building or other structure as herein provided.
(1963 Code, § 3-3-1) Penalty, see § 150.99

§ 150.56 APPLICATION FOR LICENSE.

Any person desiring a license as a house mover shall make application for such license to the Clerk, and make payment of an annual license fee of $25, and shall furnish a bond to the city in the sum of $1,000, conditioned as herein set forth, and after approval of the bond by the Council, the Clerk shall issue to the applicant a license as house mover expiring on the first day of May next thereafter. The bond of $1,000 shall be conditioned among other things that the applicant for such license will pay for any and all damage which he or she, in any of his or her operations as a house mover, shall cause to any tree, pavement, street or sidewalk, or any other city property whatsoever, whether inflicted by himself or by his agents or employees, and further conditioned to save and keep harmless the city from any and all suits, judgments, costs, liabilities, or expenses whatsoever which may in any wise accrue or be alleged against the city in consequence of the granting of such license or permit and/or any operations thereunder, and conditioned further, that the applicant will in all things comply with the provisions of this code, applicable thereto.
(1963 Code, § 3-3-2)

§ 150.57 CASH DEPOSIT REQUIRED.

No house mover shall remove any building, house, or other structure, along or upon any public street, alley, or place in the city, without first having obtained from the Council a permit to remove the particular building or structure in question, under the regulations hereinafter provided, and without first depositing with the Clerk a cash deposit in an amount equal to the cost of caring for, splicing, removing, and replacing any wires, poles, or cables, pipes or other property of the city, the caring for, splicing,

removing, and replacing of which is necessary to facilitate the operations of the house mover. Such estimate of cost shall be made by the Superintendent of Public Works. The cost shall be paid out of the cash deposit and any amount unexpended from such deposit shall be returned to the depositor. If any deficiency results under the deposit, the depositor must make up the difference.
(1963 Code, § 3-3-3) (Ord. 230, passed 5-7-1928)

§ 150.58 APPLICATION FOR PERMIT.

Before any permit shall be granted the person desiring same shall make application in writing to the Council at the office of the Clerk stating the building proposed to be removed, where located, and the place to which it is proposed to be moved.
(1963 Code, § 3-3-4)

§ 150.59 ISSUANCE OF PERMIT.

The Council, or someone designated by it, shall thereupon, if it sees fit, issue a permit therefor, prescribing the route to be taken, and the maximum time to be allowed for such removal, and any other conditions which to it shall seem needful for the public good. The work of removal shall be done in such manner as to meet the approval of the Superintendent of Public Works.
(1963 Code, § 3-3-5)

§ 150.60 MOVING WOODEN BUILDINGS WITHIN FIRE LIMITS PROHIBITED.

No wooden building, within or without the fire limits shall be moved to any lot, or part of lot, located within the fire limits.
(1963 Code, § 3-3-6) Penalty, see § 150.99

§ 150.61 NOTICE TO UTILITY COMPANIES REQUIRED.

No building shall be allowed to be moved upon any street, alley, or other public place unless at least 48-hours' previous notice has been given to any telephone or electric light or power companies whose right-of-way or wires or poles, the moving of the building will interfere with.
(1963 Code, § 3-3-7) Penalty, see § 150.99

§ 150.62 WARNING LIGHTS REQUIRED AFTER SUNSET.

Every person so moving a building hereunder, or who makes any sort of excavation or piles any lumber or other material upon any of the public streets, alleys or places within the city, shall in addition to the requirements of the other provisions of this code, keep from sunset until dawn a red light hung out upon or about such obstruction or excavation so as to give ample warning thereof.
(1963 Code, § 3-3-8) Penalty, see § 150.99

§ 150.63 INJURY TO PROPERTY.

No mover of any building shall be permitted to cut or injure any tree within said city without the consent of the owner thereof, or if on city property, without the consent of the Superintendent of Public Works.
(1963 Code, § 3-3-9) (Ord. 56, passed 8-14-1922) Penalty, see § 150.99

§ 150.64 INDEBTEDNESS TO CITY.

No permit to move any building or other structure shall be issued to any house mover, nor shall the license of any house mover be renewed, in the event that the house mover is in any way indebted to the city in any amount on account of any expenses, costs, judgments, damages, liabilities, or other

indebtedness whatsoever, occasioned or incurred by or on account of any of the operations of the house mover upon or along the public streets, alleys, ways, or places in the city.
(1963 Code, § 3-3-10) (Ord. 230, passed 5-7-1928)

§ 150.99 PENALTY.

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

(B) Any person, firm or corporation violating any provision of §§ 150.20 through 150.26 shall be fined not less than $100, nor more than $500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(Ord. 1138, passed 7-13-1987)

(C) Any person, firm or corporation violating § 150.40 shall be fined not less than $50 and not more than $200 for each offense. Each day a violation continues shall constitute a separate violation of § 150.40.
(Ord. 871, passed 9-22-1975; Am. Ord. 1016, passed 8-17-1981)

(D) Any property owner located on Marquette Street between First and Second Streets found guilty of violating § 150.41 shall be fined not less than $100, and not more than $200 for each such violation.
(Ord. 866, passed 4-21-1975; Am. Ord. 873, passed 10-20-1975)

CHAPTER 151: FLOODPLAIN DAMAGE PREVENTION

Section

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§ 151.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the City of LaSalle by the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8 and 11-31-2) in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) Protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) Maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) Make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
(Ord. 2282, passed 6-27-2011)

§ 151.02 DEFINITIONS.

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

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The ***BASE FLOOD*** is also known as the ***100-YEAR FLOOD***. The base flood elevation at any location is as defined in § 151.03.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. That portion of a building having its floor sub-grade (below ground level) on all sides.

BUILDING. A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes,

prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CRITICAL FACILITY.

(1) Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

(2) Examples of ***CRITICAL FACILITIES*** where flood protection should be required include:

(a) Emergency services facilities (such as fire and police stations),

(b) Schools,

(c) Hospitals,

(d) Retirement homes and senior care facilities,

(e) Major roads and bridges,

(f) Critical utility sites (telephone switching stations or electrical transformers, and

(g) Hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT.

(1) Any manmade change to real estate including, but not necessarily limited to:

(a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(b) Substantial improvement of an existing building;

(c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;

(d) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams walls or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(g) Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) ***DEVELOPMENT*** does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

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

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

FLOOD. 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 waters from any source.

FLOOD FRINGE. That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

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

FLOODPLAIN and ***SPECIAL FLOOD HAZARD AREA (SFHA).***

(1) These two terms are synonymous.

(2) Those lands within the jurisdiction of the City of LaSalle, the extraterritorial jurisdiction of the City of LaSalle, or that may be annexed into the City of LaSalle, that are subject to inundation by the base flood. The ***FLOODPLAINS*** of the City of LaSalle are generally identified as such on panel number(s) 350, 478, 480 482 and 485 of the countywide Flood Insurance Rate Map of LaSalle County prepared by the Federal Emergency Management Agency and dated 7-18-2011. ***FLOODPLAIN*** also includes those areas of known flooding as identified by the community.

(3) The ***FLOODPLAINS*** of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of LaSalle or that may be annexed into the City of LaSalle are generally identified as such on the Flood Insurance Rate Map prepared for LaSalle County by the Federal Emergency Management Agency and dated 7-18-2011.

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

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

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood plus 1 foot of freeboard at any given location in the floodplain.

FLOODWAY. That portion of the floodplain required to store and convey the base flood. The ***FLOODWAY*** for the floodplains of Illinois and Little Vermilion Rivers and Pecumsaugan Creek shall be as delineated on the countywide Flood Insurance Rate Map of LaSalle County prepared by FEMA and dated 7-18-2011. The ***FLOODWAYS*** for each of the remaining floodplains of the City of LaSalle shall be according to the best data available from federal, state, or other sources.

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

HISTORIC STRUCTURE. Any structure that is:

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

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the

historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

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

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

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

IDNR/OWR JURISDICTIONAL STREAM. Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 151.06.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's ***LOWEST FLOOR***. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 151.07.

MANUFACTURED HOME. A structure transportable in 1 or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into 2 or more lots for rent or sale.

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

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

NFIP. National Flood Insurance Program.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. A vehicle which is:

(1) Built on a single chassis;

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

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

REPETITIVE LOSS. Flood related damages sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

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

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 180 days of the permit date.

The ***ACTUAL START*** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, ***ACTUAL START OF CONSTRUCTION*** means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

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

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this chapter equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "repetitive loss buildings" (see definition).

SUBSTANTIAL IMPROVEMENT.

(1) Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this chapter in which the cumulative percentage of improvements:

(a) Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or

(b) Increases the floor area by more than 20%.

(2) ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

(3) The term does not include:

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

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

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state and/or local permits and elevation certification is presumed to be in ***VIOLATION*** until such time as the documentation is provided.
(Ord. 2282, passed 6-27-2011)

§ 151.03 BASE FLOOD ELEVATION.

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

(A) The base flood elevation for the floodplains of Illinois and Little Vermilion Rivers and Pecumsaugan Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of LaSalle County prepared by the Federal Emergency Management Agency and dated 7-18-2011.

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

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of LaSalle County shall be according to the best data available

from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of LaSalle, or that may be annexed into the City of LaSalle, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of LaSalle County prepared by the Federal Emergency Management Agency and dated 7-18-2011.
(Ord. 2282, passed 6-27-2011)

§ 151.04 DUTIES OF THE BUILDING INSPECTOR.

The City of LaSalle Building Inspector shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the City of LaSalle meet the requirements of this chapter. Specifically, the City of LaSalle Building Inspector shall:

(A) Process development permits in accordance with § 151.05;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 151.06;

(C) Ensure that the building protection requirements for all buildings subject to § 151.07 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of § 151.08;

(E) Ensure that water supply and waste disposal systems meet the public health standards of § 151.09;

(F) If a variance is requested, ensure that the requirements of § 151.11 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all penalty actions outlined in § 151.13 as are necessary to ensure compliance with this chapter;

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

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

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

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

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

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

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
(Ord. 2282, passed 6-27-2011)

§ 151.05 DEVELOPMENT PERMIT.

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

(A) The application for development permit shall be accompanied by:

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

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

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

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 151.07; and

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

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

(2) The City of LaSalle Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(3) The City of LaSalle Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The City of LaSalle Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.
(Ord. 2282, passed 6-27-2011)

§ 151.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

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

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

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

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

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

(5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint

which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:

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

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

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

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

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

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

(12) Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

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

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

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

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.
(Ord. 2282, passed 6-27-2011)

§ 151.07 PROTECTING BUILDINGS.

(A) In addition to the state permit and damage prevention requirements of § 151.06, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

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

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

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

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

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

(5) Repetitive loss to an existing building as defined in § 151.02.

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

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

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

(b) The fill shall be placed in layers no greater than 6 inches before compaction and should extend at least 10 feet beyond the foundation before sloping below the flood protection elevation;

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

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

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

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

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

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

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of 1 permanent opening on each wall no more than 1 foot above grade with a minimum of 2 openings. The openings shall provide a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding below the base flood elevation; and

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

1. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

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

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

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

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

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of 1 opening on each wall having a total net area of not

less than 1 square inch per 1 square foot of enclosed area. The openings shall be no more than 1 foot above grade;

(c) The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed 4 feet at any point;

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

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

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

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

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

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

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

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

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

(1) Elevated to or above the flood protection elevation in accordance with § 151.07(B); and

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

(E) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of § 151.07(D) unless the following conditions are met:

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

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

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

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

(5) The vehicle's largest horizontal projections must be no larger than 400 square feet;

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

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

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

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

(10) Must either:

(a) Entirely be supported by jacks; or

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

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

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

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

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

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

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

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

(7) The garage or shed must have at least 1 permanent opening on each wall not more than 1 foot above grade with 1 square inch of opening for every 1 square foot of floor area.

(8) The garage or shed must be less than $15,000 in market value or replacement cost whichever is greater or less than 576 square feet (24 feet by 24 feet).

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

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

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
(Ord. 2282, passed 6-27-2011)

§ 151.08. SUBDIVISION REQUIREMENTS.

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

(B) (1) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of §§ 151.06 and 151.07. Any proposal for such development shall include the following data:

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

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

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

(2) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.
(Ord. 2282, passed 6-27-2011)

§ 151.09 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 151.06 and 151.07, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of § 151.07.

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

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

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

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or 3 feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(Ord. 2282, passed 6-27-2011)

§ 151.10 CARRYING CAPACITY AND NOTIFICATION.

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

(B) In addition, the City of LaSalle shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.
(Ord. 2282, passed 6-27-2011)

§ 151.11 VARIANCES.

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

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

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

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

(3) The relief requested is the minimum necessary;

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

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

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

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

(B) The City of LaSalle Building Inspector shall notify an applicant in writing that a variance from the requirements of the building protections standards of § 151.07 that would lessen the degree of protection to a building will:

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

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

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

(C) *Historic structures*. Variances to the building protection requirements of § 151.07 which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in this chapter may be granted using criteria more permissive than the requirements of §§ 151.06 and 151.07 subject to the conditions that:

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

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

(D) *Agriculture*.

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

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

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

(b) Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

(c) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, and the like) below the base flood elevation, must be built with flood-resistant materials in accordance with § 151.07.

(d) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 151.07. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 151.07.

(f) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 151.07(B).

(g) The agricultural structures must comply with the floodplain management floodway provisions of § 151.06. No variances may be issued for agricultural structures within any designated floodway.

(h) Wet-floodproofing construction techniques must be reviewed and approved by the Floodplain Administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
(Ord. 2282, passed 6-27-2011)

§ 151.12 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the City of LaSalle or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.
(Ord. 2282, passed 6-27-2011)

§ 151.13 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the City of LaSalle to fulfill the requirements of the National Flood Insurance Program to the extent in any manner inconsistent herewith including, but not being limited to Ordinance Number 1746 passed and adopted 08-20-2001. However, notwithstanding anything else contained herein suggesting to the contrary, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2282, passed 6-27-2011)

§ 151.99 PENALTY.

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

(A) If such owner fails after 10 days notice to correct the violation:

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

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

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

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

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

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

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

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

(b) The time and place of the hearing.

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

(C) Nothing herein shall prevent the City of LaSalle from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. 2282, passed 6-27-2011)

CHAPTER 152: RESIDENTIAL RENTAL PROPERTY

Section

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§ 152.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates and requires a different meaning. Words or phrases as used in this chapter and not herein defined shall be defined as provided by the Building or Zoning ordinances of the City of LaSalle.

BED AND BREAKFAST INN. A single-family dwelling or portion thereof where rooms without cooking facilities for the occupancy of temporary guests are provided at a daily rate of compensation for a maximum of 7 consecutive days, and where meals are provided for compensation in contradistinction to a hotel, a motel or a rooming house which are separately defined within this chapter.

CODE OFFICIAL. The building inspector or designee.

DEPARTMENT. The Building Department of the City of LaSalle.

DWELLING. A building, or portion thereof, used exclusively for human habitation.

DWELLING UNIT. One or more rooms containing individualized cooking, sleeping and sanitary facilities, which is designed, occupied or intended for use by one household.

HOTEL. A building in which lodging with accompanying bathrooms is provided and offered to temporary guests for compensation and in which ingress and egress to all rooms is provided through an interior lobby or office supervised by a person in charge at all hours. Maid service, linen laundering, telephone and secretarial or desk service are also provided for lodgers in contradistinction to a motel, a rooming house or a bed and breakfast inn which are separately defined within this chapter.

MOTEL. A building or group of buildings in which lodging rooms with accompanying bathrooms are provided and offered primarily to temporary guests for compensation in contradistinction to a hotel, a rooming house or a bed and breakfast inn which are separately defined within this chapter. A ***MOTEL*** also furnishes services such as maid service and linen laundering and provides secretarial and desk service.

MULTIPLE-FAMILY RENTAL RESIDENTIAL PROPERTY. A rental residential property with 2 or more dwelling units.

OCCUPANT. A resident of rental residential property other than a tenant who occupies the rental

residential property pursuant to the lease of the tenant with the owner.

OWNER.

(1) The record title holder of the premises as indicated by the LaSalle County Recorder of Deeds, whether the same be individual and/or individuals, corporation, limited liability company, partnership, trustee and/or other legal entity specifically indicated of record with the LaSalle County Recorder of Deeds;

(2) Any owner of the entirety of and/or a portion of the beneficial interest in any Illinois Land Trust provided that any such owner of beneficial interest of the land trust provides the City of LaSalle with appropriate written evidence of the trust agreement and/or an amendment thereto that indicates the individual and/or entity is the owner of the beneficial interest in the land trust prior to October 1 of each respective year; and/or

(3) A contract purchaser of real estate provided that a copy of the contract and/or a memorandum of the agreement disclosing the name of the contract purchaser and/or purchasers is filed with the Recorder of Deeds of LaSalle County prior to October 1 of the respective year concerning which the rental license application is due, which rental license fiscal years run from October 1 of each respective year until September 30 of the following year.

PROPERTY AGENT. A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the code official to manage a rental residential property including the authority to receive notices or citations.

RENTAL RESIDENTIAL PROPERTY. Dwellings, dwelling units, rooming houses and rooming units let or intended to be let for rent or lease.

ROOMING HOUSE. A building containing rooming units in which meals may or may not be served in contradistinction to a hotel or motel or bed and breakfast inn which are separately defined within this chapter.

ROOMING UNIT. A room rented or leased as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping facilities shall be counted as one ***ROOMING UNIT*** for the purpose of this chapter.

SINGLE-FAMILY RENTAL RESIDENTIAL PROPERTY. Rental residential property with one dwelling unit.

TENANT. A lessee of rental residential property.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.02 INSPECTION RIGHTS AND PENALTIES.

This chapter shall not be construed as to restrict the right of this city to inspect any property nor to seek penalties for violations of other provisions of other city ordinances.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.03 LICENSE REQUIRED.

(A) It is unlawful for any person, firm, partnership, corporation or other legal entity to operate, maintain or offer to rent within the city a rental residential property whether vacant or not without first obtaining a license as provided in this chapter.

(B) It is unlawful for a person to occupy a rental residential property, or for any owner or property agent to allow anyone to occupy a rental residential property which is not licensed as provided in this chapter.

(C) It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or to occupy any vacant dwelling unit or rooming unit or any dwelling unit or rooming unit that becomes vacant in a rental residential property for which a license is under suspension.

(D) This chapter shall not apply to the following structures:

(1) Single-family owner-occupied dwellings;

(2) Single-family dwellings occupied by a member of the owner's family. Said family is limited to the following relatives of the owner: parents, children, mother-in-law, father-in-law, brothers, sisters, brother-in-law, sister-in-law, wife, and/or husband;

(3) Single-family dwellings which are vacant but which are not intended to be let for rent;

(4) Townhouse and condominium owner-occupied dwellings;

(5) Hotels, motels and bed and breakfast inns;

(6) Nursing homes, retirement centers and rest homes, provided that such structures used as nursing homes, retirement centers and/or rest homes are specifically licensed as nursing homes, retirement centers and/or rest homes, and also inspected by the State of Illinois as a nursing home, retirement center and/or rest home;

(7) Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities; and

(8) Multiple-family rental residential property in which each dwelling unit is occupied by a record owner of the property.

(E) A license for a rental residential property cannot be transferred to another rental residential property nor a succeeding owner.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.04 LICENSE APPLICATION.

(A) Each applicant for a license or renewal license to maintain a rental residential property for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit or a rooming unit shall file a written application with the code official stating:

(1) The full legal name, address, and home and work telephone numbers of each and every owner of the rental residential property;

(2) The address of the rental residential property;

(3) The number of dwelling units or rooming units within the rental residential property;

(4) In the case of a rental residential property owner who is not a resident of the city, the name, address and phone number of his or her agent with authority for receipt of service or notice of a violation of the provisions of this ordinance and/or for receipt of service or notice related to compliance and/or enforcement of this chapter and/or the building or zoning ordinances of the City of LaSalle;

(5) Whenever there is a change in the ownership of a rental residential property or the owner's property agent, the owners shall, within 30 days of such changes, file an updated written notice with the code official indicating such changes;

(6) The total square footage designated for living and sleeping purposes within the rental residential property as determined by the city's property maintenance code; and

(7) Approval must be obtained from the Code Official prior to any change being made in the number of dwelling units or rooming units within a licensed rental residential property. Application for such change shall be made on a form provided by the Code Official. The Code Official will review the proposed change and respond to the property owner within 30 days of the filing of the application. Any and all changes must meet all zoning, property maintenance code and building code requirements of the City of LaSalle. If the change increases the total number of dwelling units or rooming units in the building beyond 2, plans from a licensed architect must be submitted to the Code Official for approval.

(B) Each application for a new license or a renewal of an existing license shall be accompanied by a fee of $30 for single-family dwelling rental residential properties, $30 for multiple-family dwelling residential properties, and $30 for rooming house residential properties. In addition thereto, a dwelling unit and rooming unit fee of $30 will be added for each dwelling unit and rooming in excess of 1. All such fees shall be payable at the office of the building department. Each application for a new license or a renewal license shall also be accompanied by copy or copies of the written notice or notices required under § 152.09(C) advising each tenant of the maximum number of persons allowable as either a tenant or occupant by the occupancy standards of the city's property maintenance code. Applications for a new license shall be assigned an annual license renewal date determined by the date on which their application for a new license was filed with the city. All licenses shall expire on the day following that annual license renewal date. The fiscal year in which this rental licensing ordinance has been and shall continue to operate shall be from October 1 of each respective year until September 30 of each respective year. There shall be no pro-ration of the application fee for any partial year; the fee for any partial year shall be the same as the fee for the entire fiscal year.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.05 INSPECTION REQUIREMENTS.

(A) All rental residential property shall be subject to an inspection as a condition to the issuance of the license. An inspection shall be scheduled with the code official at the time of the application for a license for a rental residential property.

(B) Upon receipt of a completed application for a license or renewal license for a rental residential property, including the payment of all required fees and the scheduling of a required licensing inspection, the code official shall issue a license.

(C) Licensing inspections of rental residential property shall be conducted not less than 90 days from the issuance of an initial license or renewal license. The licensing inspection shall determine whether the rental residential property is in conformance with the city's zoning ordinance and all other applicable provisions of this chapter and/or the property maintenance code. The licensing inspection shall also include a physical inspection of the rental residential property including the building exterior, common areas, basement, and all individual dwelling units and rooming units.

(D) When a licensing inspection of a rental residential property reveals any violations of applicable ordinances, a compliance time frame will be set by the code official. In establishing a compliance time frame, the code official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The code official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. The notice shall include the following:

(1) Description of the property sufficient for identification;

(2) A statement listing the violations of applicable ordinances;

(3) A statement of the date upon which the licensing re-inspection will occur; and

(4) An explanation that if upon completion of the licensing re-inspection that the requirements of applicable city ordinances have not been met, a written denial of the license application revoking the temporary certificate will be issued.

(E) A licensing re-inspection will be conducted at the end of the compliance time frame. The license shall remain in effect upon the successful completion of a licensing re-inspection that determines the rental residential property meets the requirements of applicable city ordinances. If the Code Official finds that the requirements of applicable city ordinances have not been met, or that any information provided in the license application is false, the license shall be suspended or revoked in accordance with § 152.08.

(F) A rental residential property which is in total compliance at the time of the licensing inspection shall receive a one year extension of the license subject to payment of the annual licensing fee and with additional inspections being conducted at the discretion of the Building Inspector.

(G) Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.
(Ord. 2006, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.06 ENFORCEMENT.

It shall be the duty of the Department of the Building Inspector to enforce the provisions of this chapter as authorized by the City of LaSalle and the property maintenance code as adopted and amended by the city. The Code Official referred to in this chapter shall be the Building Inspector of the City of LaSalle and/or any other representative of the city that may be specifically designated by the City Council of the City of LaSalle to be the Code Official for purposes of this chapter unless and until such time as the City Council appoints a different representative, the Building Inspector of the City of LaSalle shall be the Code Official. Additionally, the Appeals Board referred to herein shall be the body of officials of the Zoning Board of Appeals of the City of LaSalle. Any final decision of the Zoning Board of Appeals may be pursued through the Circuit Court of LaSalle County pursuant to the law and provisions made in respect to appeals of administrative decisions in administrative review.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.07 VIOLATIONS.

The following shall constitute violations of this chapter:

(A) Failure of the owner or owners of the rental residential property to license such property with the code official.

(B) Failure of the occupants of the rental residential property to vacate such property within 60 days after receiving notice from the code official that such property is not properly licensed or that the license or temporary certificate has been revoked.

(C) Failure of the owner of the rental residential property to vacate all tenants from the property within 60 days after the license or temporary certificate has been revoked.

(D) Failure of the owners of the rental residential property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances.

(E) Any person other than an inspector from the department who removes or defaces any notices which have been posted pursuant to this chapter without the approval of the code official shall be liable for the penalties provided for by this chapter.

(F) Failure of the owner of the rental residential property to comply with any other applicable provision of this chapter or other city ordinances.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.08 LICENSE; SUSPENSION AND REVOCATION.

(A) A license may be suspended when violations of applicable city ordinances, state statutes and/or state regulations have been identified by the department and the property owner has been properly notified of the violations and given a reasonable period of time in which to correct violations, but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the code official to be false.

(B) When an inspection of a licensed rental residential property reveals any violations of applicable ordinances, a compliance time frame will be set by the code official using the standard as set forth in § 152.05(E). The Code Official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. The notice shall include the following:

(1) Description of the rental residential property sufficient for identification;

(2) A statement listing the violations of applicable ordinances;

(3) A statement on the date upon which a re-inspection will occur; and

(4) An explanation that if upon completion of the re-inspection that the requirements of applicable city ordinances have not been met, that the license for the rental residential property will be suspended.

(C) A re-inspection will be conducted at the end of the compliance time frame. If the code official finds that the requirements of applicable city ordinances have not been met upon the completion of such re-inspection, the license for the rental residential property shall be suspended.

(D) When a license is suspended, the code official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. The notice shall be sent by certified mail, return receipt requested, or personally served upon the property owner or the property agent listed on the most recent license application. The notice shall include the following:

(1) Description of the property sufficient for identification;

(2) A statement of the reasons for the suspension;

(3) An explanation of the property owner's right to appeal the suspension;

(4) If the property owner changes his or her address or changes property agents and fails to notify the department, such notice shall be sufficient if sent by certified mail to the owner or his or her property agent's last address provided on the last license application.

(E) A property owner whose license has been suspended may request a re-inspection prior to revocation. If, upon re-inspection, the department finds that the licensed rental residential property in connection with which the notice was issued is now in compliance with this chapter, the code official may reinstate the license. The request for a re-inspection shall not stay the revocation of the license unless the Code Official grants such request pursuant to a showing of good cause by the property owner.

(F) Any person whose license has been suspended shall be entitled to appeal the suspension by filing a petition as set forth in the Property Maintenance Code Ordinance of the City of LaSalle with the Appeals Board vested with the authority for considering any such petition. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal. A hearing shall be scheduled in accordance with the provisions of this code and the rules and regulations of the Appeals Board. The Appeals Board considering any such petition may immediately revoke the license, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance,

or dismiss the charges and reinstate the license. The Appeals Board shall render a decision in accordance with the provisions of this chapter and its rules and regulations.

(G) A license may be revoked when a petition for appeal has not been filed within 20 days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A license may also be revoked when in the opinion of the Code Official emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the city's property maintenance code.

(H) A license which has been properly revoked as herein provided shall not be reinstated. The property owner may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license as set forth in this chapter, including the payment of all applicable fees.

(I) If a license is revoked without having the opportunity of a suspension hearing, the property owner has the right to appeal that revocation. The appeal shall conform to division (F) of this section. Such an appeal shall operate as a stay of the revocation until such time as the Appeals Board renders a decision on the appeal.

(J) (1) Whenever a license is revoked, the Code Official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. The notice shall be sent by certified mail, return receipt requested. The Code Official shall also notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the tenants and occupants shall include the following:

(a) You are hereby notified that the license for this structure has been revoked pursuant to ordinance of the City of LaSalle.

(b) You must vacate this structure within 60 days of the date of this notice.

(c) If you fail to vacate this structure, you will be in violation of ordinance of the City of LaSalle and subject to penalties of fines with a minimum of $50 and a maximum of $500 for each day you are in violation.

(2) Any tenant of the rental residential property may appeal the revocation of the license. The appeal shall conform with division (F) of this section. Such an appeal shall operate as a stay of the revocation until such time as the appeals board renders a decision on the appeal.

(K) (1) Whenever an owner or property agent of a rental residential property fails to license the property with the department, the Code Official shall notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential property indicating the following:

(a) You are hereby notified that the owner or agent of this structure has failed to license this rental residential property with the department in violation of ordinance of the City of LaSalle.

(b) You must vacate this structure within 60 days of this notice.

(c) If you fail to vacate this structure, you will be subject to the penalties and fines with a minimum of $50 and a maximum of $500 for each day you are in violation.

(2) Any tenant of the rental residential property may appeal the code official's order to vacate the structure because the owner has failed to license said property with the department. Said appeal shall conform with subsection F of this section. Such an appeal shall operate as a stay of the order to vacate the structure until such time as the appeals board renders a decision on the appeal.

(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.09 OWNER RESPONSIBILITY.

(A) The owner of a rental residential property shall maintain a record for each property with the full legal names of every tenant or occupant residing in each dwelling unit or rooming unit.

(B) The owner or property agent of a rental residential property shall provide the City of LaSalle and each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a 24 hour basis and who has the authority to make repairs as needed.

(C) The owner of a rental residential property shall inform each tenant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the city's property maintenance code. This number shall be determined by the code official.

(D) The owner of a rental residential property shall make available to the code official, upon request, the tenant and occupant records required to be maintained under this section.

(E) Commencing with October 1, 2010, the owner of a rental residential property that has a common hallway/common entrance shall cause to be installed and equipped a key lock box on the exterior of the structure to aid the LaSalle Fire Department in gaining access to the common hallway/common entrance to the structure when responding to calls for emergency service; the owner of a residential rental property shall at all times keep a key in the lock box that will allow for access to the structure; additionally, the Fire Chief shall be authorized to implement such other rules and regulations as the Fire Chief deems appropriate within the Fire Chief's discretion for the use of the lock box system.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.10 INSPECTION ACCESS.

If any owner, property agent, tenant, occupant or other person in control of a rental residential property or a dwelling unit or a rooming unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit or rooming unit under his or her control for any inspection pursuant to this chapter, the Code Official or his or her designee may apply to the circuit court for a search warrant or other appropriate court order authorizing such inspections. However, except in an emergency situation, no application for such a search warrant shall be made without first making a reasonable effort to secure access and entry to the property or dwelling unit or rooming unit through the owner or the owners property agent as identified by the owner pursuant to § 152.04(A) and § 152.09(B) herein. The remedies provided by this section are also in addition to the remedies available to the City of LaSalle and other law enforcement agencies in reference to alleged violations of criminal laws of the State of Illinois and/or the United States of America.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.11 NO EFFECT ON LEASES.

This chapter is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, of a rental residential property.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.12 EFFECTIVE DATE.

The effective date of this amendatory ordinance shall be that it shall be in full force and effect from and after its passage, approval and publication, as provided by law.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

§ 152.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this ordinance, in addition to other legal and equitable remedies available to the city, shall be fined as provided below:

(A) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of an offense. Except in cases where a different penalty is prescribed by any ordinances of the city, any person convicted of an offense under this chapter shall be punished by a fine of not less than $50 nor more than a fine of $500.

(B) Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.

(C) In all cases where the same offense is made punishable or is created by different clauses or sections of this chapter, the prosecuting officer may proceed to hearing under any and all such sections any clauses; but not more than a maximum fine of $500 shall be had against the same person or entity for the same day of 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.

(D) The levy and/or payment of any penalty or fine provided in this chapter shall not be deemed a waiver of the power of the city to suspend, revoke or refuse to renew any license or permit for cause.
(Ord. 2206, passed 1-11-2010; Am. Ord. 2332, passed 3-13-2012)

CHAPTER 153: ZONING

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GENERAL PROVISIONS

§ 153.001 TITLE.

This chapter shall be known and may be cited and referred to as the zoning ordinance of the city. (1963 Code, § 10-1-1) (Ord. 590, passed 6-26-1958)

§ 153.002 DEFINITIONS.

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

ACCESSORY BUILDING OR USE. A subordinate building or use customarily incident to and located on the same lot occupied by the main building or use and constructed or established at the same time or after construction of the main building or use.

ADULT BOOK STORES. An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises by use of motion picture devices or any other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depiction, describing, or relating to specified sexual activities, or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or waitresses, strippers, male or female impersonators, or similar entertainers.

ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to special sexual activities or specified anatomical areas for observation by patrons thereon.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ALLEY. A way which affords only a secondary means of access to property abutting thereon.

APARTMENT. A room or suite of rooms intended, designed, or used as a residence by a single family.

APARTMENT HOUSE. See Dwelling, Multiple.

BASEMENT. A story partly underground and having at least ½ of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.

BOARDING HOUSE. A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for 3 or more persons.

BODY SHOP OR MODEL STUDIO. Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by person paying such consideration or gratuity, or share for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

BODY PIERCING. Any procedure whereby a part of the human body is pierced by a sharp instrument in order to allow insertion of a piece of jewelry, a ring or other commercial device through the orifice thus created by a person, firm and/or entity other than a licensed medical and/or osteopathic professional.

BUILDING. Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING STRUCTURE Any structure or group of structures housing 2 or more business which share a common entry, exit, wall, or frontage wall, including, but not limited to, shopping centers, shopping malls, shopping plazas, or shopping squares.

CELLAR. That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than ½ of its height below grade.

CLINIC. An establishment where patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

DISTRICT. Any section of the city for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DWELLING Any building or portion thereof which is designed for or used for residential purposes.

DWELLING, MULTIPLE.. A building designed for or occupied exclusively by 3 or more families.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by 1 family.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by 2 families.

EXPLOSIVES. Any chemical compound or any mechanical mixture containing any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, or detonator of any part of the compound or mixture may cause sudden generation of highly tested gases that the resultant gaseous pressures are capable of producing destructive effects upon life, limb or contiguous objects, but does not mean gasoline, kerosene, naphtha, turpentine, benzine, butane, propane collided nitrocellulose in sheets or rods or grains not under 1/8 of an inch in diameter, wet nitrocellulose and wet nitro starch containing 20% or more moisture or wet picric acid containing or being in 10% or more moisture. Manufactured articles such as fixed ammunition for small arms, fire crackers, safety fuse, matches, and the like, shall not be held to be explosives when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units, to the injury of life, limb or property.

FAMILY. One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

FARM. A tract of land used for the growing and storage of the usual agricultural products such as grain, vegetables, and fruits as well as for raising thereon of the usual farm poultry and farm animals

such as horses, cattle, sheep and swine. The term includes the utilization of such land for 1 or more of the above uses including dairy farms with the necessary operations for treating or storing the produce provided, however, that the operation of any accessory uses shall be secondary to that of the normal farming activities. Any tract on which the principal use is the raising of fur bearing animals, such as mink, muskrats, rabbits, and the like, shall not be considered a farm. A commercial feed lot shall not be considered a farm. Residential structures occupied by persons primarily engaged in farming are included in the term ***FARMING***. However, there shall not be more than 3 dwellings on any 1 farm.

FILLING STATION. Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair, or spray painting.

FRONTAGE. All the property on 1 side of a street between 2 intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on 1 side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than 4 motor-driven vehicles owned and used by the occupants of the building to which it is accessory, and not storing more than 1 commercial vehicle or any vehicle which exceeds a 2-ton capacity.

GARAGE, PUBLIC. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING. A building or portion thereof designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired, or sold.

GRADE.

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

(2) For buildings having walls adjoining more than 1 street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

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

Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.

HOME OCCUPATION. Any occupation or activity entirely incidental to residential use when carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a name plate not more than 1 square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. ***HOME OCCUPATION*** shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of his profession. ***HOME OCCUPATION*** shall further include beauty parlors and barber shops when used under the following conditions: Beauty parlors

and barber shops, when entirely incidental to residence use, when carried on in the home by a member of the immediate family residing on the premises in connection with which there is no sign, display, or other evidence that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling and no person is employed other than a member of the immediate family residing on the premises; then shall such beauty parlors and barber shops be permitted in all residential districts. Commercial beauty parlors and barber shops shall only be permitted in C-1 district as now provided by ordinance.

Clinics, doctors' offices, hospitals, dress shops, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals, and kennels shall not be deemed to be ***HOME OCCUPATIONS.***

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

LAUNDROMAT. An establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.

LOADING SPACE. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet.

LODGING HOUSE. A building other than a hotel where lodging for 3 or more persons is provided for compensation pursuant to previous arrangement.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including 1 main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT, COMMERCIAL FEED. Any tract of land on which the principal use is the raising of, or the concentrated feeding of livestock, fowl, or edible animals or the sale of products derived from such animals.

LOT, CORNER. A lot abutting upon 2 or more streets at their intersection.

LOT, DOUBLE FRONTAGE. A lot having a frontage on 2 nonintersecting streets as distinguished from a corner lot.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of LaSalle County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of LaSalle County.

MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT. An establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in the definition of massage of this section.

MINES. Any excavation from the earth whereby minerals, precious stones, ore deposits, coal deposits, or any open pit mine deposits are being or will be conducted.

MOBILE HOME. Any structure designed for long term occupancy and containing sleeping accommodations, a toilet, kitchen facilities with plumbing, and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels which arrives at the site ready for occupancy except for minor and incidental unpacking. ***MOBILE HOMES***, as herein defined shall not be permitted in any zoning district within the zoning limits. Travel trailers may be located in any zoning district but shall be used for dwelling purposes.

MOTOR COURT or ***MOTEL.*** A building or group of buildings used for the temporary residence of motorists or travelers.

NONCONFORMING USE. The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

NURSING HOME. A home for the aged or infirm in which 3 or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OPEN CUT MINING. The mining of coal, clay, stone, sand or other minerals by removing the overburden lying above natural deposits thereof, and mining directly from natural deposits thereby exposed.

PARKING AREA. An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.

PARKING LOT. Any area used in whole or in part for storing or parking motor vehicles and where either a parking fee is charged therefor or the lot is operated in connection with, or for the use of customers of, a commercial or industrial use or where the parking area is used in connection with or for any other use and is not located on the same lot with the building or use served or within the distance therefrom specified in § 153.062.

PARKING SPACE. A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of 1 automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PIT MINES. A tract of land, from which overburden has been or is being removed for the purpose of open cut mining.

PLACE. An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

ROOMING HOUSE. See Lodging House.

SPECIFIED ANATOMICAL AREAS. Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region, or pubic hair;

(b) Buttock; or

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following conditions:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

(4) Excretory functions as part or in connection with any activities set forth in (1) through (3) above.

STORY. That portion of a building, other than a cellar or basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 4 feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE. A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURE. Anything constructed or erected, the use of which requires more or less 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.

STRUCTURAL ALTERATION. Any change, except those required by law, in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing laws.

TATTOO, TATTOOED and ***TATTOOING.*** Any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin by any person, firm or entity other than a licensed medical or licensed osteopathic professional.

TATTOOING OPERATOR. Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed, and any individual, firm or entity other than a licensed medical or licensed osteopathic professional, who performs or practices the art of tattooing other human beings.

TOURIST HOME. A building other than a hotel where lodging is provided and offered to the public for compensation for not more than 20 transient guests.

TRAVEL TRAILER. A vehicular portable structure designated as a temporary dwelling for travel, recreational and vacation uses. One travel trailer may be located on a lot in any zoning district but shall not be used for dwelling purposes.

YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than projections permitted in

§ 153.046(B). On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR. A yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.
(1963 Code, § 10-1-2) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963; Am. Ord. 741, passed 10-16-1967; Am. Ord. 1053, passed 10-24-1983; Am. Ord. 1633, passed 3-23-1998; Am. Ord. 2234, passed 6-14-2010)

§ 153.003 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other provisions of this code, rules, regulations or by easements, covenants, or agreements the provisions of this title shall govern.
(1963 Code, § 10-19-1) (Ord. 590, passed 6-26-1958)

DISTRICT REGULATIONS

§ 153.015 DISTRICTS DESIGNATED.

For the purpose of this chapter, the city within the corporate limits and the land lying outside of and contiguous for a distance of 1½ miles from the corporate limits is hereby divided into districts, of which there shall be 10 in number, as follows:

AG-1. Agricultural District
C-1. Neighborhood Shopping District
C-2. Commercial District
C-3. Central Business District
M-1. Light Industrial District
M-2. Heavy Industrial District
R-1. Single-Family Residence District
R-2. Single-Family Residence District
R-3. Two-Family Residence District
R-4. Multiple Dwelling District
(1963 Code, § 10-2-1) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963)

§ 153.016 ADOPTION OF DISTRICT MAP.

The boundaries of these districts are shown upon the map made a part of this chapter, which map is designated as the "District Map." The District Map and all the notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which District Map is on file in the office of the City Clerk.
(1963 Code, § 10-2-2) (Ord. 590, passed 6-26-1958)

§ 153.017 DISTRICT BOUNDARIES.

(A) The district boundary lines on the District Map are intended to follow either streets or alleys or lot lines, and where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed

to be the boundary of the district unless such boundary is otherwise indicated on the Map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

(B) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the railroad line.
(1963 Code, § 10-2-3) (Ord. 590, passed 6-26-1958)

§ 153.018 CLASSIFICATION OF NEW TERRITORY.

All territory which may hereafter be annexed to the city shall retain that zoning classification it possessed immediately prior to its annexation.
(1963 Code, § 10-2-4) (Ord. 590, passed 6-26-1958; Am. Ord. 857A, passed 10-15-1974)

§ 153.019 VACATIONS; EXTENDING DISTRICTS.

Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of the street, alley, or public way shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
(1963 Code, § 10-2-5) (Ord. 590, passed 6-26-1958)

§ 153.020 INCLUSION OF WATER AREAS IN DISTRICTS.

All areas within the corporate limits, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. Where the water area adjoins 2 or more districts, the boundaries of each district shall be construed to extend to the center of the water area.
(1963 Code, § 10-2-6) (Ord. 590, passed 6-26-1958)

§ 153.021 CLASSIFICATION OF LAND SUBSEQUENTLY INCLUDED WITHIN THE MILE AND ONE-HALF EXTRATERRITORIAL DISTRICT AREA.

Any unzoned land lying outside of and contiguous to the zoned boundary 1½ miles distant from the corporate limits of the city shall automatically be zoned AG-1 Agricultural District, when the corporate limits of the city are changed or altered in such a way that the previously contiguous land then lies within such 1½ mile area. Within 3 months after such change of the zoning boundary line, the Planning Commission, after notice as required for amendments to this chapter, shall hold a public hearing as the district or districts in which such land shall be permanently placed. Within 30 days after such hearing, the Planning Commission shall report to the City Council on its recommendations for the classification of the land and the Council shall thereupon act upon such recommendations as in the case of other amendments to this chapter.
(Ord. 656, passed 6-3-1963; Am. Ord. 858A, passed 10-15-1974)

§ 153.022 COMPLIANCE WITH REGULATIONS.

Except as hereinafter specifically provided:

(A) No land shall be used except for a purpose permitted in the district in which it is located.

(B) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

(C) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

(D) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.

(E) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which the building is located.

(F) The minimum yards, parking spaces, and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of the adoption of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.

(G) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than 1 main building on 1 lot except as specifically provided hereinafter.
(1963 Code, § 10-2-7) (Ord. 590, passed 6-26-1958)

§ 153.023 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the R-1 Single-Family Residence District.
(1963 Code, § 10-3-1) (Ord. 590, passed 6-26-1958)

(B) *Use regulations*. A building or premise shall be used only for the following purposes:

(1) One-family dwelling;

(2) Farming and truck gardening; provided, that any structure or enclosure for the shelter of livestock and poultry shall be located not less than 50 feet from any street or lot line;

(3) Publicly owned or operated park, playground or community building, museum, library, or art gallery; provided, that any such building shall be located not less than 25 feet from any side lot line;

(4) Church or other place of worship or Sunday School; provided, that any such building shall be located not less than 20 feet from any side lot line;

(5) Public school, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school; provided, that any such building shall be located not less than 40 feet from any side or rear lot line;

(6) Country club or golf course, except miniature course or practice driving tee operated for commercial purposes;

(7) Home occupations, including beauty parlors when used under the following conditions: Beauty parlors when entirely incidental to residence use, when carried on in the home by a member of the immediate family, residing on the premises, in connection with which there is used no sign, display or other evidence that will indicate from the exterior that the building is being utilized in any part for any purposes other than that of a dwelling; and no person employed other than a member of the immediate family residing on the premises, then shall such beauty parlors be permitted in all residential districts. Commercial beauty parlors shall only be permitted in the C-1 District, as provided by this chapter;

(8) Accessory building or use, including a private garage customarily incident to the foregoing uses, but not involving the conduct of a business;

(9) A church or public bulletin board or temporary sign appertaining to the lease, hire, or sale of a building or premises, which bulletin board shall not exceed 20 square feet in area, nor shall a temporary sign appertaining to the lease, hire, or sale of a building or premises exceed 50 square feet in area. Political campaign signs announcing the candidate seeking public political office and other data pertinent thereto shall not exceed 16 square feet in

area for each premises. These political campaign signs shall be confined within private property and shall be placed on the premises no more than 30 days prior to election day and must be removed from the premises within 7 days after the election day. All political campaign signs, as well as temporary signs appertaining to the lease, hire, or sale of a building or premises, shall be no closer than 8 feet to any side and rear lot line nor be closer to the front lot line than 1/2 the depth of the front yard.
(1963 Code, § 10-3-2) (Ord. 590, passed 6-26-1958; Am. Ord. 615, passed 1-3-1961; Am. Ord. 995, passed 9-3-1980; Am. Ord. 2165, passed 4-6-2009)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-3-3) (Ord. 590, passed 6-26-1958)

(D) *Parking regulations*. Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-3-4) (Ord. 590, passed 6-26-1958)

§ 153.024 AG-1 AGRICULTURAL DISTRICT.

(A) *Name of district*. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the AG-1 Agricultural District.

(B) *Exceptions*. Nothing contained in these regulations shall impose restrictions or require a permit with respect to land used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures shall conform to building or set-back lines.

(C) *Use regulations*. A building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-1 Single-Family Residence District;

(2) Unless otherwise provided in this chapter no building or land may be used, and no building may be erected, converted, enlarged or structurally altered, in the AG-1 District, except for 1 or more of the following uses:

(a) Farm, including roadside stand, offering for sale any products grown on the premises. Such stands shall be removed during any season or period when they are not being used;

(b) Nursery and/or greenhouse;

(c) Radio station and/or tower;

(d) Television station and/or tower;

(e) Riding stable, provided the confining or sheltering of applicable animals is not within 200 feet of a lot having an area less than 1 acre and improved with a single-family dwelling;

(f) Grain elevator and the usual accessory structures, including buildings of seasonal or temporary storage of grain;

(g) A junior college, with necessary buildings, parking lots and athletic fields.

(D) *Height and area regulations*.

(1) The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.

(2) Every lot shall have a width of not less than 60 feet, except a corner lot shall have a width of not less than 75 feet.

(3) These regulations shall not be interpreted to prevent the erection of a single-family dwelling on a platted lot or tract having less area or width than required herein if the platted lot or tract was of public record on date this amendatory ordinance became effective as to such lot or tract.

(E) *Parking regulations*. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in § 153.060.
(Ord. 656, passed 6-3-1963; Am. Ord. 783, passed 12-8-1969)

§ 153.025 R-2 SINGLE-FAMILY RESIDENCE DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the R-2 Single-Family Residence District.
(1963 Code, § 10-4-1)

(B) *Use regulations*. The use regulations are the same as those in the R-1 Single-Family Residence District.
(1963 Code, § 10-4-2)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-4-3)

(D) *Parking regulations*. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-4-4) (Ord. 590, passed 6-26-1958)

§ 153.026 R-3 TWO-FAMILY RESIDENCE DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the R-3 Two-Family Residence District.
(1963 Code, § 10-5-1)

(B) *Use regulations*. A building or premise shall be used only for the following purposes:

(1) Any use permitted in the R-1 Single-Family Residence District;

(2) Two-family dwelling.
(1963 Code, § 10-5-2)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-5-3)

(D) *Parking regulations*. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-5-4) (Ord. 590, passed 6-26-1958)

§ 153.027 R-4 MULTIPLE DWELLING DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter, when referred in this section, are the regulations in the R-4 Multiple Dwelling District.
(1963 Code, § 10-6-1)

(B) *Use regulations*. A building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-3 Two-Family Residence District;

(2) Multiple dwelling;

(3) Rooming or boarding house;

(4) Institution of a religious, educational, eleemosynary, or philanthropic nature, but not a penal or mental institution;

(5) Hospital or sanitarium, except a criminal, mental or animal hospital;

(6) Nursing or convalescent home;

(7) Private club, fraternity, sorority or lodge, excepting one the chief activity of which is a service customarily carried on as a business;

(8) Tourist home, when located on an officially designated federal highway;

(9) Accessory building or use customarily incidental to any of the foregoing uses, including a storage garage on a lot occupied by a multiple dwelling, hospital or institution.
(1963 Code, § 10-6-2)

(C) *Height and area regulations*. The height and area requirements set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-6-3)

(D) *Parking regulations*. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-6-4) (Ord. 590, passed 6-26-1958)

§ 153.028 C-1 NEIGHBORHOOD SHOPPING DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the C-1 Neighborhood Shopping District.
(1963 Code, § 10-7-1)

(B) *Use regulations*. A building or premise shall be used only for the following purposes:

(1) Any use permitted in the R-4 Multiple Dwelling District;

(2) Advertising sign pertaining only to a use conducted within the building, and any sign or display in excess of 35 square feet in area shall be attached flat against a wall of the building or within 18 inches thereof, and in no case shall any sign or display project above the roof line;

(3) Automobile parking lot;

(4) Bank;

(5) Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere;

(6) Clinic;

(7) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, bakery with sale of bakery products on the premises and other uses of a similar character provided that no use permitted in this division shall employ more than 5 persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees;

(8) Filling stations;

(9) Offices and office buildings;

(10) Personal service uses including barber shops, banks, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character;

(11) Private school;

(12) Retail store; provided, that in connection with such store, there shall be no slaughtering of animals or poultry on the premises;

(13) Laundromat;

(14) Florist shop or greenhouse;

(15) Accessory buildings and uses.
(1963 Code, § 10-7-2)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition every building or

portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the R-3 Two-Family Residence District.
(1963 Code, § 10-7-3)

(D) *Parking and loading regulations*. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-7-4) (Ord. 590, passed 6-26-1958)

§ 153.029 C-2 COMMERCIAL DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the C-2 Commercial District.
(1963 Code, § 10-8-1)

(B) *Use regulations*. A building or premise shall be used only for the following purposes:

(1) Any use permitted in the C-1 Neighborhood Shopping District;

(2) Advertising sign;

(3) Billboard;

(4) Automobile or trailer display and sales rooms;

(5) Bowling alley;

(6) Business or commercial school;

(7) Drive-in restaurant;

(8) Dancing or music academy;

(9) Farm implement display and sales room;

(10) Hotel;

(11) Milk distributing station;

(12) Motor court or motel;

(13) Parking or public garage;

(14) Radio or television broadcasting station or studio;

(15) Theater;

(16) Tourist home;

(17) Undertaking establishment;

(18) Veterinarian or animal hospital or riding academy;

(19) Used car sales or storage lot;

(20) When not employing more than 10 persons on the premises:

(a) Dyeing and cleaning establishment or laundry;

(b) Painting, plumbing, or tinsmithing shop;

(c) Printing shop;

(d) Tire sales and service, including vulcanizing;

(e) Upholstering shop, not involving furniture manufacturing;

(f) Any other general service or repair establishment of similar character.
(1963 Code, § 10-8-2)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the R-4 Multiple Dwelling District.
(1963 Code, § 10-8-3)

(D) *Parking and loading regulations*. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-8-4) (Ord. 590, passed 6-26-1958)

§ 153.030 C-3 CENTRAL BUSINESS DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the C-3 Central Business District. (1963 Code, § 10-9-1)

(B) *Use regulations*. A building or premise shall be used only for the following purposes:

(1) Any use permitted in the C-2 Commercial District and without restriction as to the number of employees on the premises;

(2) Frozen food locker;

(3) Laboratory; experimental, film, or testing;

(4) Truck or transfer terminal or freight house or bus garage and repair shop;

(5) Wholesale or distributing establishment, or warehouse or wholesale market;

(6) Printing, publishing, or engraving;

(7) Service industry such as a laundry, cleaning or dyeing establishment, or similar use;

(8) The manufacture, compounding, processing, packaging, or treatment of such goods, materials and products as the following:

(a) Bakery goods, candy, cosmetics, pharmaceutical, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering of fats and oils; provided, the foregoing exceptions shall not apply to such operations ordinarily carried out in a frozen food locker;

(b) Articles made from previously prepared materials such as bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, wax, wire, yarns, and the like;

(c) Musical instruments, toys, novelties, rubber or metal stamps, and other small molded rubber products;

(d) Fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products, and the like;

(9) Any other use of similar character which is not objectionable by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration or which is not specifically prohibited or regulated in § 153.032.
(1963 Code, § 10-9-2)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard requirements of the "R-4" Multiple Dwelling District.
(1963 Code, § 10-9-3)

(D) *Parking and loading regulations*. Off-street loading spaces shall be provided in accordance with the requirements of §§ 153.060 through 153.064.
(1963 Code, § 10-9-4) (Ord. 590, passed 6-26-1958)

§ 153.031 M-1 LIGHT INDUSTRIAL DISTRICT.

(A) *Application of section*. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the M-1 Light Industrial District.
(1963 Code, § 10-10-1)

(B) *Use regulations*. A building or premises shall be used only for the following purposes:

(1) Any use permitted in the C-3 Central Business District;

(2) Bottling works;

(3) Carting, expressing, hauling, or storage yard;

(4) Contractor's yard;

(5) Coal, coke, or wood yard;

(6) Auto wrecking yards and junk yards, but only when the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden fence not less than 8 feet in height and in which the openings or cracks are less than 15% of the total area;

(7) Assembly and manufacture from prefabricated parts of household appliances, electronic products, and similar products or the processing or assembling of parts for production of finished equipment;

(8) Petroleum storage, but only after the location and treatment of the premises have been approved by the Chief of the Fire Department;

(9) Drive-in theaters;

(10) Sporting and athletic equipment manufacture;

(11) Industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted and not more than 10% of the lot or tract is used for the open storage of products, materials, or equipment;

(12) Air separation plants and associated storage facilities;

(13) A body piercing and/or tattoo establishment and/or business subject to and provided that regarding the subject premises, there shall have been granted and allowed a special use permit regarding the use and operation of a body piercing and/or tattoo business on the premises.
(1963 Code, § 10-10-2) (Ord. 590, passed 6-26-1958; Am. Ord. 856A, passed 10-15-1974)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition any building that may be used for dwelling purposes shall comply with the side and rear yard and lot area per family regulations of the R-4 Multiple Dwelling District.
(1963 Code, § 10-10-3)

(D) *Parking and loading regulations*. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-10-4) (Am. Ord. 2234, passed 6-14-2010)

§ 153.032 M-2 HEAVY INDUSTRIAL DISTRICT.

(A) *Application of section*. The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the M-2 Heavy Industrial District.
(1963 Code, § 10-11-1)

(B) *Use regulations*. Any building or premises may be used for any purpose not in conflict with any provision of this code regulating nuisances; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes, except for resident watchmen and caretakers employed on the premises; and provided further, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council after report by the Department of Public Works and the Chief of the Fire Department:

(1) Acid manufacture;

(2) Cement, lime, gypsum, or plaster of paris manufacture;

(3) Distillation of bones and glue manufacture;

(4) Explosives manufacture or storage;

(5) Fat rendering and fertilizer manufacture;

(6) Garbage, offal, or dead animal reduction or dumping;

(7) Refining of petroleum or its products;

(8) Smelting of tin, copper, zinc, or iron ores;

(9) Stockyards or slaughter of animals;

(10) A body piercing and/or tattoo establishment and/or business subject to and provided that regarding the subject premises, there shall have been granted and allowed a special use permit regarding the use and operation of a body piercing and/or tattoo business on the premises.
(1963 Code, § 10-11-2)

(C) *Height and area regulations*. The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-11-3)

(D) *Parking and loading regulations*. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-11-4) (Ord. 590, passed 6-26-1958; Am. Ord. 2234, passed 6-14-2010)

HEIGHT AND AREA REQUIREMENTS

§ 153.045 TABLE OF HEIGHT AND AREA REQUIREMENTS ADOPTED.

The required height and area regulations are established and shown on the accompanying table which is as follows:

(Table on Following Page)

District	Maximum Height of Buildings		Minimum Depth of Front Yard in Feet	Minimum Width of		Minimum Depth of Rear Yard in Feet	Minimum Lot Area per Family in Square Feet	Minimum Lot Width in Feet
	Stories	Feet		Either Side Yard in Feet	Aggregate Side Yards in Feet			
R-1 Single-family Residence	2-1/2	25	30	7	14	25	7,500	60
AG-1 Agricultural	2-1/2	35(1)	30	7	14	35	7,500	60(8)
R-2 Single-family Residence	2-1/2	25	25	5	12	25	6,000	50
R-3 Two-family Residence	2-1/2	35	25(7)	5(7)	12(7)	25(7)	5,000 1-family 2,500 2-family	50
R-4 Multiple Dwelling	3	45(1)	25(6)	5(6)	12(2)	25(6)	5,000 1-family 2,500 2-family 1,500 multiple dwelling	50
C-1 Neighborhood Shopping	2	35	25	None(3)	-	None(4)	Same as R-4	-
C-2 Commercial	3	45	25	None(3)	-	None(4)	Same as R-4	-
C-3 Central Business	12	150	None	None	-	None	Residences not permitted	-
M-1 Light Industrial	10	125(5)	25	25	-	None(4)		-
M-2 Heavy Industrial	10	125(5)	25	25	-	None(4)		-
Subdivision			***Front Yard Set back (ft)***		***Side Yard Set back (ft)***	***Rear Yard Set back (ft)***		
Golfview Estates Subd.			40		15	25		
Senica Oak Ridge Subd.								
Lots 1A - 12B			60		15	25		
Lots 13 - 24, 41 - 52			37		15	25		
Lots 43 - 52						31		
Lots 25 - 40			27		15	25		

(1963 Code, § 10-12-1) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963; Am. Ord. 896, passed 3-7-1977)

(1) A building may be erected to a height of 6 stories and 75 feet back from all required yard lines a distance of 1 foot for each foot of additional height above 45 feet.

(2) For buildings of less than 3 stories in height. For 3 story buildings side yards of 8 feet each shall be required.

(3) No side yard required except on the side of a lot adjoining a Residence District, in which case a side yard of not less than 5 feet shall be provided in any C District and of not less than 10 feet in any M District.

(4) No rear yard required except on the rear of a lot adjoining a Residence District, in which case a rear yard of not less than 25 feet shall be provided.

(5) Whenever a building in an M District adjoins or abuts an R District, within 100 feet therefrom, such building shall not exceed 3 stories or 45 feet in height unless it is set back 1 foot from the required side and rear yard lines for each foot of additional height above 45 feet.

(6) Religious and educational institution buildings in R-4 Multiple Family Districts shall have no minimum depth requirements higher for front yards or rear yards.

(7) Religious and educational institution buildings in R-3 Two-Family Residence shall have no minimum depth requirements either for front yards, side yards, or rear yards.

(8) All corner lots shall have minimum lot width of not less than 75 feet.

(9) Minimum front and rear yard depths in R-1 and R-2 shall be 25 feet.

(10) Exception: 3-foot sideyard set back if lot is 50 feet wide or less.
(1963 Code, § 10-12-1) (Ord. 590, passed 6-26-1958; Ord. 596, passed - -; Am. Ord. 601, passed 4-18-1960; Am. Ord. 656, passed 6-3-1963; Am. Ord. 760, passed 8-5-1968; Am. Ord. 977, passed - --)

§ 153.046 HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS.

(A) *Height*.

(1) The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles.

(2) Public or semipublic service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by 1 foot for each foot of additional building height above the height regulations for the district in which the building is located.

(3) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
(1963 Code, § 10-13-1)

(B) *Front yards*.

(1) When 40% or more of the frontage on 1 side of the street between 2 intersecting streets is improved with buildings that have a front yard in the district, no building shall project beyond the average front yard so established.

(2) On lots having double frontage the required front yard shall be provided on both streets.

(3) In a residential district no fence, structure, or planting higher than 3½ feet above the established street grades shall be established within 20 feet of any street intersection.

(4) An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than 10 feet. An enclosed vestibule or fixed canopy with a floor area of not more than 40 square feet may project into a required front yard for a distance not to exceed 4 feet.

(5) Filling station pumps and pump islands may be located within a required yard provided they are not less than 15 feet from any street line and not less than 50 feet from the boundary of any R District.

(6) Off-street parking facilities may be located within the required front yard of any C or M District but shall not be nearer than 50 feet to any R District and no off-street parking shall be permitted in the required front yard of any R District.
(1963 Code, § 10-13-2)

(C) *Side yards.*

(1) On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street; provided, however, that the buildable width of a lot of record shall not be reduced to less than 32 feet.

(2) No accessory building shall project beyond a required yard line along any street.

(3) Where dwelling units are erected above a commercial establishment no side yard is required except when required for the commercial building on the side of a lot adjoining a residence district.

(4) A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and not less than 5 feet from any side lot line.

(5) For the purpose of side yard regulations, a 2-family dwelling or multiple dwelling shall be considered as 1 building occupying 1 lot.

(6) Where a lot of record at the time of the effective date of this chapter is less than 40 feet in width, the required side yard may be reduced to 10% of the width of the lot; provided, however, that no side yard shall be less than 3 feet.

(7) One directional or name sign or sign advertising product sold on the premises may occupy required yards in a district where such sign is permitted by the use regulation of this chapter; provided, such sign is not more than 35 square feet in area and in the C-1 Commercial District does not contain flashing, intermittent, or moving illumination.

(8) Where an existing lot of record has the frontage of 50 feet or less the minimum width of either side yard in feet shall be 3 feet.
(1963 Code, § 10-13-3) (Am. Ord. 977, passed 11-13-1979)

(D) *Rear yards.*

(1) Where a lot abuts upon an alley, 1/2 of the alley width may be considered as part of the required rear yard.

(2) An accessory building not exceeding 20 feet in height may occupy not to exceed 30% and unenclosed parking spaces may occupy not to exceed 90% of the area of a required rear yard but no accessory building shall be closer than 10 feet to the main building nor closer than 3 feet to any rear lot line.

(3) The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed 18 inches into a required yard.

(4) Open or lattice enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may be permitted by the

Building Inspector for a distance not to exceed 5 feet when these are so placed as not to obstruct light and ventilation.
(1963 Code, § 10-13-4)

(E) *Lot area per family*. Where a lot of record at the time of the effective date of this chapter has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a 1-family dwelling or for any nondwelling use permitted in the district in which it is located.
(1963 Code, § 10-13-5) (Ord. 590, passed 6-26-1958)

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 153.060 OFF-STREET PARKING FACILITIES REQUIRED.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as specified in division (B) of this section), off-street parking spaces in accordance with the following requirements; provided, however, that no off-street parking need be provided for any of these uses when they are located in the C-3 Central Business District.

(A) Dwellings, including single and 2-family and multiple; 1 parking space for each dwelling unit.

(B) Rooming, lodging, or boarding houses; 1 parking space for each 2 sleeping rooms.

(C) Fraternity or sorority; 1 parking space for each 6 beds.

(D) Private club or lodge; 1 parking space for every 10 members.

(E) Church or temple; 1 parking space for each 8 seats in the main auditorium.

(F) School (except high school or college); 1 parking space for each 10 seats in the auditorium or main assembly room, or 1 space for each classroom, whichever is greater.

(G) College or high school; 1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater.

(H) Country club or golf club; 1 parking space for each 5 members.

(I) Community center, library, museum, or art gallery; 10 parking spaces plus 1 additional space for each 300 square feet of floor area in excess of 2000 square feet.

(J) Hospitals; 1 parking space for each 4 beds.

(K) Sanatarium, convalescent home, home for the aged, or similar institution; 1 parking space for each 6 beds.

(L) Theater or auditorium (except school); 1 parking space for each 5 seats or bench seating spaces.

(M) Sports arena, stadium, or gymnasium; 1 parking space for each 5 seats or seating spaces.

(N) Hotels; 1 parking space for each 3 sleeping rooms or suites plus 1 space for each 200 square feet of commercial floor area contained therein.

(O) Tourist home, cabin, or motel; 1 parking space for each sleeping room or suite.

(P) Dance hall, assembly or exhibition hall without fixed seats; 1 parking space for each 100 square feet of floor area used therefor.

(Q) Business or professional office, studio, bank, medical or dental clinic; 3 parking spaces plus 1 additional parking space for each 400 square feet of floor area over 1000 square feet.

(R) Bowling alley; 5 parking spaces for each alley.

(S) Mortuary or funeral home; 1 parking space for each 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.

(T) Restaurant, night club, café, or similar recreation or amusement establishment; 1 parking space for each 100 square feet of floor area.

(U) Retail store or personal service establishment; except as otherwise specified herein, 1 parking space for each 200 square feet of floor area.

(V) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair, or service shop; 2 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1000 square feet.

(W) Printing or plumbing shop or similar service establishment; 1 parking space for each 3 persons employed therein.

(X) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment; 1 parking space for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
(1963 Code, § 10-14-1) (Ord. 590, passed 6-26-1958)

§ 153.061 RULES FOR COMPUTING PARKING SPACES.

In computing the number of parking spaces required, the following rules shall govern:

(A) ***FLOOR AREA*** shall mean the gross floor area of a specific use.

(B) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(C) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(D) Whenever a building or use constructed or established after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of 50% or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(E) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
(1963 Code, § 10-14-3) (Ord. 590, passed 6-26-1958)

§ 153.062 LOCATION OF PARKING SPACES.

(A) All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by 2 or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other nonresidential building served.

(B) Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, or cafes, and up to 100% of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified herein.

(C) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the Corporation Counsel and shall be filed with the application for a building permit.
(1963 Code, § 10-14-3) (Ord. 590, passed 6-26-1958)

§ 153.063 LOADING SPACE REQUIREMENTS.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

(A) In the C-1 and C-2 Shopping and Commercial Districts and in the M-1 and M-2 Industrial Districts; 1 loading space for each 10,000 square feet or fraction thereof, of floor area in the building.

(B) In the C-3 Central Business District; 1 loading space for the first 5000 square feet to 15,000 square feet of floor area in the building and 1 additional loading space for each 15,000 square feet or fraction thereof of floor area in excess of 15,000 square feet.
(1963 Code, § 10-14-4) (Ord. 590, passed 6-26-1958)

§ 153.064 PARKING/STORAGE OF VEHICLES IN RESIDENTIAL AND COMMERCIAL DISTRICTS.

The parking or storage of certain vehicles in residential and commercial districts. The vehicles shall be subject to the following regulations when parked or stored in residential and commercial districts.

(A) *Yard use.*

(1) Parking and delivery between the front line of any portion of the building and street shall be limited to private passenger vehicles, and in residential districts, only 1 of the following: pickup coaches, when mounted on a pickup truck or truck chassis, pickup truck or van; all of which shall be on a paved surface with driveway access. Further within a commercial district, the same shall be limited to commercial vehicles of the type specifically related to the business use being conducted on the commercial premises and further provided that semi-trucks, semi-trailers, and trailers on said premises shall not be kept and stored on such premises for storage purposes.

(2) In residential districts, on corner lots, parking between the street and building shall be limited to private passenger vehicles and only 1 of the following: pickup coaches when mounted on a pickup truck or truck chassis, pickup truck or van; all of which shall be on a paved surface with driveway access.

(3) In residential districts in the interior side and interior rear yards, the parking of private passenger vehicles and pickup trucks shall be allowed when on a paved surface. In addition, only 1 of the following shall be allowed:

(a) Recreational vehicles, including motorized homes;

(b) Pickup coach;

(c) Boat trailer, with or without a boat or raft mounted on it, or unmounted boat or raft;

(d) Commercial vehicles, except semi-tractors or semi-trailers when owned or used by the occupant;

(e) Commercial vehicles not exceeding 20 feet in length and further excepting semi-tractors or semi-trailers, and all provided that the same are owned or used by the occupant.

(B) *Vehicles to be in enclosed garages.* Additionally, in all districts, the parking of the following vehicles shall also be allowed in totally enclosed garages provided that the garages either exist as of the date of this section or if prospectively constructed consistent with the type of garage as allowed in the respective district that the garage exists:

(1) Any motor vehicle owned by the occupant;

(2) Recreational vehicles;

(3) Boats and rafts;

(4) Trailers; or

(5) Commercial vehicles when owned or used by the occupant.

(C) *Use for human habitation prohibited.* A recreational vehicle or motorized home shall not be used for the purposes of human habitation while parked or stored on any residential or commercial premises.

(D) *Use for storage.* A recreational vehicle, pickup coach or boat shall not be utilized for the storage of goods, materials or equipment other then those items considered to be part of the inventory essential for its immediate use.

(E) *Not to block or obstruct.* No vehicle or trailer shall be parked or stored as to block any public right-of-way or to be a visual obstruction to traffic.

(F) *Definition.* Additionally, for purposes of this section, and the construction thereof, a ***PAVED SURFACE*** shall mean a surface improved with a durable and maintained surface and graded and drained as to dispose of all surface water.

(G) *Making deliveries and/or rendering services.* The provisions of this section shall not be construed to prohibit trucks and other service vehicles from being parked on the premises temporarily for purposes of making deliveries and/or rendering services to the property owner or tenant.
(Ord. 1862, passed 10-11-2004)

SPECIAL USE REGULATIONS

§ 153.075 SPECIAL USES DESIGNATED.

(A) *Purpose.* The intent and purpose of this subchapter is to provide the mechanism whereby certain structures and/or uses that are necessary and desirable but are of a unique, special, or nonrecurring nature may be permitted within any zoning district.

(B) *Authority.* The City Council may permit special uses of land and/or structures within any district subject to conditions contained herein if it finds that the proposed location and establishment of any such special use will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites and will further community development in accordance with the comprehensive plan.

(C) *Application for special use.*

(1) *Application filed; fee.* The applicant shall file an application for a special use with the City Clerk, accompanied by a filing fee to be established by the City Council.

(2) *Contents.*

(a) The application shall set forth the facts and details concerning the proposed special use and shall have attached thereto a diagram or plan showing the result the proposed special use would have on the subject property and surrounding properties.

(b) The application shall contain the following requirements:

1. A legal description of the property, common address, and parcel identification number (PIN);

2. Any photos of the property and the specific area of the property seeking the special use shall be submitted with the application;

3. A statement indicating the need for the special use; and

4. Fifteen (15) copies of the preliminary development plan and site plan at a scale of not less than one inch equals fifty feet (1" = 50') showing adjacent property owners, including rights of way; the zoning of adjacent properties; existing improvements and structures; and streets, railroads, waterways, and other necessary physical features.

(3) *Date of filing*. The application shall be filed prior to the date the notice of hearing specified has been published in the local newspaper.

(4) *Date of hearing; notice*. The City of LaSalle Planning Commission, through either the City Clerk and/or the chairperson of the Planning Commission, shall set a regular date, time, and place for a public hearing on the application and shall inform the applicant of the same. The City Clerk and/or the chairperson has the option of changing the time and/or date if there is a conflict with other meetings held concurrently at the City Hall. Notice of the public hearing of the petitioner's application is to be given in the following manner:

(a) By publishing the notice of the date, time, and place of such hearing in a paper of general circulation in the city at least 15, but not more than 30, days prior to the hearing.

(b) By causing the notice to contain the particular location for which the special use is requested as well as a brief statement describing the proposed special use. The legal description shall, in addition to the required metes and bounds or lot and block description, contain a simple description of the property as to area and location of such a nature to enable the ordinary reader to accurately locate such property.

(c) The petitioner shall post a sign on the property that is subject to the special use application at least 10, but not more than 30, days prior to the hearing. The city will supply a sign upon payment by the petitioner of a $100 deposit. The sign shall be displayed in a prominent location on the property until the conclusion of the hearing. The city reserves the right to specify the location on the property of the placement. The deposit shall be returned to the petitioner upon return of the sign, in the same condition as when issued.

(D) *Public hearing; review and decision*.

(1) *Hearing*.

(a) No special use, in any case, shall be granted by the City Council without a public hearing by the Planning Commission as required herein, nor without a report having been made by the Commission to the City Council, and every report shall be accompanied by findings of fact specifying the reasons for the reported recommendations.

(b) The Planning Commission shall review the application, the recommendation of the Building Inspector and/or the City Engineer as the case may be, and the testimony at the public hearing and shall recommend approval, recommend approval subject to specified conditions and/or recommend denial of the special use. If the Planning Commission neither approves nor disapproves the special use within 60 days after the same has been submitted, the City Council may take action without further awaiting the Planning Commission recommendation or report. However, the Commission may extend this time for the purpose of continuing the public hearing.

(2) *Planning Commission findings of fact*. In considering all appeals, all proposed special uses, and a review by the Building Inspector or City

Engineer, as the case may be, the Commission shall, before recommending that the City Council grant any special use in a specific case, first determine and make findings of fact that the proposed special use:

(a) Is necessary or desirable to provide a service which is in the interest of public convenience;

(b) Will cause no additional threat to public health, safety, or welfare or creation of a nuisance;

(c) Will cause no additional public expense for flood protection, fire rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(d) Will not unduly increase traffic congestion on public roads and highways;

(e) Will not alter the essential character of the property or neighborhood in question;

(f) Meets other requirements of this title, such as parking and landscaping; and

(g) Is consistent with the purpose and intent of the comprehensive plan.

(3) *City Council action*. Upon the report of the planning commission and the Building Inspector, the City Council, without further public hearing, may adopt or deny any proposed special use or may refer the report back to the Commission for further consideration or may take such other action as may be lawful and appropriate in the circumstances in the discretion of the City Council including, but not limited to, imposing conditions and/or covenants as set forth below herein. No special use shall become effective unless it receives a simple majority vote of the corporate authorities, the City Council of the City of LaSalle.

(E) *Conditions of special use*.

(1) *Conditions may be imposed*. Issuance of a special use permit may be made subject to such conditions, covenants and provisions as are necessary and appropriate in the circumstances within the discretion of the City Council of the City of LaSalle to carry out the purposes of this title and to prevent, minimize and/or offset the adverse effects and/or impact on other property in the neighborhood, on the city, the public in general, which may include, but not be limited to, providing for a development agreement in reference to the implementation of the special use permit as between the applicant and the city, which may further include, but not being limited to, provisions regarding the size, location, hours of operation, requirements for landscaping, lighting, requirements for payment to offset adverse effects and/or impact and such other lawful provisions as within the discretion of the City Council are deemed just and appropriate in the circumstances.

(2) *Term of permit; expiration*.

(a) Special use permits may be valid for an indefinite duration or a specific duration. Prior to the expiration of a time limit of a particular permit, the property owner may apply to the village board for a time extension.

(b) No special use permit shall be deemed valid unless a building permit is issued and construction has begun within one year of the approval of the special use permit. However, the person requesting the special use and the City Council Board may mutually agree to an extension of time.

(3) *Transfer of permit*. All special use permits shall be approved for the specific tract or parcel of land, and may not be transferred to any other location. An approved special use permit may or may not be transferable to any subsequent landowner dependent upon the terms and provisions of the special use permit as provided within the special use permit and/or agreement as between the City Council and the party to whom the special use permit is granted.

(F) In reference to special uses that in addition to but consistent with the other provisions contained herein and the Zoning Ordinance of the City of LaSalle overall, the following uses shall only be allowed within the city in the following specified

zoning districts and then only when approved by special use permit pursuant to the provisions set forth within this subchapter:

(1) An amusement park shall be allowed by special use permit only and may not be allowed within 300 feet of any residential district;

(2) A circus or carnival ground shall be allowed only by special use permit but not within 300 feet of any residential district;

(3) A hospital or institution shall only be allowed by special use permit but maybe allowed within any zoning district pursuant to special use permit provided the criteria in reference to granting such permit are allowed;

(4) A radio tower, television broadcasting tower, radio or television station, cell phone tower and/or other telecommunication tower shall only be allowed in any zoning district within the city by special use permit;

(5) A drive in theatre shall only be allowed by special use permit and then only within a zoning district that allows C-2 and/or C-3 zoning uses;

(6) Tourist or trailer camp shall only be allowed by special use permit in the C-2 Commercial District or the M-l Light Industrial District and its extension into an abutting residential district; provided, such tourist or trailer camp shall comply with the following and such additional requirements as may be deemed necessary for proper development and the protection of the surrounding area:

(a) All appropriate state and county sanitation regulations shall be strictly observed;

(b) At least 1,500 square feet of lot area per trailer shall be provided; no trailer shall be parked closer to the street or highway than the required front yard setback or closer than 20 feet to any property line; and a clearance of not less than 15 feet shall be maintained between trailer coaches on all sides;

(c) Trailer coach spaces shall abut upon a hard surfaced driveway or accessway of not less than 25 feet in width;

(d) Service building or other facilities for bathing, laundry, and sanitation, as required by the state and local health regulations, shall be located at least 20 feet from the side and rear lot lines and shall be accessible to all trailer coaches by means of the access drives or hard surfaced walks; and

(e) Wherever practicable, space shall be reserved for recreation and a playground;

(7) That the regulation of adult uses as enumerated and provided within § 153.079 and in Ordinance Number 1633, shall remain with the exception that the criteria and procedures in reference to application for special use permit in connection with the adult usages as enumerated in § 153.079 shall be in addition to the provisions of this section in reference to the application and the general standards; but the specific standards and criteria as to where the adult use type of special use may be permitted shall remain as provided within § 153.079, including divisions (A)(1)through (6), (B)(1) through (5) and (C) thereof;

(8) That cement, lime, gypsum, or plaster of paris manufacturer, or mining of any type, whether said mining be gypsum mining, limestone mining, sand mining, coal mining, open cut mining, and/or pit mining, and/or otherwise, shall only be allowed by special use permit and shall also only be allowed in the M-2 zoning district classification within the city;

(9) That existing railroads and utilities may continue to be operated and maintained in dwelling, commercial, industrial and agricultural districts, but any new railroad or utility structure shall only be allowed to be constructed and/or used by special use permit other than in reference to the usual poles, wires and underground utilities in the case of utilities; and

(10) That additionally, prospectively, the licensing of tattoo and body piercing establishments shall only be allowed pursuant to the additional

requirement of the granting of a special use permit and then if at all only within zoning districts allowing for M-l, Light Industrial and/or C-3, Central Business District uses.
(1963 Code, § 10-15-1) (Ord. 590, passed 6-26-1958; Am. Ord. 2234, passed 6-14-2010; Am. Ord. 2451, passed 7-2-2013)

§ 153.076 TEMPORARY BUILDINGS.

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.
(1963 Code, § 10-15-2) (Ord. 590, passed 6-26-1958)

§ 153.077 RAILROADS AND UTILITIES.

Existing railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility structure other than the usual poles, wires, and underground utilities shall be established in such districts except when so authorized by City Council after report by the Board of Appeals.
(1963 Code, § 10-15-3) (Ord. 590, passed 6-26-1958)

§ 153.078 RESIDENCE DEVELOPMENT PLAN.

An authorized agency of the municipal, county, state, or federal government or the owner or owners of any tract or land comprising an area of not less than 10 acres, or an area bounded on all sides by municipal streets or streets and alleys, may submit to the City Council a plan for the use and redevelopment of all of the tract of land for any lawful purpose. The development plan shall be referred to the City Plan Commission for study and report and for public hearing. Notice and publication of such public hearings shall conform to the procedures prescribed in § 153.127 for hearings on changes and amendments. If the Commission approves the plans, these shall then be submitted to the City Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed plan meets the following conditions:

(A) The property adjacent to the area included in the plan will not be adversely affected, and to this end the Council may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project;

(B) The plan is consistent with the intent and purposes of this chapter to promote public health, safety, morals, and general welfare;

(C) The plan shall specify the use to which the property and each subdivision thereof or lot therein may be put, and if the said plan is approved no subsequent use other than that specified in the plan may be substituted for the use so specified and any later substituted use shall be considered a violation of the provisions of this chapter governing land use and be subject to the provisions of and penalties provided in § 153.122;

(D) The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located; provided, however, that if any such development plan shall be designed or intended for multiple family dwelling use, involving more than 50 dwelling units, the requirements of this chapter with respect to lot area per family may be waived, and the plan approved without respect to lot area per family.

(E) Approval of the plan submitted under this section shall constitute approval of any plat submitted therewith and any such plat shall be entitled to be recorded and lots sold therefrom in the same manner as if the plat had been approved under the Land Subdivision Ordinance of the City of LaSalle, No. A-590 provided, however, that insofar as said Land

Subdivision Ordinance No. A-590 is applicable, then in all respects said Land Subdivision Ordinance No. A-590 shall apply;

(F) If the City Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.
(1963 Code, § 10-15-4) (Ord. 590, passed 6-26-1958; Am. Ord. 765, passed 10-28-1968; Am. Ord. 787, passed 5-1-1970)

§ 153.079 ADULT USES.

(A) *Adult uses enumerated*. The following shall be considered adult uses for the purpose of this section:

(1) Adult book stores;

(2) Adult motion picture theater;

(3) Adult mini motion picture theater;

(4) Adult entertainment cabaret;

(5) Massage establishment;

(6) Body shop or model studio.

(B) *Limitations on adult uses*. Adult uses shall be permitted under the zoning ordinance provided that a special use permit has been granted with reference to the same pursuant to the Special Uses Section of this Zoning Ordinance, (namely §§ 153.075 through 153.080 hereof) with it specifically being provided that adult uses are specifically added as an additional special use within this chapter and with it further being provided that with respect to adult uses, the same shall additionally be subject to the following restrictions:

(1) An adult use shall not be allowed within 1000 feet of another existing adult use.

(2) An adult use shall not be located within 1000 feet of any zoning district which is zoned for single-family residence district (R-1), Single-Family Residence District (R-2), Two-Family Residence District (R-3), or Multiple Dwelling District (R-4).

(3) An adult use shall not be located within 1000 feet of a preexisting school, day care center, cemetery, public park, public housing, or place of worship.

(4) An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.

(5) Adult uses shall also be entitled to and subject to the provisions set forth within the Zoning Ordinance of the City of LaSalle with reference to prior non-conforming uses, existing and in business, as of the time of passage of this chapter.

(C) *Measurement of distances*. For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or object, from the property line of the adult use to the nearest property line of another adult use, school, day care center, cemetery, public park, public housing, or place of worship, or district zoned for residential use. (Ord. 1633, passed 3-23-1998)

§ 153.080 RESIDENTIAL USE OF PREMISES ON FIRST FLOOR IN DOWNTOWN BUSINESS DISTRICT.

(A) *Purpose; recitals*.

(1) Pursuant to this zoning code, including § 153.127, the City Council of the city of LaSalle did move and referred pursuant to motion to the Planning Commission for consideration of the amendment to the zoning ordinance to restrict the portion of the downtown business district from being used as residential property (R-1 through R-4 inclusive as defined within this chapter) with the portion of the Downtown Business District referred for consideration of the amendment being defined as the first floor of the following:

(a) All of First Street between the West side of Bucklin to and including the East side of Crosat Street;

(b) All of Second Street from and including the West side of Bucklin to and including the East side of Tonti Street;

(c) All of the South side of Third Street from and including the West side of Bucklin Street to the East side of Joliet Street;

(d) That part of Bucklin, Wright, Gooding, Marquette and Joliet Streets between First and Third Street;

all of which area of said downtown business district may be henceforth referred to within this chapter collectively as the Residential Use Exclusion Portion of the Downtown Business District.

(2) The zoning change and restriction from residential use of the First Floor of said Residential Use Exclusion Portion of the Downtown Business District is in the best interest of the City of LaSalle.

(3) The making of such change in the chapter is in the public good and may be granted without substantial detriment to the public good and

without substantially impairing the purpose and intent of the comprehensive plan of the City of LaSalle and/or the Zoning Ordinance of the City of LaSalle.

(4) It is understood that the proposed amendment to the Zoning Ordinance as referred to above regarding said proposed residential use excluded portion of the downtown business district would still be subject to §§ 153.095 through 153.097 of the Zoning Ordinance regarding preexisting non-conforming uses.

(5) A public hearing was held on September 10, 2001, pursuant to notice duly published within the Daily News-Tribune at least 15 days prior to said public hearing and the LaSalle Planning Commission after due consideration at the time of said public hearing recommended to the City Council of the City of LaSalle that the proposed change restricting the portion of the downtown business district described above as the Residential Use Excluded Portion of the Downtown Business District from being used as residential property (R1-R4 inclusive as defined within the Ordinance) be approved and adopted.

(6) The City Council of the City of LaSalle has previously accepted the recommendation of the Planning Commission to restrict the portion of the downtown business district defined above as the Residential Use Excluded Portion of the Downtown Business District from being used as residential property.

(B) *Restriction of first floor area.* The first floor portion of the below described portions of the downtown business district (all of which was previously a portion of the C-3 Central Business District as defined within the Zoning Ordinance (with the exception of a part of the East side of Crosat Street between First and Second Street that was part of the C-2 Commercial District) be henceforth restricted and prohibited from being used for residential use of property (including residential uses as defined within R1 through R4 of the present City of LaSalle Zoning Ordinance) with the portions of the downtown business district to be so restricted and prohibited from use pursuant to this Amendment to the Zoning Ordinance to be defined as the First Floor of the following:

(1) All of First Street between the West side of Bucklin to and including the East side of Crosat Street;

(2) All of Second Street from and including the West side of Bucklin to and including the East side of Tonti Street;

(3) All of the South side of Third Street from and including the West side of Bucklin Street to the East side of Joliet Street;

(4) That part of Bucklin, Wright, Gooding, Marquette and Joliet Streets between First and Third Street.

(5) This Amendment and change to the Zoning Ordinance shall be subject however, to the provisions of §§ 153.095 through 153.097 of the Zoning Ordinance regarding preexisting, non-conforming uses of property within the above described portion of the downtown business district. (Ord. 1748, passed 10-1-2001)

§ 153.081 SPECIAL USE PERMITS FOR COLLECTION CONTAINERS AND COLLECTION TRAILERS REQUIRED.

(A) Drop off collection containers and/or collection trailers shall henceforth only be allowed within commercial or industrial zoning districts within the city, with it additionally provided that this use shall henceforth require a special use permit with said special use permit, if granted, to be in full force and effect for a period not to exceed 12 months. At the conclusion of the 12 month period, the City Council shall review the permit to determine if a renewal for an additional 12 month period would be appropriate given the demonstrated impact of the special use.

(B) Additionally, in reference to regulating drop off collection containers and/or drop off collection trailers, it is hereby provided that each receptacle (i.e.

each collection container and/or collection trailer) shall contain and display on the same the name, address and phone number of the company, group, organization or individual that has ownership and/or leasehold interest in the same.

(C) Additionally, each of said receptacles (i.e. drop off collection containers and/or collection trailers) shall be kept and maintained in such a manner as to always keep and maintain that items intended for deposit within the same within the collection container and/or trailer, and to further maintain the same in a manner to not be violative of the city nuisance ordinances including, but not being limited to, Chapter 91 of this Code of Ordinances.

(D) While division (A) of this section shall be subject to the provisions of this chapter regarding non-conforming uses, divisions (B) and (C) of this section regarding the regulation of the same and their provision in reference to their maintaining in the same manner so as to not constitute a nuisance shall apply to all drop off collection containers and/or collection receptacles immediately subject to the reasonable notice provision provided in divisions (E) and (F) of this section.

(E) Additionally, however, the provisions in reference to regulation in reference to division (B) of this section regarding existing collection containers and/or collection trailers, enforcement remedies regarding potential penalties shall not be pursued as to existing collection containers and/or collection trailers until persons owning and/or having a leasehold interest in the same are sent a 15 day notice in reference to compliance with the regulatory aspects of division (B) of this section.

(F) Additionally, the owners and occupants of premises placing and/or allowing said drop off containers and/or drop off trailers to remain on their premises shall advise the Building Inspector upon inquiry by the Building Inspector as to the name, address and phone number of any company, group, organization or individual that has an ownership and/or possessory interest in any collection container and/or collection trailer.

(G) Notwithstanding anything else that may suggest to the contrary herein, this amendment to the Zoning Ordinance is not intended to apply and shall not be construed as having any application to garbage containers and/or garbage dumpsters.
(Ord. 2156, passed 12-15-2008)

NONCONFORMING USES

§ 153.095 NONCONFORMING BUILDINGS.

(A) Any lawful use of a building existing at the effective date of this chapter may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming

use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this chapter.

(B) Whenever the use of a building shall become nonconforming through a change in the zoning regulations or in the district boundaries such use may be continued, and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification.

(C) Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of 2 years, any future use of such building or portion thereof shall be in conformity with the regulations of the district in which the building is located.

(D) A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 75% of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located or as provided in §§ 153.123. When damaged by less than 75% of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within 1 year of the date of such damage.

(E) A nonconforming use in violation of the provisions of the zoning regulations which this chapter supersedes shall not be validated by the adoption of this chapter.
(1963 Code, § 10-16-1) (Ord. 590, passed 6-26-1958)

§ 153.096 NONCONFORMING USES OF LAND.

A nonconforming use of land existing at the effective date of this chapter may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of 1 year or changed, any future use of such land shall be in conformity with the provisions of this chapter.
(1963 Code, § 10-16-2) (Ord. 590, passed 6-26-1958)

§ 153.097 REMOVAL OF NONCONFORMING USES.

The nonconforming use of land for storage purposes and for advertising signs and billboards located within any R District shall be discontinued within 5 years from the date of approval of this chapter and any such uses of land which become nonconforming by reason of a subsequent change in this chapter shall also be discontinued within 5 years from the date of the change.
(1963 Code, § 10-16-3) (Ord. 590, passed 6-26-1958)

EXTRATERRITORIAL DISTRICT

§ 153.110 ADOPTION OF DISTRICT AND ZONING MAP.

The City of LaSalle Extraterritorial District Area and Zoning Map, approved by the Plan Commission on April 23, 1963, and filed with the City Clerk on April 24, 1963, passed and adopted by the City Council on June 3, 1963, and approved by the Mayor on June 3, 1963, together with Future Land Use Map prepared by Harland Bartholomew and Associates under the direction of the City Plan Commission, which said Plan Commission approved the Map, and Map was filed with the City Clerk on June 26, 1958, be and the same are hereby adopted by the City Council as the official comprehensive plan for the present and future development of the city and territory contiguous to and within 1½ miles thereof.
(1963 Code, § 10-20-1) (Ord. 657, passed 4-15-1963)

ADMINISTRATION AND ENFORCEMENT

§ 153.120 PERMITS, FEES AND PLANS.

(A) All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. A careful record of the original copy of such applications and plats shall be kept in the office of the Building Inspector and the duplicate copy shall be kept at the building at all times during construction.
(1963 Code, § 10-18-1)

(B) Any person and/or entity desiring a building permit shall at the time of filing application therefor pay to the city through the office of the Building Inspector a filing fee of $15 together with an additional $2 sum for any work costing less than $1,000 or any major part thereof for work costing more than $1,000. Additionally work contemplated by an allowed building permit shall be completed within 6 months subsequent to the issuance of the building permit, subject to said 6-month period being extended for reasonable time or times for good cause within the appropriate exercise of discretion of the Building Inspector. Subsequent to the expiration of 6 months, plus whatever additional time may have been allowed within the appropriate discretion of the Building Inspector, a building permit shall expire and be no longer valid.
(Am. Ord. 1891, passed 2-14-2005)

(C) All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.
(1963 Code, § 10-18-2) (Ord. 590, passed 6-26-1958)

§ 153.121 CERTIFICATES OF OCCUPANCY.

(A) *When certificates required*. Certificates of occupancy shall be required for any of the following:

(1) Occupancy and use of a building hereafter erected or structurally altered.

(2) Change in use of an existing building to a use of a different classification.

(3) Occupancy and use of vacant land.

(4) Change in the use of land to a use of a different classification.

(5) Any change in the use of a nonconforming use. No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the Building Inspector.
(1963 Code, § 10-17-1)

(B) *Certificate for a building*. A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within 3 days after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding 6 months, during the completion of alterations or during partial occupancy of a building

pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this title, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
(1963 Code, § 10-17-2)

(C) *Certificate for land.* Certificates of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within 3 days after the application has been made; provided, such use is in conformity with the provisions of these regulations.
(1963 Code, § 10-17-3)

(D) *Record of certificates.*

(1) A certificate of occupancy shall state that the building or proposed use of a building or land complies with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(2) No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.
(1963 Code, § 10-17-4)

(E) *Nonconforming uses.* A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this chapter. Application for such certificate of occupancy for a nonconforming use shall be filed with the Building Inspector by the owner of the building or land occupied by the nonconforming use within 1 year of the effective date of this chapter. It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate of occupancy for a nonconforming use, or refusal of the Building Inspector to issue a certificate of occupancy for such nonconforming use shall be evidence that the nonconforming use was either illegal or did not lawfully exist on June 26, 1958.
(1963 Code, § 10-17-5) (Ord. 590, passed 6-26-1958)

§ 153.122 ENFORCEMENT.

(A) It shall be the duty of the Building Inspector to enforce this title.

(B) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and subject to the penalty provided in § 153.999.

(C) (1) In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the city, or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceeding:

(a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use.

(b) To prevent the occupancy of the building structure or land.

(c) To prevent any illegal act, conduct, business or use in or about the premises.

(d) To restrain, correct or abate the violation.

(2) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the city at the time suit is begun, by serving a

copy of the complaint on the chief executive officer of the city, no such action may be maintained until such notice has been given.

(D) In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this chapter.

(E) If a permanent injunction is decreed in any such action or proceeding, the court in its decree may, in its discretion, allow the plaintiff a reasonable sum of money for the services of the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the defendant, and may be recovered as such.
(1963 Code, § 10-19-3) (Ord. 590, passed 6-26-1958)

§ 153.123 ZONING BOARD OF APPEALS.

(A) *Board established; terms; organization.* A Board of Appeals is hereby established. The word ***BOARD*** when used in this section shall be construed to mean the Board of Appeals. The Board shall consist of 7 members who shall be freeholders appointed by the Mayor upon approval by the Council. Not less than 2 members of the Board shall be members of the Plan Commission. The terms of office of the members of the Board shall be 5 years except that the 7 members first appointed shall serve respectively for terms of 1, 2, 3, 4, 5, 6, and 7 years. Thereafter as each term expires, the appointment shall be for 5 years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant by the appointing authority which shall have the power to remove any member of the Board for cause, after notice and hearing. One of the members of the Board shall be named as Chairperson at the time of the member's appointment.
(1963 Code, § 2-2-1)

(B) *Meetings.* Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
(1963 Code, § 2-2-2) (Ord. 590, passed 6-26-1958)

§ 153.124 APPEALS.

(A) (1) Petitions to the Council for variations or exceptions or appeals may be made by any person or by any officer, department, board, or bureau of the city affected by any decision of the Building Inspector. The appeal shall be taken within a reasonable time by filing with the Building Inspector and with the Council a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Council all papers constituting the record from which the action appealed from is taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Council, after notice of appeal shall have been filed with the Building Inspector, that, by reason of the facts stated in the certificate, a stay would, in the Building Inspector's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Council or by a court of record.

(3) The Council shall refer any such petition or appeal to the Board and shall take no action until it has received the report of the Board. The Board shall hold a public hearing upon each petition or appeal. Fifteen-days' notice of the time, place and purpose of such hearing shall be given in the official

newspaper. After the hearing the Board shall make a report to the Council of its findings of fact, its recommendations regarding petition or appeal and the reasons therefor. If the Board recommends against the granting of such petition or appeal, the order granting such petition or appeal can be adopted only by a favorable 2/3 vote of the members of the Council.

(B) The Board shall also hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of the Zoning Code.

(C) All appeals and petitions for appeal shall be in writing in duplicate and shall be filed with the Building Inspector or with the City Clerk, who shall present the same to the next regular meeting of the City Council. A fee of $100 shall be paid at the time such petition or appeal is filed. The Council may at its discretion and upon request of the petitioner waive or reimburse this fee.

(D) For purposes of defining the term appeal, in connection with the jurisdiction of the Zoning Board of Appeals herein, appeal is specifically defined as an appeal from any order, requirement, decision, or determination made by the Building Inspector of the city. The Zoning Board of Appeals shall also consider requests for exceptions and variations to the zoning ordinance as provided in the zoning ordinance.
(1963 Code, § 2-2-3) (Ord. 590, passed 6-26-1958; Ord. 701, passed 1-24-1966; Am. Ord. 1258, passed 6-25-1990; Am. Ord. 1277, passed 1-7-1991; Am. Ord. 1350, passed 11-17-1992)

§ 153.125 EXCEPTIONS.

The Council may authorize, by ordinance and after hearing and report by the Board, the following exceptions to the terms of this Zoning Code:

(A) Permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the adoption of the Zoning Code.

(B) Interpret the provisions of the Zoning Code in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts adopted by reference and made a part of the Zoning Code where the street layout actually on the ground varies from the street layout as shown on the map.

(C) Permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Council determines reasonably necessary for the public convenience or welfare.

(D) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60% of its reproduction value, where the Council finds some necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

(E) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(F) Permit an off-street parking area in an R-4 District where this would relieve traffic congestion on the streets; provided, such parking area conforms to the following conditions:

(1) The entire area is located within 200 feet of a C-1, C-2, or C-3 District, exclusive of any publicly dedicated right-of-way.

(2) The area shall be used exclusively for the parking of vehicles belonging to invitees of the owner or lessee of the lot.

(3) Walls, fencing, or planting shall be provided to protect and be in harmony with surrounding residential property.

(4) The parking area shall not include any required front yard in the district in which it is located.

(5) All driveways and the area used for parking spaces shall be properly drained and surfaced with a hard, durable, dustproof material and plans and specifications for same, together with the locations of entrances and exits, shall be approved by the Engineer.

(6) The area shall conform to such other reasonable requirements as the Council may require for the protection of surrounding property, persons, and residential values.

(G) To determine whether an industry should be permitted within the M-1 Light Industrial and the M-2 Heavy Industrial Districts because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

(H) Permit any construction or occupancy permit to be issued in an AG-1 Agricultural District for any of the following uses:

(1) Filtration plant;

(2) Pumping station;

(3) Water reservoir;

(4) Sewage treatment plant;

(5) Police station;

(6) Fire station;

(7) Sanitary landfill;

(8) Telephone exchange;

(9) Electric sub-station;

(10) Fair grounds;

(11) Gun club if located not nearer than 1,000 feet to any residence other than that of the owner or lessee of the site.

(12) Hospital or institution of an educational, religious, charitable, or philanthropic nature, other than those specifically permitted in § 153.024 of this chapter provided that it be located on a site which contain at least 5 acres and provided that such buildings shall not occupy more than 30% of the total area of the lot;

(13) Commercial feed lot;

(14) Cemetery;

(15) Mines:

(a) Mine;

(b) Open cut mine;

(c) Pit mines;

(16) Explosives.

(1963 Code, § 2-2-4) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963)

§ 153.126 VARIATIONS.

The City Council may authorize by ordinance, after a public hearing and a report by the Board, a variation in the strict application of the terms of the ordinance in harmony with its general purpose and intent in cases where there are practical difficulties or particular hardships in carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the uses of land.

(1963 Code, § 2-2-5) (Ord. 590, passed 6-26-1958; Am. Ord. 1350, passed 11-17-1992)

§ 153.127 AMENDMENTS AND CHANGES.

(A) The Council may, from time to time, on its own motion or on petition, amend, supplement or change by ordinance the regulations and districts herein or subsequently established, but no such amendments shall be made without a public hearing before the Plan Commission and its report to the Council. Notice of the time, place, and purpose of the hearing shall be given as required by law. In the case of written protest against any proposed amendment, under the conditions specified in ILCS Ch. 65, Act 5, § 11-13-14, the amendment shall not be passed except by a favorable vote of 2/3 of the Council.

(B) All petitions praying for a change, amendment or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, and lot number of any real estate owned by the owner adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or part of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this title and shall further disclose the purpose for which such property is sought to be used.

(C) A petition for a change in the regulations or districts herein or subsequently established shall be filed with the City Clerk in duplicate. A fee of $100 shall be paid at the time of filing to cover the cost of publication of notice of hearing on said petition and other costs incidental to such hearing. The Council may at its discretion and upon request of the petitioner waive or reimburse this fee.

(D) Provided, however, that if any such development plan shall be designed or intended for multiple-family dwelling use, involving more than 50 dwelling units, the requirements of §§ 153.001 through 153.127 with respect to lot area per family may be waived, and the plan approved without respect to lot area per family.

(1963 Code, § 10-19-2) (Ord. 590, passed 6-26-1958; Am. Ord. 701, passed 1-24-1966; Am. Ord. 790, passed 6-22-1970; Am. Ord. 1258, passed 6-25-1990; Am. Ord. 1277, passed 1-7-1991; Am. Ord. 1350, passed 11-17-1992)

SUBDIVISIONS

§ 153.145 TITLE AND PURPOSE.

(A) This subchapter shall be known, referred to and titled as the Land Subdivision Ordinance of the City of LaSalle.

(B) This subchapter is hereby made a part of the official plan of the city and is to provide for the harmonious development of the city and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the official plan, for adequate open spaces for traffic, schools, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity.

(Ord. A-590, passed 9-15-1958)

§ 153.146 DEFINITIONS.

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

COMMISSION. The City Planning Commission of LaSalle.

FINAL PLAT. The drawings and documents described in § 153.150(A) and § 153.151(B).

MAJOR STREET. A street shown on the major street plan, a part of the official plan.

PRELIMINARY PLAN The drawings and documents described in § 153.149(A).

SUBDIVISION OF LAND. SUBDIVISION OF LAND is the division of land into 2 or more lots, parcels or tracts of 1 acre or less in area; or the dedication of streets, ways or other areas for the use of the public. Any sale of a division of land by metes and bounds as defined in the preceding portion of this paragraph shall constitute a subdivision o f land and require, prior to any sale and before the delivery of a deed, the submission of a plat as required by law; provided, however, that the sale or exchange of parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land, and provided further, that a contract of sale requiring conformity with this subchapter may be entered into.
(Ord. A-590, passed 9-15-1958)

§ 153.147 JURISDICTION AND PROCEDURE.

(A) *Plat, when required.* It shall be unlawful for the owner, agent or person having control of any land within the corporate limits of the city or within 1½ miles of the its corporate limits, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways, and grounds, unless by plat in accordance with the laws of the State of Illinois and the provisions of this ordinance.

(B) *Preliminary plan to be approved.* A preliminary plan shall first be submitted to the Commission for its consideration as hereinafter provided. The commission shall report its findings and recommendations in writing to the Council for its consideration and approval or disapproval. The design and layout of all subdivisions shall conform to the requirements of § 153.148. The subdivider shall submit a preliminary plan to the Commission prepared in accordance with the specifications of § 153.149.

(C) *Requisites for approval.*

(1) Following approval of the preliminary plan by the Commission and the Council, the subdivider shall:

(a) Install the required improvements and;

(b) Furnish a bond for such installation and;

(c) Agree to an assessment guaranteeing such installations, all in accordance with with the requirements of § 153.150.

(2) Upon approval of the improvements, installations or arrangements therefore, the final plat may be submitted in accordance with the provisions of § 153.151. The final plat shall conform to the requirements of § 153.151.

(3) No plat or replat shall be filed for record or recorded in the office of the Recorder of Deeds of LaSalle County, Illinois unless and until the approval of the Council is endorsed thereon by the City Clerk, and no lot shall be sold from such plat or replat unless and until approved by the Council and filed for record in the office of the Recorder of Deeds of LaSalle County, Illinois as herein provided.
(Ord. A-590, passed 9-15-1958)

§ 153.148 SUBDIVISION DESIGN STANDARDS.

(A) *Relations to adjoining street system.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projections where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum widths established herein. The street and alley arrangements shall not be such as to crate hardship for owners of adjoining property in platting their own land and providing convenient access to it. Off-set streets shall be avoided. The

angle of intersection between minor streets and major streets shall not vary by more than 10 degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.

(B) *Street and alley width.*

(1) The widths and locations of major streets shall conform to the widths and locations designated on the major street plan.

(2) The minimum width for major streets shall be 50 feet. When streets adjoin subdivided property, a half street at least 30 feet in width may be dedicated, and whenever subdivided property adjoins a half street the remainder of streets shall be dedicated.

(3) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least 20 feet wide.

(C) *Easements.* Easements of at least 5 feet in width shall not be provided and dedicated on each side of all rear lot lines and along side lot lines, where necessary for poles, wires, conduits, storm and sanitary sewers, gas water or other mains. Basements of greater width may be required along or across lots where necessary for the extension of main sewers of other utilities or where both water and sewer lines are located in the same easement.

(D) *Blocks.*

(1) No block shall be longer than 1,200 feet or shorter than 500 feet between cross streets. Blocks over 1,000 feet in length shall have a cross-walk with a right-of-way of at least 10 feet in width near the center of the block.

(2) In platting residential lots containing less than 15,000 square feet, the depth of the block shall be between 200 feet and 300 feet.

(3) Subdivisions need not follow normal street arrangement. Courts, dead end streets, or other arrangements, may be provided if proper access is given to all lots from a dedicated street or court. All dead end streets shall terminate in a dedicated street space having a minimum radius of 50 feet. Dead end street shall not exceed 1,000 feet in length.

(E) *Lots.*

(1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building site, properly related to topography and the character of the surrounding development.

(2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(3) No lot shall have a depth of less than 100 feet or a depth in excess of 3 times its width. No lot shall have an area or width less than that required by any zoning ordinance adopted as part of the official plan.

(4) Corner lots shall have extra width sufficient to permit the establishment of front building lines on both the adjoining streets.

(5) Lots fronting on major street intersections and acute angle intersections of less than 85 degrees shall have a radius of 20 feet at the street corner. On business lots a chord may be substituted for the circular arc.

(F) *Building lines.* Street set back building lines conforming with zoning regulations or the standards of the official plan shall be shown on all lots.

(G) *Maintenance of improvements outside corporate limits.* Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for

the welfare of the area and which are of common use or benefit and which the city does not desire to, or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the city, for the proper and continuous maintenance and supervision of facilities by the lot owners in the subdivision.

(H) *Parks, schools sites, etc.*

(1) Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted official plan of the city, the subdivider shall dedicate such lands to the proper public agency as a part of subdivision plat; provided, however, that such dedication need not exceed 7½% of the total area of the subdivision plat. Where such land exceed 7½% of the total area of the subdivision plat, the part of such lands in excess of 7½% of the total area shall also be shown on the plat and arrangements made for purchase of such lands by the proper public agency in a period of not less than 3 years from the date of approval of the plat, said purchase to be consummated within 3 years from the date approval of final plat.

(2) Where less than 7½% of an area being subdivided consists of land proposed for parks or schools under the official plan, the subdivider shall dedicate any lands so proposed and pay the city a sum of money so that either or both the dedication and the payment equal 7½% of the appraised value of the land before it is subdivided. Sums so received shall be placed in a special fund to be known as the Subdivision Park and School Site Purchase Fund and used by the Council solely for purchase of land for parks or schools in accordance with the official plan and after receipt of recommendations of the Commission. Value of the land shall be made by 3 qualified appraisers, 1 of whom shall be appointed by the Council, 1 of whom shall be appointed by the subdivider and 1 of whom shall be mutually agreed upon by the 2 appraisers named above. The subdivider may agree with the city on an installment method of payment based on the sale of the lots.

(I) *Easements along streams.* Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider may provide an adequate easement as determined by the City Engineer along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream.
(Ord. A-590, passed 9-15-1958)

§ 153.149 PRELIMINARY PLAN.

(A) *Preliminary, where filed, exception.* Any person proposing to subdivide land shall file 3 copies of a preliminary sketch plan of such proposed plat with the City Attorney. The preliminary sketch plan shall be accompanied by a filing fee of $1 for each lot within the proposed subdivision, providing that the subdivision does not consist of less than 10 lots in which case a minimum filing fee of $10 shall be required. Hearing on such proposal shall be had before the Commission at its first regular meeting following the filing, provided only that notice of the consideration of such plan and the time and place of hearing shall be given to all interested persons as hereinafter provided. Plats containing 3 lots or less and not more than 1 acre may be exempted from the provisions of this section, upon application to the Commission.

(B) *Notice of hearing.* No hearing shall be held by the Commission until notice thereof shall have been given by the City Attorney in behalf of the Commission, by publication of notice of the hearing in the daily newspaper for at least 1 insertion, a week prior to the date of said hearing, and by mailing a notice to the person or persons who filed th preliminary plan to the address set forth in the filing papers.

(C) *The preliminary plan shall show the following.*

(1) The location of the present property lines and section lines and streets, buildings, water courses and other existing structures with the area to be subdivided and similar information regarding land immediately adjacent thereto.

(2) The proposed location and width of streets, alleys, lots, building and set back lines and easements.

(3) Existing sanitary and storm sewers, water drains, culverts, and other underground structures within the tract or on streets immediately abutting thereto; the location and size of the nearest water main and sewer outlet.

(4) The title under which the proposed subdivision is to be recorded and the name of the engineer, the registered land surveyor, and the subdivider of the plat.

(5) Contours referred to the city datum with 2 feet or less.

(6) The north point, scale and date.

(7) Plans or written and signed statements setting out the grads or profiles of the streets, the proposed grades and facilities for all required improvements and the subdividers proposal to the city for accomplishing their installation in accordance with § 153.150.

(D) *Approval or preliminary plan.*

(1) If, upon hearing, the Commission shall find such proposed plan to satisfy the requirements of this subchapter, it shall approved the plan and recommend final approval by the Council upon complying with the requirements of § 153.150 and submitting a final plan in accordance with § 153.151.

(2) If, upon hearing, the Commission shall find that such proposed plan does not satisfy the requirements of this subchapter, it shall specify in writing in the minutes of the hearing such objections as are found to such plan and may recommend the disapproval of such proposed plan, or recommend approval conditioned upon specific changes in the proposed plan, removing such objections and further compliance with § 153.150 and § 153.151.

(3) One copy of the proposed plan, together with a copy of the findings of the Commission upon hearing, shall be filed by the Commission with the City Clerk and by the City Clerk submitted to Council as provided in § 153.147(B). One copy of the proposed plan and findings shall be retained by the Commission and 1 copy and findings shall be given the person offering the proposed plan, together with certificate of approval or disapproval of the Commission, City Engineer and Council.
(Ord. A-590, passed 9-15-1958)

§ 153.150 MINIMUM IMPROVEMENTS.

(A) *Authority to proceed with final plat.* Receipt by the subdivider of the copy of the preliminary plan together with the approval of the Commission, City Engineer and Council, shall constitute authority for the subdivider to proceed with the final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any required improvements the subdivider shall submit such final plans and specifications to the City Engineer. If the City Engineer shall find such plans and specifications to be in accordance with applicable policies and standards of the city, he or shall authorize construction and determine the amount of bond, if required. Following the approval of the City Engineer, construction may be started, the bond filed, and or an assessment provided.

(B) *Requirements for approval of final plat.* No final or official plat of any subdivision shall be approved unless:

(1) The subdivider agrees with the city that the city under the Local Improvement Act may construct improvements listed hereafter and assess the cost thereof against the property benefitted.

(2) The improvements listed hereafter have been installed prior to such approval, or

(3) The subdivider shall have filed with the Council a surety bond to insure the construction of the improvements listed in this section in a satisfactory manner and within the period specified by the Council, such period not to exceed 2 years. No such bond shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer, and in form with surety and conditions approved by the City Attorney.

(C) *Installation of part of improvements*. The owner of a tract may prepare and secure approval of preliminary subdivision plan of an entire area and may install the required improvements only in a portion of such area, but the improvements must be installed or provision for their installation in any portion of the area for which a final plat is approved for recording; provided, however, that water mains, storm sewers, trunk sewers and any sewage treatment plants shall be designed and built to serve the entire area planned by the subdivider or designed and built in such manner that they can easily be expanded or intended to serve the entire area; and provided further that the requirements of division (H) have been met.

(D) *Survey monuments*. All subdivision boundary corners and the centers of all street intersections shall be marked with permanent survey monuments. All points of tangency and points of curvature of all curves shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with brass rod center at least 8 inches long with a minimum dimension of 4 inches extending below the frost line. Should conditions prohibit the placing of monuments on the line, off-set markings will be permitted, provided, however, the exact off-set courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners.

(E) *Street improvements*. All street and public ways shall be graded the their full width, including side slopes, and to the appropriate grad and shall be surfaced in accordance with applicable standard specifications of the city. Such construction shall be subject to inspection and approval by the City Engineer.

(F) *Sidewalks*. Concrete sidewalks shall be constructed along at least 1 side of every street shown on the plat in accordance with applicable standard specifications of the city, except that concrete sidewalks shall be constructed along both sides of all major streets; and provided, however, that where the property is platted in lots having an area of at least 20,000 square feet and a width of at least 100 feet, the Council may waive those requirements. Location of all sidewalks shall be shown on final plats.

(G) *Water lines*. Where a pubic water supply approved by the city is reasonably accessible, each lot within the subdivision area shall be provided with a connection to such water supply, the water to terminate not less than 2 feet inside of curb line or easement line. Fire hydrants shall also be installed in all subdivisions, with a maximum spacing of 600 feet. In proposed subdivisions outside the city limits, pending availability of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The information furnished and approval of the same shall comply with the requirements of the State Health Department. The water supply system shall be constructed under the direction and control of, and all construction shall be subject to the approval of, the City Engineer.

(H) *Sanitary systems*.

(1) In all areas where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection to the sanitary sewer, said sewer connection to terminate not less than 2 feet inside curb line or easement line. All connections to a city sewer system and the subdivision sewer system shall comply with the ordinances of the city pertaining to sewers and all construction shall be subject to the approval of the City Engineer of the municipality involved.

(2) In proposed subdivisions beyond the city limits in which the lots are less than 1 acre in area, where a public sanitary sewer is not reasonably

accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision to install sewers in conformity with such plan. In such cases, until a connection can be made with the public sewer system, the use of a sewage treatment plant will be permitted, provided such disposal facilities are constructed in accordance with the ordinances of the city pertaining to sanitary sewage disposal.

(3) In proposed subdivisions in which the lots are less than 1 acre in area where sewers are not accessible and no plans for sewers have been prepared, the subdivider may be required to install sewer lines and a disposal system in accordance with the requirements of division (H)(2), or if the subdivision has been platted in to lots having a minimum width of 100 feet and an average area of 20,000 square feet or more, he or she may install individual disposal devices for each lot at the time improvements are erected thereon. However, if the subdivider shall decide to provide individual aeration septic systems on each individual lot, then the subdivision may be platted in to lots having a minimum width of 100 feet and an average area of 15,000 or more. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the State Health Department and under the direction and control of and approval of the City Plumbing Inspector.
(Am. Ord. 944, passed 8-21-1978)

(I) *Drainage*. The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural water-course and shall prevent the collection of water in any low spot. A storm sewer system, approved by the City Engineer shall be provided.
(Ord. A-590, passed 9-15-1958)

§ 153.151 FINAL PLAT.

(A) *Final plat, submit to Council.*

(1) The final plat shall consist of an accurate map or plat designating specifically the land so laid out and particularly describing the lots, blocks, streets avenues, alleys, public ways or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto.

(2) The final plat on tracing cloth and 5 prints thereof together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the Commission. The final plat shall be drawn to a scale not more than 100 feet to the inch from an accurate survey and on 1 or more sheets whose maximum dimensions shall not exceed 24 inches by 36 inches. If more than 2 sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on 1 sheet and the component areas shown on other sheets.

(3) When the final plat conforms to the approved preliminary plan and the requirements of § 153.150 and other requirements have been accomplished, certification of this effect endorsed on the final plat by the Chairperson of the Commission and the final plat submitted to the Council for its approval or disapproval. Where the plat does not conform to the approved preliminary plan, the Commission shall submit its recommendations to the Council for approval or disapproval on the final plat. The Council shall not disapprove any plat which is basically in accord with the pre-approved preliminary plan for the same subdivision.

(B) *Information required.* The final plat and accompanying documents shall show:

(1) The boundary lines of the area being subdivided with accurate distances and angles. The corresponding legal description of the property being subdivided shall be shown on the plat, or an the accompanying certificate.

(2) The lines of all proposed streets and alleys and their widths.

(3) The accurate outline of any portions of the property intended to be dedicated or granted of public use.

(4) The line of departure of 1 street from another.

(5) The lines of all adjoining property an the adjoining streets with their widths and names.

(6) All lots shall be designated by numbers or letters and streets, avenues and other grounds by letters or numbers.

(7) The location of all easements provided for public use, services or utilities.

(8) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivisions, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be give to the nearest 1/100 of a foot.

(9) The radii, arcs or chords, points of tangency and center angles for a curvilinear streets and radii and rounded corners.

(10) The location of all survey monuments and their descriptions.

(11) The name of the subdivision and the scale of the plat, points of the compass, the name of the owner, owners or subdividers.

(12) The certificate of a registered Illinois Land Surveyor attesting the accuracy of the survey and the correct location of all monuments shown.

(13) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

(14) Calculations showing the error of linear closure which error shall in no case be greater than 1 in 5,000.

(15) Acknowledgement of the owner or owners to the plat, and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.

(16) Certificate of approval by the Council for endorsement by the City Clerk.

(C) *Acknowledgments*. Such plat and any accompanying documents shall be signed and acknowledged by the owner or owners of the land subdivided in the same manner and form as the acknowledgement of a deed conveying real estate, before some officer authorized to take the acknowledgement of deeds and shall contain a dedication of the streets, alleys and public grounds therein to th use and benefit of the public.

(D) *Surveyor's certificate*. The plat shall have appended thereto a survey mad by a Registered Illinois Land Surveyor, with a certificate attached certifying that he or she has accurately surveyed such subdivision and attested to the accuracy of the survey and the correct location of all monuments shown, and that the lots, blocks, streets, avenues, alleys, public ways and grounds, and other grounds are well and accurately staked off and marked.

(E) *Approved plat filed with Recorder of Deeds*. When such map or plat is so prepared, acknowledged and certified, and has been approved by the Council, the same shall be filed and recorded in the office the Recorder of Deeds, LaSalle County, Illinois, and thereupon such plat shall be equivalent to and operate as a deed in fee simple to the city from the owner of all streets, avenues, alleys, public ways and grounds and of such portions of lands as therein are set apart for public and city use.
(Ord. A-590, passed 9-15-1958)

§ 153.152 EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict

application of the requirements contained in this subchapter would result in real difficulties or substantial hardship or injustice, the Council, after report by the Commission, may vary or modify such requirements so that the subdivider may develop his or her property in a reasonable manner, but so that at the same time, the public welfare and interests of the city and surrounding area are protected an the general intent and spirit of this subchapter is preserved.
(Ord. A-590, passed 9-15-1958)

PLANNED UNIT DEVELOPMENTS

§ 153.160 PURPOSE.

Planned developments are intended to allow greater design flexibility than is permitted by the standard district regulations. A planned development can best adapt to the topography and other natural characteristics of a given site and result in a more economical and stable development. It is intended that these regulations will encourage and facilitate development which is consistent with the spirit and intent of this subchapter, be in conformity with the general character of the city and have a beneficial effect upon the health, safety, general welfare and stability of the city and its immediate environs than would develop under strict conformity with district regulations. Under certain conditions the permitted uses in district may be increased. Planned developments are of such substantially different character from other conditional uses that the following standards are established to guard against use of the planned development technique solely as a means of intensifying the use of land, and to provide flexibility that will stimulate sound and imaginative design.
(Ord. 1959, passed 5-22-2006)

§ 153.161 PREAMBLE.

In addition to the general purpose of this subchapter, the purpose of these provisions is to establish standards and procedures for planned unit developments and is included in the Zoning and Subdivision Codes in order to achieve the following purposes:

(A) Encourage more creative design and development of land.

(B) Promote variety in the physical development pattern of the city.

(C) Provide flexibility in the development of land and in the design of structures located on the land, and permit planned diversification in the location of such structures that might not otherwise be achieved due to the strict applications of the Zoning Code.

(D) Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.

(E) Provide for functional, aesthetic and beneficial uses of open areas. Preservation of natural features of the city. Preserving natural vegetation areas, topography and geologic features by using a creative and efficient use of land.

(F) Provide means for greater creativity and flexibility in environmental design than is provided under strict application of the requirements of other zoning districts, while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the city and its residents.

(G) Allow flexibility in development of land as necessary to meet changes in technology and demand what will be in the best interest of and consistent with the general intent of the comprehensive guide plan of the city.

(H) Provide for the more efficient allocation and maintenance by private initiative of useable open space to all residential and commercial areas and to allow the most efficient use of public facilities and land in keeping with the best interests of the city.

(I) To provide and allow for the development of property as condominiums amongst other types of appropriate development.
(Ord. 1959, passed 5-22-2006)

§ 153.162 DEVELOPMENT PLAN AND SPECIFICATIONS.

The design features and standards of development within each planned unit development shall, in addition to the regulations set forth within this subchapter, conform to a development plan, including details and specifications as may be required, which is reviewed by the Planning Commission with a recommendation to the Council and approved by the City Council. It is contemplated that planned unit developments will include modifications from otherwise existing zoning and subdivision requirements, and it is contemplated that in connection with the concept of planned unit developments, planned unit developments may be approved notwithstanding that the development would not otherwise be in conformance with the Zoning and/or Subdivision Code but for the developments approval as a planned unit development consistent with the terms and provisions set forth herein. The development plan shall include, as a minimum, the following:

(A) A written statement justifying the need for a planned development.

(B) *An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.

(C) *The pattern of public and private roads, driveways and parking facilities, and intended design standards. A traffic impact study may be required.

(D) *The size, arrangement and location of lots or of proposed building groups.

(E) Location, type and size of proposed landscaping.

(F) *The use, type, size and location of structures.

(G) The location of sewer and water facilities, and an analysis of the impact of the development upon the capacities of adjoining systems and upon treatment and supply facilities.

(H) The location of recreational and open space areas and areas reserved or dedicated for outdoor public uses such as school, park, etc., and open space to be owned and maintained by a property owner's association.

(I) Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes. Computations relating to storm water runoff and detention and retention are required and shall be submitted to the City Engineer.

(J) *Statistical date on total size of project area, area of useable open space, density computations and proposed number of residential units by type and other similar data pertinent to a comprehensive evaluation of the proposed development. Such data will also present the allowable density on the property under its existing underlying zone classification.
(Ord. 1959, passed 5-22-2006)

§ 153.163 PROCEDURE THROUGH PRESENTATION OF PRELIMINARY PLAN.

Pre-petition conference. Prior to official submittal of a petition for consideration of the planned development district, the petitioner shall meet with the city, including, but not limited to, the City Engineer and Building Inspector for a preliminary discussion as to the scope and nature of the proposed development.

(A) Following the preliminary consultation with the city staff, petition may be made to the City Council by the owner, or his agent, for the approval of a specific project plan under the provisions of these regulations, and for the application to the project area of the planned unit development.

(B) A copy of such application shall upon initial presentation by the City Clerk to the City Council be referred to the Planning Commission with a request to hold a public hearing. Such public hearing shall be held upon public notice and consistent with the other requirements of the Illinois Compiled Statutes.

(C) Upon filing such an application, the petitioner shall submit sufficient copies as determined by the City Engineer of those items specified in § 153.162, which are designated with an asterisk.

(D) Following review of these preliminary materials, the Planning Commission may suggest modifications to the plans prior to the public hearing and prior to requiring the submittal of the balance of the supporting documents specified in § 153.162.

(E) Following preliminary meetings with the petitioner and publication as required hereunder and pursuant to law, the Planning Commission shall hold the required public hearing. Within 45 days following the conclusion of the public hearing, which may be extended and recessed and take place on more than 1 occasion prior to being finally concluded, the Planning Commission shall forward their recommendations to the City Council.

(F) The City Council, upon report of the Planning Commission, and without the necessity of further public hearing, may, at a public meeting, grant or reject an amendment and petition for approval of a preliminary plan for a planned unit development district, or it may refer the matter back to the Planning Commission for further consideration consistent with such recommendations and/or other comments as the City Council within its discretion deems appropriate in the circumstances. Additionally, the City Council as a part and condition of its approval of any preliminary plan regarding any planned unit development may within its discretion require the developer to provide assurances to the city to guarantee the implementation of the development according to the terms and conditions established as a part of the development plan and/or may require the developer to enter into a contract with the city regarding guaranteeing and providing for the implementation of the development plan; the assurances and/or contract provisions may include within the discretion of the Council but need not be limited to covering the following aspects of the planned development: use, standards and design of the project in confirmation with submitted documents; the timing and phasing of the project, it being contemplated that planned unit developments may be allowed to proceed in phases; the method guaranteeing the preservation of open space; the method and procedure for payment of annexation, utility and other city fees; the completion of required infrastructure improvements as contemplated by the proposed plan; bond requirements, if any, may within the discretion of the Council be imposed regarding providing assurance as to the completion of the plan; and conditions under which the plan, and if there is an agreement in reference to implementation of the plan, the contract may be terminated in the event of non-performance.

(G) In the case of a written protest against any petition for approval of preliminary plan of planned unit development petition and amendment is made by the required number of persons as indicated within the Illinois Consolidated Statutes, ILCS Ch. 65, Act 5, § 11-13-14 in reference to objections by owners of frontage property, specifically including written protests signed and acknowledged by owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or by owners of 20% of the frontage directly opposite the frontage to be altered, is filed with the City Clerk and is otherwise in compliance with the provisions of the Illinois Consolidated Statutes in reference to such protests, the amendment shall not be passed except on the favorable vote of 2/3 of all members of all Aldermen then holding office.

(H) Failure to comply with the conditions and regulations as herein established and as specifically made applicable pursuant to any approval of a preliminary plan in regard to a planned unit development, shall be cause for termination of the approval of said planned unit development. At least 15 days notice shall be given to the developer to appear before the Planning Commission at a hearing of the Planning Commission which shall also be published in reference to notice at least 15 days in advance of said meeting to answer any charge of non-compliance. In

the event the Planning Commission should find the charges substantiated, the Planning Commission may recommend such termination of the project approval by the City Council if the situation is not satisfactorily cured within a reasonable period set forth by the Planning Commission.
(Ord. 1959, passed 5-22-2006)

§ 153.164 SUBSEQUENT CHANGES TO PRELIMINARY PLAN.

Any subsequent change or addition to an approved preliminary plan of a planned unit development shall first be submitted for review by the Planning Commission. A public hearing shall be held by the Planning Commission on appropriate notice. Following the public hearing, the Planning Commission shall make and forward recommendations to the City Council, and thereafter the City Council shall approve, approve conditionally or disapprove the proposed changes and/or may refer the matter back to the Planning Commission for further consideration pursuant to appropriate recommendations and comments as the City Council may, within its discretion, make in the circumstances.
(Ord. 1959, passed 5-22-2006)

§ 153.165 REQUIREMENTS FOR APPROVAL OF FINAL PLAN OF PLANNED UNIT DEVELOPMENT.

(A) No final or official plan of any planned unit development shall be approved unless the following provisions are complied with: that the improvements provided for in reference to the preliminary plan and the approval thereof, have been installed prior to request for approval of the final plan of planned unit development; or that the developer shall have filed with the City Council a bond with surety deemed sufficient by the City Council, within the discretion of the City Council, to ensure the construction of the improvements listed in this section in a satisfactory manner and within the period specified by this Council, or in the event the Council should not specify a specific period, for a period not to exceed 2 years. No such bond shall be accepted unless it is enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by the City Attorney, the subdivider by having requested and secured approval of any preliminary plan of planned unit development shall by acceptance of the benefits of said approval be deemed to have agreed with the city that the city under the Local Improvement Act may construct improvements not appropriately and timely completed by the developer and assess the cost thereof against the developer and the premises benefited.

(B) The final plan of planned unit development and accompanying documents shall also show all requirements as indicated in reference to final plats of subdivisions as set forth within Ordinance Number A-590 with the exception of any items therein that as indicated within the preliminary plan approval would not be required of the planned unit development under consideration.

(C) In the event that the proposed final plan of the planned unit development conforms to the approved preliminary plan of planned unit development, and the other provisions regarding presentation and request for approval of such final plan as provided herein have been accomplished, certification to this effect shall be endorsed on the final plan by the chairman of the Planning Commission and the final plan for approval of planned unit development submitted to the City Council for its approval or disapproval. Where the final plan of planned unit development does not conform substantially to the approved preliminary plan, the proposed final plan of planned unit development shall be resubmitted to the Planning Commission for its recommendation as to the City Council for approval or disapproval of the final plan of planned unit development. The Council shall thereafter consider the recommendations of the Planning Commission and approve the plan, disapprove the plan, or refer the plan back to the Planning Commission with appropriate recommendations and/or comments as the Council within its discretion may deem appropriate in the circumstances. The City Council shall not disapprove any proposed final plan of planned unit development which is basically in accord with the

previously approved preliminary plan for the same development.
(Ord. 1959, passed 5-22-2006)

§ 153.166 CITY COUNCIL VOTE.

The approval of a preliminary plan of proposed planned unit development shall require a 2/3 favorable vote of the City Council.
(Ord. 1959, passed 5-22-2006)

§ 153.167 EXCEPTIONS AND WAIVERS; MODIFICATION OF REQUIREMENTS.

Whenever the premises involved in the plan unit development are of such unusual size or shape or are surrounded by such development or unusual conditions that the strict application of the requirements contained in this subchapter would result in real difficulties or substantial hardship or injustice, the Council, after report by the Planning Commission, may vary or modify such requirement so that the developer may develop the premises in a reasonable manner but so that at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of this subchapter preserved.
(Ord. 1959, passed 5-22-2006)

§ 153.168 ENFORCEMENT.

This subchapter may be enforced by the city pursuant to any remedies provided herein, further pursuant to injunctive relief as provided within the city Zoning Code. Additionally, any person or entity who violates, disobeys, omits, neglects or refused to comply with or who resists enforcement of any of the provisions of this subchapter, shall upon being found guilty, pay a fine not less than $60 nor more than $500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. This subchapter may be enforced as against developers, owners of premises involved and/or occupiers of premises involved.
(Ord. 1959, passed 5-22-2006)

MINIMUM AND MAXIMUM SETBACK ZONES

§ 153.180 PURPOSE.

Pursuant to the authority conferred by ILCS Ch. 65, Act 5, § 11-125-4 (2010); ILCS Ch. 415, Act 5, § 14.2, and ILCS Ch. 415, Act 5, § 14.3 (2010); and in the interest of securing the public health, safety and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this subchapter shall apply to all properties located within the minimum setback zone established under § 14.2 of the Environmental Protection Act, ("Act") (ILCS Ch. 415, Act 5, § 14.2 (2010)) and this subchapter, and the maximum setback zone established under § 14.3 of the Act (ILCS Ch. 415, Act 5, § 14.3 (2010)) and this subchapter.
(Ord. 2415, passed 1-29-2013)

§ 153.181 DEFINITIONS.

Except as stated in this subchapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this subchapter shall be the same as those used in the Act and the Illinois Groundwater Protection Act (ILCS Ch. 415, Act 55, § 1 (2010).

ACT. The Environmental Protection Act (ILCS Ch. 415, Act 5, § 1 (2010).

AGENCY. The Illinois Environmental Protection Agency.

BOARD. The Illinois Pollution Control Board.

MAXIMUM SETBACK ZONE. The area around a community water supply well established under ILCS Ch. 415, Act 5, § 14.3 and this subchapter, and described in Appendix A.

MINIMUM SETBACK ZONE. the area around a community water supply well established under ILCS Ch. 415, Act 5, § 14.2 and this subchapter, and described in Appendix A, attached to the ordinance codified herein.
(Ord. 2415, passed 1-29-2013)

§ 153.182 PROHIBITIONS.

(A) Except as provided in § 153.183 or § 153.184, no person shall place a new potential primary source, new potential secondary source or new potential route within the minimum setback zone.

(B) Except as provided otherwise in § 153.183, no person shall place a new potential primary source within the 1,000 foot maximum setback zone, as more fully described in Appendix A, attached to the ordinance codified herein.

(C) Except as provided in § 153.183, no person shall place a new potential route within the 2,500 foot maximum setback zone, as more fully described in Appendix A, attached to the ordinance codified herein.
(Ord. 2415, passed 1-29-2013) (Penalty, see § 153.999)

§ 153.183 EXCEPTIONS TO CERTIFICATIONS OF MINIMAL HAZARD.

(A) If, pursuant to ILCS Ch. 415, Act 5, § 14.2(a), the owner of a new potential primary source, new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from § 153.182(A).

(B) If, pursuant to ILCS Ch. 415, Act 5, § 14.2(c), the owner of a new potential primary source (other than land filling or land treating), new potential secondary source, or new potential route is granted and exception by the Board, such owner shall be deemed to have an exception to the same extent from § 153.182(A).

(C) If, pursuant to ILCS Ch. 415, Act 5, § 14.2(c), the owner of a new potential primary source (other than land filling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from § 153.182(B).

(D) If, pursuant to ILCS Ch. 415, Act 5, § 14.5, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to § 153.182(A) to the same extent that such owner is not subject to ILCS Ch. 415, Act 5, § 14.2(d).
(Ord. 2415, passed 1-29-2013)

§ 153.184 EXCLUSION.

Section 153.182(A) shall not apply to new common sources of sanitary pollution as specified pursuant to ILCS Ch. 415, Act 5, § 17 and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.
(Ord. 2415, passed 1-29-2013)

§ 153.999 PENALTY.

(A) *Generally*. Whoever violates any provision of this chapter for which another penalty is not specifically provided, shall be fined not more than $750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

(B) *Injunctive relief.*

(1) In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of §§ 153.001 through 153.127, the city or any owner or tenant of real

property in the same contiguous zoning district as the building or structure in question, in addition to the other remedies, may institute an appropriate action or proceeding:

(a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use.

(b) To prevent the occupancy of the building or structure or land.

(c) To prevent any illegal act, conduct, business or use in or about the premises, or

(d) To restrain, correct or abate the violation.

(2) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the time thee the suit is begun, by serving a copy of the complaint on the chief executive officer of the municipality, no such action may be maintained until such notice has been given.

(3) In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms as under such conditions as will do justice and enforce the purposes of §§ 153.001 through 153.127.

(C) (1) Any person upon whom a duty is placed by the provisions of this § 153.145 *et seq*. who fails, or neglects or refuses to perform such duty or who shall violate any of the provisions of this § 153.145 *et seq*. shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed $100, and shall stand committed to jail until such fine and costs of prosecution are paid.

(2) Each day that a violation of this § 153.145 *et seq*. continues shall be constitute a separate and distinct offense and shall be punishable as such.

(D) The penalty for a violation of §§ 153.180 through 153.184 shall upon conviction be fined not less than $60, nor more than $750 for each and every offense and for each day that a violation of §§ 153.180 through 153.184 exists shall constitute a new and independent violation of those sections. Additionally, in addition to other remedies available to the city, the city shall also be entitled to pursue injunctive relief in that a violation of §§ 153.180 through 153.184 is also deemed to be a nuisance potentially endangering the public health, safety and welfare of the City of LaSalle and the public in general.
(Ord. A-590, passed 9-15-1958; Am. Ord. 2415, passed 1-29-2013)

CHAPTER 154: VACANT BUILDINGS

Section

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§ 154.01 FINDINGS.

(A) The City of LaSalle through its City Council has the authority to adopt ordinances and to promote rules and regulations that pertain to its government and affairs, and protect public health, safety and welfare of its citizens; and

(B) The City of LaSalle additionally has police power and the powers of a home rule municipality within the State of Illinois; and

(C) Pursuant to law including but not limited to ILCS Ch. 65, Act 5, § 11-60-2, the City of LaSalle has the authority to define, prevent and abate nuisances; and

(D) Vacant buildings have caused significant problems for the city including but not limited to flooding caused by frozen pipes during cold weather, posing property maintenance issues, and those buildings not properly maintained presenting code violations, and/or becoming dilapidated and unsafe; and

(E) It is an intent of this chapter to protect the public health, safety, and welfare by establishing a registration process for vacant buildings, and is also in furtherance of preventing and/or abating public nuisance, to prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby property, and to further have owners of vacant buildings abide by other appropriate responsibilities pursuant to regulation as provided herein; and

(F) It is the intent that this chapter should be liberally construed in order to justly carry out and effectuate the intent and purposes of this chapter; and

(G) The City Council of the City of LaSalle has determined that it is in the best interests of the City of LaSalle and its citizens and further an appropriate exercise of the City of LaSalle's municipal powers, including, but not being limited to, those set forth above in reference to the police power, home rule power, power to promote and protect the public health, safety and welfare, and the power to define, prevent and abate nuisances that this chapter establishing further regulations of vacant buildings be enacted.
(Ord. 2246, passed 10-4-2010)

§ 154.02 ABROGATION AND GREATER RESTRICTIONS.

This chapter shall not be construed to prevent the enforcement of other laws, codes, ordinances and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply; additionally all remedies provided to the city herein shall be in addition to and not to the exclusion of any and all other remedies allowable at law and/or in equity.
(Ord. 2246, passed 10-4-2010)

§ 154.03 DEFINITIONS.

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

BUILDING. A structure built for the support, shelter, occupancy, or enclosure of a person, a person's animals, chattels, or moveable property of any kind and which is permanently affixed to the ground.

BUILDING INSPECTOR. The appointed ***BUILDING INSPECTOR*** of the City of LaSalle; or if there is at any time no individual occupying and holding the position of ***BUILDING INSPECTOR***, then until such time as the position of ***BUILDING INSPECTOR*** shall be filled, the Superintendent of Public Works shall be the ***BUILDING INSPECTOR***.

EXTERIOR PROPERTY AREAS. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

MAINTENANCE. Acts of repair and other acts to maintain the premises in conformity with all codes of the City of LaSalle and/or to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and all other applicable statutes, codes and ordinances of the City of LaSalle including but not limited to those codes set forth within Chapters 150 (Building Regulations), 151 (Floodplain Damage Prevention), 152 (Residential Rental Property), 153 (Zoning) and 91 (Nuisances) of this code.

OCCUPANT. Any person (including domestic service employees) living and/or sleeping in a building and/or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, the executor or administrator of the estate of such person if ordered to take possession of real property by a court and/or otherwise pursuant to law, and any mortgagee of the premises in possession and/or control of the premises.

PERSON. An individual, corporation, partnership, co-partnership or limited liability company, as well as an individual.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC NUISANCES. Include the following:

(1) The physical condition, or use of any premises regarded as a public nuisance at common law, under the Illinois Compiled Statues, or under the City of LaSalle Code of Ordinances, including in that regard, but not limited to, Chapter 91 of the City of LaSalle Code of Ordinances regarding nuisances and the other provisions contained within Chapter 150 of the building regulations chapter of the City of LaSalle Code of Ordinances; or

(2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

(3) Any building which has unsanitary sewage or plumbing facilities; or

(4) Any building designated by the Building Inspector as unsafe for human habitation or use; or

(5) Any building which constitutes a fire hazard, or is unsafe or insecure to a degree that endangers life, limb or property; or

(6) Any premises which is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or

(7) Any building that is: dangerous; in a state of dilapidation; deterioration or decay.

RUBBISH. Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and/or other similar materials.

VACANT.

(1) ***VACANT BUILDING*** means any building, which is:

(a) Unoccupied and unsecured; or

(b) Unoccupied and secured by boarding or other similar means; or

(c) Unoccupied and a dangerous structure; or

(d) Unoccupied and condemned by the Building Inspector pursuant to applicable law; or

(e) Unoccupied and has 4 or more municipal code violations; or

(f) Unoccupied and the building or its premises has been the site of unlawful activity within the previous 6 months; or

(g) Condemned by the Building Inspector and unlawfully occupied; or

(h) Unoccupied for over 90 days and during which time the Building Inspector has issued a notice to correct 4 or more code violations, including, but not being limited to alleged violations of Chapter 150 of the City of LaSalle Code of Ordinances (Building Regulations) and/or violations of city ordinances regarding nuisances, including, but not limited to, Chapter 91; or

(i) Unoccupied for more than 6 consecutive months;

(j) Metered for city water, but concerning which the city water has been shut off for more than 90 days.

(2) ***VACANT BUILDINGS*** shall not include unoccupied buildings which are undergoing construction, renovation or rehabilitation and which are in compliance with all applicable city ordinances, codes and regulations and for which construction, renovation or rehabilitation is proceeding diligently to completion.
(Ord. 2246, passed 10-4-2010)

§ 154.04 DECLARATION OF VACANT BUILDINGS.

(A) *Evaluation*. The Building Inspector may evaluate buildings in the city as to whether a building meets the definition of a vacant building and based on vacancy factors, make a declaration of a vacant building. The declaration shall be in writing and shall state the factual basis. Additionally, in the event any public nuisance as defined herein exists in connection with the building or premises, then the Building Inspector may additionally specify in the notice the existence of such nuisance(s).

(B) *Notice*. Within 7 days of making a declaration, the Building Inspector shall send notice of the declaration with the factual findings to the owner. The notice of declaration shall be sent by certified mail, return receipt requested, or by personal substitute service, and posted on a conspicuous location on the building. Proof of mailing shall be *prima facie* evidence of receipt of the notice. The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the vacant building registration application, and a notice of the owner's right to appeal the Building Inspector's decision.

(C) An owner of a building determined by the Building Inspector to be a vacant building as provided

for in this section may appeal the declaration to the Zoning Board of Appeals. Such appeal shall be in writing and shall be filed with the City Clerk within 21 days of the date of mailing of the notice of declaration. The filing of an appeal stays the owner's obligation to register the building. The appeal shall contain a complete statement of the reasons the owner disputes the declaration, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The City Clerk shall set the matter for hearing before the Zoning Board of Appeals and provide at least 15 days' written notice to the owner of the date of the hearing.

(D) *Grounds for appeal*. An appeal of the declaration of vacant building shall be based solely on whether the building is deemed to be a vacant building.

(E) *Decision*. The Zoning Board of Appeals shall decide the appeal after a hearing. The City Clerk shall send written notice of the decision to the owner within 15 days after the hearing.
(Ord. 2246, passed 10-4-2010)

§ 154.05 OBLIGATION TO REGISTER VACANT BUILDINGS.

(A) Except as provided in division (B) below, whenever any building in the city is vacant as defined within this chapter or declared vacant by the Building Inspector of the City of LaSalle as provided within this chapter, then the owner of such building shall, within 10 days of the occurrence of the first of the aforementioned events to occur, register such building as a vacant building and submit a vacant building plan; also provided that no registration shall be required prior to November 1, 2010.

(B) The Building Inspector shall have the discretion to determine that a building which meets any of the criteria set forth in the definition of vacant building as provided herein is not to be regulated under this chapter for a stated period if upon consideration of reliable, substantiated and sufficient evidence, the Building Inspector determines that the circumstances, which give rise to the building being eligible for regulation hereunder are clearly temporary in nature and are either in the process of being addressed or will soon be addressed by the owner and that therefore regulation of the building under this chapter would not serve the public health, welfare and safety and makes written findings in support of the Building Inspector's decision. The determination shall be in writing and shall state the factual basis for the determination. Notice of the determination shall be provided in writing by the Building Inspector to the person designated by the County of LaSalle as receiving the real estate tax bill regarding the premises.
(Ord. 2246, passed 10-4-2010)

§ 154.06 APPLICATION FOR VACANT BUILDING REGISTRATION.

The owner of a vacant building as defined herein in registering the vacant building as provided herein shall supply the following information in writing, with the applicable registration fee:

(A) The name, address and telephone number of the owner.

(B) The name, address and telephone number of any local agent or representative.

(C) The name, address and telephone number of all persons with any legal and/or equitable interest in the property, building and premises.

(D) An emergency contact name and telephone number.

(E) The legal description and property identification number (PIN) of the premises on which the building is situated.

(F) The common address of the building.

(G) The type and location of any toxic, flammable or hazardous materials stored or used at the location, if any.
(Ord. 2246, passed 10-4-2010)

§ 154.07 REGISTRATION FEE.

(A) The fee to register a vacant building shall be $96 per year based upon a fiscal year commencing May 1 of each year and terminating on April 30 of each year payable in advance to the city at the time of submittal of a completed application for registration of a vacant building but for all registrations commenced at any time to be pro-rated of $8 per month for the number of months or parts of months between the date of initial registration and May 1. A partial month have the same registration fee as a full month for purposes of the pro-ration.

(B) An owner shall be required to annually re-register the vacant building on or before May 1 of each year as long as the building remains vacant as defined herein and shall pay the renewal registration fee of $96. A reminder letter may be sent by the Building Inspector, through the Office of the Comptroller, prior to the expiration date regarding the requirement to re-register the vacant building and payment of the renewal registration fee. However, the failure to receive an expiration notification is not a defense for the failure to re-register the vacant building.

(C) Additionally, the registration of a vacant building is not intended to and shall not preclude action by the City of LaSalle in reference to pursuit of all remedies as may be available at law and/or in equity in reference to enforcement of all city codes, ordinances and state law.

(D) Additionally, in the event that a vacant building registration fee shall be paid for a particular premises and in the further event that the same premises shall then become occupied as a premises to which the City of LaSalle Rental Ordinance Number 2206 would apply, then in that event, any portion of that which would otherwise have been paid prospective vacant building registration fee for that premises for that fiscal year shall be allowed to be applied pro rata as a credit towards the fee that would otherwise be due and payable under the Rental Licensing Ordinance Number 2206. (For example, in the event that a building shall be declared vacant and subject to this chapter on July 1 of a respective year thus resulting in a required payment of $80 pursuant to this chapter regarding the regulation of vacant buildings and in the further event that the premises should then be rented in December of the respective year, then in that event, the rental licensing fee that would otherwise then be due for that year through October of the following year shall not be due because the amount of the credit provided hereunder as to the rental license fee would exceed the rental licensing fee that would otherwise be due under Chapter 152 [$30]). This credit shall only be allowed to be applied for any given year to 1 year's rental licensing fee that would otherwise be due.
(Ord. 2246, passed 10-4-2010)

§ 154.08 CHANGES IN REGISTRATION INFORMATION.

An owner shall notify the Building Inspector within 21 days of any change in the registration information by filing an amended registration statement on an application provided by the Building Inspector. A new registration is required for any change in ownership whatsoever. The registration statement shall be deemed *prima facie* proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city in reference to the building and/or the premises on which the building is located.
(Ord. 2246, passed 10-4-2010)

§ 154.09 ADDITIONAL RESPONSIBILITIES OF OWNER.

(A) An owner of any vacant building shall enclose and secure the building and maintain the building in a secure and closed condition until the building is no longer a vacant building as defined herein. A building shall be deemed secured and closed if the building is maintained pursuant to the minimum standards as set forth in the building regulations codes of the City of LaSalle as more particularly set forth both herein and within Chapter 150 of the City of LaSalle Code of Ordinances.

(B) Additionally, the owner of any vacant building shall also:

(1) Keep the premises on which a building is located clean, safe and sanitary, maintained free of weeds, trash, junk, debris, junk cars, and litter.

(2) Keep the property maintained free of graffiti, tagging, or similar markings.

(3) Keep pools and spas in working order so that the water is not stagnant and remains clear and free of pollutants, debris and insects, or drained and kept dry.

(4) Post on the front door of the building in a conspicuous manner an emergency contact name and telephone number for use by the police, paramedics, Fire Department or other emergency responders.
(Ord. 2246, passed 10-4-2010)

§ 154.10 PROMULGATION OF RULES AND REGULATIONS.

The Building Inspector in consultation with the Mayor, Chief of Police and Superintendent of Public Works may jointly issue lawful, usual and customary rules and regulations for the administration of this chapter. These rules may designate materials and methods to assist in the registration process and may additionally designate materials and methods to be used to secure a building.
(Ord. 2246, passed 10-4-2010)

§ 154.99 PENALTY.

(A) The city shall send a notice to the owner by certified mail, return receipt requested, or by personal or substitute service, for the failure to complete a vacant building registration application, register the vacant building, and/or pay the registration fee for a vacant building. Each shall constitute a separate violation. Proof of mailing of the notice shall be *prima facie* evidence of receipt of the notice. The owner shall have 21 days in which to complete a vacant building registration application, register the vacant building and/or pay the registration fee for a vacant building as set forth in the notice; if the violation is not resolved within 21 days, the fine amount shall be the amount of the registration fee due and owing plus not less than $100 and not more than $750 for each violation; additionally, in the event that the city is required to perform a search to ascertain the owner, the owner is responsible to reimburse the city for the costs. Further, an owner who fails to re-register the vacant building and/or pay the renewal registration fee as provided herein shall be subject to the same penalties as set forth above in connection with an owner who originally fails to complete a vacant building registration application, register the vacant building and/or pay the registration fee for a vacant building.

(B) Additionally, any person who violates any other provision of this chapter shall be fined not less than $60 and not more than $750 for each offense, and each day that a violation occurs shall constitute a new and additional offense in violation of this chapter. Further, again, the remedies as provided herein are in addition to all other legal and/or equitable remedies available to the City of LaSalle. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien that the city may have thereon. Each day that a violation of this chapter shall be permitted to continue shall constitute a separate offense in violation.
(Ord. 2246, passed 10-4-2010)

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Ord. No.	*Date Passed*	*Description*
630	4-2-1962	Northwest School
666	12-2-1963	Illinois Power Annexation
670	1-27-1964	Cawley, Patrick Block 14
681	8-11-1964	North 88.4' for the East 115' Lot 28, Bulls Subdivision
683	10-19-1964	Malcolm, Ellerbrock, John
688	11-30-1964	Hygienic
689	11-30-1964	Vogel, William, 1965
691	2-22-1965	Sundstrand, 1965
691	- -	Schwamberger, Leo, Lot 26 Bull's Subdivision
695	11-1-1965	Lots 9, 11 and 12, Bull's Subdivision
703	3-14-1966	2405 St. Vincent Avenue, Larry Uranich
704	4-4-1966	Cawley, Patrick O'Connor & Tonti Streets
707	5-2-1966	Hollerich, Lois & Paul Northtown Subdivision
708A	6-14-1966	Mertel, Joseph and Anthony, 1966
709A	6-27-1966	2709 St. Vincent Avenue, (Nico)
742	10-30-1964	Normandy Park, 2928 Chartres Street, Hygienic

Ord. No.	*Date Passed*	*Description*
745	2-19-1968	Vogel's Second Subdivision
748	4-15-1968	Hurley, J.P. Hollerich First Addition
759	8-5-1968	1345 Chartres Street, Grace Methodist Church
766	2-3-1969	Electric Utilities 2409 St. Vincent Avenue
786	3-16-1970	1445 Chartres Street, Care Inn Nursing Home
797	9-28-1970	2235 Malcolm Avenue, Tostovarsnik
798	11-28-1970	Witek
810	10-11-1971	Muzzarelli, 1820 Chartres Street
822	8-28-1972	Electric Utilities, St. Vincent Avenue
823	8-28-1972	North of Chartres, O'Connor Street
831	9-24-1973	CIVIC Industrial Park
837	11-19-1973	Eide, 2222 Malcolm Avenue
838	12-17-1973	Hocking, 2705 St. Vincent, Trailer Park (Blossom) 2703 St. Vincent
843	6-17-1974	Mertich, 230 24th Street
844	5-20-1974	Romeo, Baker Avenue (Subdivision)
869	8-11-1975	Chartres and Twenty-Fourth Street, Southeast Corner, Baptist Church
890	4-18-1977	Rodda, Part Lots 19 and 20, Bull's Subdivision
891	12-27-1976	Porikos, John and Joyce Twenty-Fourth Street
891A	4-18-1977	2240 Donoghue, Part Lot 20, Bull's Subdivision

Ord. No.	*Date Passed*	*Description*
897	4-4-1977	Wertz, James Edwards & Donahue
899	4-18-1977	Mirtich, 340 Twenty-Fourth Street
900	5-2-1977	Dooley, Roger, 2535 St. Vincent Avenue
901	5-2-1977	Michalak 2148 Donahue Street
902	5-2-1977	Witek, John, 308 Edwards Avenue
903	5-2-1977	Gierat, 175 Edwards Avenue
904	5-2-1977	Orlandini and Yoakum, 101 Edwards Avenue
905	5-6-1977	Kwit, 2320 Donahue
906	5-16-1977	Jordan, 580 Edwards Avenue
907	5-16-1977	Majcin, or Macjen
908A	5-31-1977	Weberski, 254 Garfield Avenue
908B	5-31-1977	Sampo, 295 Edwards Avenue
910	6-27-1977	Mochnik, Joseph N. Creve Coeur (Jenkins)
911	7-25-1977	Janko, John
916	9-19-1977	Maggi, Paul 201 Garfield Avenue
917	8-19-1977	Pakula, North Creve Coeur
919	10-17-1977	Mahnic, Louis St. Vincent Avenue
922	11-28-1977	Bartolt, CIVIC I
928	6-7-1978	Vescogni, Edwards Avenue
947	8-21-1978	Kosceilski Subdivision, Bounded by Garfield, Chartres, Creve Coeur and Edwards

Ord. No.	*Date Passed*	*Description*
953	1-8-1979	O'Connell Property for CIVIC Water Tank
956	3-5-1979	Russman-Roche
974	10-1-1979	2950 Chartres Street, U.S. Post Office, Sale for $1.00
978	11-13-1979	Hollerich Trust Property (Repealed)
983	2-18-1980	East 350th Road, North of Tracks, Kotecki, IV Millwright
985	4-14-1980	East 350th Road, State Police, Bartlett, Olmstead & Lawler
1008	5-11-1981	Roche, East 350th Road
1036	10-11-1982	Annexing Territory
1088	6-17-1985	Yaklich First Subdivision, Final Plat
1229	10-30-1989	Annexing lots 9 and 10 in Bull's Subdivision of the north 50 acres of the west half of the northwest quarter of Section 10, Township 33 north, Range 1 east of the third principal meridian, excepting the coal and other minerals underlying said land
1242	3-19-1990	Annexing certain territory described as 5.08 acres, a part of outlots 1, 2 and 3 in the subdivision of the west 42 acres of the south 60 acres of the northwest quarter of Section 10, Township 33 north, Range 1 east
1348	11-9-1992	Annexing certain territory described as Lot 31, Bull's Subdivision, known as 549 Edwards Avenue
1349	11-9-1992	Annexing certain territory described as 552 Edwards Avenue

Ord. No.	*Date Passed*	*Description*
1376	11-17-1992	Annexing certain territory described as approximately 36.2 acres owned by the Carus Corporation
1377	11-17-1992	Annexing certain territory described as approximately 145.4 acres, 6 tracts of the Illinois Cement Company
1378	11-17-1992	Annexing certain territory described as approximately 47.5 acres of the Oakwood Cemetery Association
1379	11-17-1992	Annexing certain territory described as approximately 3.7 acres of the Robert E. and Marguerite A. Kapke property
1380	11-17-1992	Annexing certain territory described as Patricia Kotecki property, approximately 3.7 acres
1381	11-17-1992	Annexing certain territory described as Ace Auto Salvage, Inc. property, approximately 3.5 acres
1382	11-17-1992	Annexing certain territory described as Robert E. and Marguerite A. Kapke property, approximately 1.0 acre
1383	11-17-1992	Annexing certain territory described as Alex and Helen V. Sever property, approximately 3 acres
1384	11-17-1992	Annexing certain territory described as Paul Maggi and Lena Maggi property, approximately 1.7 acres
1385	11-17-1992	Annexing certain territory described as Patricia Kotecki property, approximately 5.3 acres
1386	11-17-1992	Annexing certain territory described as Robert L. Booker and Janice Booker property, approximately 26.2 acres

Ord. No.	*Date Passed*	*Description*
1387	11-17-1992	Annexing certain territory described as Glen Mudge and Karen M. Mudge property, approximately 5.1 acres
1388	11-17-1992	Annexing certain territory described as Thomas M. and Margery L. Schmitt property, approximately 2.4 acres
1389	11-17-1992	Annexing certain territory described as Shirley Turczyn property, approximately 5.9 acres
1390	11-17-1992	Annexing certain territory described as Shirley Turzcyn and De3nnis Turzcyn property, approximately 11.2 acres
1391	11-17-1992	Annexing certain territory described as Patricia Kotecki property, approximately 5.3 acres
1392	11-17-1992	Annexing certain territory described as Barbara Kotecki property, approximately 3.7 acres
1393	11-17-1992	Annexing certain territory described as Joseph Sever property, approximately 13.8 acres
1394	11-17-1992	Annexing certain territory described as Cole Taylor Bank as trustee, Trust Number 4797, approximately 25.5 acres
1395	11-17-1992	Annexing certain territory described as Robert E. and Marguerite A. Kapke property, approximately .5 acre
1396	11-17-1992	Annexing certain territory described as Senica's Oak Ridge, Inc. property, approximately 799.5 acres
1397	11-17-1992	Annexing certain territory described as Zibert Leasing Company property, approximately 30.0 acres

Ord. No.	*Date Passed*	*Description*
1398	11-17-1992	Annexing certain territory described as Robert R. Barnett and Dolores M. Barnett property, approximately 10.0 acres
1399	11-17-1992	Annexing certain territory described as part of NE 1/4 Section 7, T33N, R2E, Barnett
1404	12-21-1992	Annexing certain territory described as part of Section 23, Township 33 north, Range 1, containing 15.90 acres
1408	1-19-1993	Annexing part of the Southwest Quarter of the Southeast Quarter of Section 6 in Township 33 North, Range 2 East, containing 1.63 acres more or less which includes that southern portion dedicated for public roadway uses
1442	12-20-1993	Annexing Lots 11 and 12, except the west 100.5 feet thereof, and the west 100.66 feet of the East 577.98 feet of Out Lot 1 all in Bull's Subdivision
1445	1-31-1994	Annexing certain territory commonly known as approximately 66.836 acres of Pohar's LaSalle Industrial Park Trust No. 22-04323-7-70 premises
1446	1-31-1994	Annexing The Faith Christian Fellowship of LaSalle, consisting of approximately 20.013 acres
1447	2-28-1994	Annexing certain territory to the city commonly known as the Key Outdoor premises, located at 2968 E. 350th Road, containing 7 acres
1454	5-23-1994	Annexing certain territory commencing at the Southeast corner of the North 20 acres of the Northeast Quarter of the Northwest Quarter of Section 3 in Township 33 North, Range 1 East, containing 0.3013 acres more or less

Ord. No.	*Date Passed*	*Description*
1457	6-6-1994	Annexing certain territory to the city commonly known as approximately 10.08 acres located south of Interstate 80, west of St. Hyacinth Cemetery, north of N. 30th Road for Faith Christian Church
1497	2-13-1995	Annexing 2 tracts of land described as follows: Tract A - Hygienic Farm consisting of approximately 33.1 acres bounded on the east by Malcolm Avenue, on the south by Trovero First Subdivision and on the west by Airport Road Tract B - Approximately 6.4 acres bounded on the east and north by Trovero First Subdivision, on the south by 24th Street and on the west by Airport Road
1498	2-13-1995	Annexing certain territory upon the petition of Peter Sampo for premises commonly known as Lots 13, 14 and part of Lot 15, lying north of Edwards Avenue and west of Donaghue Street
1499	2-13-1995	Annexing certain territory upon petition of Barny and Cilda Cicci for approximately 9.2 acres bounded on the east by Route 351 and lying approximately 826 feet south of the center of Civic Road
1500	2-13-1995	Annexing certain territory upon petition of Kenlay Tobler for approximately 1.7 acres bounded on the north by Garfield Avenue, on the east by Malcolm Avenue, and on the south by Northwest School
1501	2-13-1995	Annexing certain territory upon the petition of Leo Schwamberger for premises commonly known as lot 25 lying approximately 200 feet north of Garfield Avenue on the east side of Donaghue Street

Ord. No.	*Date Passed*	*Description*
1502	2-13-1995	Annexing certain territory upon petition of Joseph and Loretta Yaklich, approximately 0.6 acres bounded on the east by Yaklich First Addition, on the south by Yaklich Second Addition, on the north by Garfield Avenue and on the west by Airport Road
1504	3-27-1995	Annexing certain territory commonly described as the premises of Thelma Herrcke and Luella Rolander, approximately 1.8 acres of land bounded on the south by the abandoned Illinois Central Railroad property, on the north and east by Civic Industrial Park Subdivision and on the west by Chartres Street (Airport Road)
1505	3-27-1995	Annexing certain territory commonly described as the premises of Edward J. Krueger and Darlene M. Krueger, Lot 8 lying along the north side of Baker Avenue approximately 800 feet west of St. Vincent's Avenue
1506	3-27-1995	Annexing certain territory described as the premises of John Mideleton, a tract of land lying at the southwest corner of Malcolm Avenue and 24th Street, the east 100.43 feet of the north 93.4 feet of Lot 27 in Bull's Subdivision
1507	3-27-1995	Annexing certain territory described as the premises of Paul Alford and Mary Ellen Alford, part of Lot 27 lying along the west side of Malcolm Avenue between 23rd and 24th Street, particularly the south 945 feet of Lot 27, all in Bull's Subdivision
1508	3-27-1995	Annexing certain territory described as the premises of Edward J. Fesco, 1 acre of land located at the southeast corner of 23rd Street and Malcolm Avenue

Ord. No.	*Date Passed*	*Description*
1509	3-27-1995	Annexing certain territory described as approximately 10.4 acres of the former Illinois Central Railroad right-of-way extending from St. Vincent's Avenue to the extension of 24th Street
1510	3-27-1995	Annexing certain territory described as approximately 7 acres of the former Illinois Central Railroad right-of-way and bounded on the north by the extension of 24th Street, and on the south by Troy Road
1511	3-27-1995	Annexing certain territory described as 24 acres of land, lying easterly of the former Illinois Central Railroad right-of-way and bounded on the north by the extension of 24th Street, and on the south by the extension of Baker Avenue
1512	3-27-1995	Annexing certain territory described as 0.65 acres of land lying northeasterly of the former Illinois Central Railroad right-of-way and bounded on the north by the extension of Baker Avenue
1513	3-27-1985	Annexing certain territory described as approximately 30 acres, lying northwesterly of the Little Vermillion River
1514	3-27-1985	Annexing certain territory described as 34 acres lying south of 2949th Road
1521	5-8-1995	Annexing certain territory described as the premises of Richard M. Karun and Olivia J. Karun, a 2 acre parcel located at 3001 E. Third Road
1522	5-22-1995	Annexing certain territory described as located at the southwest corner of Edwards Avenue and Malcolm Avenue

Ord. No.	*Date Passed*	*Description*
1523	5-22-1995	Annexing certain territory described as property located at the northeast corner of Edwards Avenue and Malcolm Avenue
1524	5-22-1995	Annexing certain territory described as located on the north side of Baker Avenue between Malcolm Avenue and St. Vincent Avenue
1525	5-22-1995	Annexing certain territory described as located on the southeast corner of Edwards Avenue and Malcolm Avenue
1526	5-22-1995	Annexing certain territory described as located at 2411 St. Vincent Avenue at the northwest corner of St. Vincent Avenue and 24th Street
1530-A	6-26-1995	Annexing certain territory described as premises owned by Robert Kasperski and Barbara Kasperski, the south 300 feet o the east half of the northeast quarter of Section 6, Township 33 north, range 2 east
1531	6-26-1995	Annexing certain territory described as premises owned by John L. Cantlin and The Wester Sand and Gravel Co., located south of I-80 north of Route 6 and west of Illinois Route 178
1532	6-26-1995	Annexing certain territory described as premises owned by Ronald F. Senica and Marion A. Senica, located north of I-80 and west of LaSalle County Highway 43
1533	6-26-1995	Annexing certain territory described as premises owned by Bruce W. Brown and Kathleen D. Brown, located at 665 E. U.S. Route 6, situated on the north side of U.S. Route 6, north of Oak Ridge Golf Course and west of Golfview Subdivision

Ord. No.	*Date Passed*	*Description*
1538	7-17-1995	Annexing certain territory described as premises owned by Marguerite Thompson Murphy, Mildred Bruski, Emmajean N. Uranich, John Thompson, Ann Schweickert, George Thompson, and Carole Jean Davis, situated on the west side of County Highway 43, (East Eighth Road) immediately north of certain Senica property
1541	7-31-1995	Annexing certain territory described as premises owned by Lawrence J. Uranich and Blanche M. Uranich, situated at 2405 St. Vincent Avenue
1550	12-4-1995	Annexing certain territory described as premises owned by Donald Scerini, being northwest of U.S. Route 6, south of Western Sand and Gravel property and ½ mile west of Illinois Route 178
1551	12-4-1995	Annexing certain territory described as premises owned by Ronald F. Senica and Marion A. Senica, located southeast of Illinois Route 6, ½ mile west of Illinois route 178 and 1/4 mile east of County Highway 28
1574	6-3-1996	Annexing certain territory described as Catholic War Vets premises located at the southeast corner of North 2969th Road and East 350th Road (Illinois Route 351)
1586	9-9-1996	Disconnecting certain territory described as all right-of-way for Interstate 80 located east of the east right-of-way lien of County Highway 43, north of the easterly extension of the south line of Section 32, Township 34 North, Range 2 east
1591	11-4-1996	Annexing certain territory described as Michael and Kathy Trump premises, 206 24th Street

Ord. No.	*Date Passed*	*Description*
1598	4-21-1997	Annexing certain territory described as Anna Bedenko Koskosky premises, south side of Edwards Avenue, approximately 150 feet east of Malcolm Avenue, LaSalle, Illinois
1612	7-28-1997	Annexing certain territory described as Gaughan's Subdivision containing 3.519 acres more or less, located approximately 3/4 of a mile west of Illinois Route 178 lying between the northwest side of U.S. Route 6 and the curve of old U.S. Route 6 right-of-way
1622	11-3-1997	Annexing certain territory described as the south 6 acres of the north 17 acres of the northeast quarter of the northeast quarter of Section 9, in Township 33 north and in Range 1
1656	3-22-1999	Annexing certain territory described as the north half of the northeast quarter of the northwest quarter of Section 3 in Township 33 North, Range 1 east
1750	10-15-2001	Annexing certain territory described as 2315 Chartres Street and 2325 Chartres Street
1822	11-24-2003	Authorizing execution of agreement to annex St. Vincent's Cemetery
1823	11-24-2003	Authorizing execution of agreement to annex property owned by John Ator and Carlene Ator being the part of the east half of the south half of the northeast quarter of section 3, Township 33 north, Range 1 east of the Third Principal; Meridian

Ord. No.	*Date Passed*	*Description*
1824	11-24-2003	Annexing the south 600 feet and the west 400 feet of the north half of the northeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian, all situated in the County of LaSalle and the State of Illinois (St. Vincent's Cemetery)
1825	11-24-2003	Annexing the part of the east half of the south half of the northeast quarter of section 3, Township 33 north, Range 1 east of the Third Principal Meridian
1894	3-14-2005	Annexing: Parcel 1: The north 376 feet of the south 396 feet of the west 1300 feet of the northeast quarter of Section 3, in Township 33 north, Range 1 east of the Third Principal Meridian, excepting that portion conveyed to the state of Illinois 15 February, 1961 and recorded 16 March, 1961 as Document No. 476587 and subject to easements of record for roadways and utilities Parcel 2: A part of the northeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 3: A part of the northeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian, LaSalle County, Illinois
1905	5-9-2005	Annexing part of the south half of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian, LaSalle County, Illinois

Ord. No.	*Date Passed*	*Description*
1921	8-29-2005	Annexing all that part of the west half of the south half of the northeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian, which lies north of a line drawn east and west parallel with and 891 feet north of the south boundary line of said west half of the south half of the northeast quarter of Section 3, containing 13 acres, more or less
1926	8-29-2005	Annexing property commonly known as the Little Vermillion Land Trust-Vermilionvue premises
1930	9-12-2005	Annexing premises owned by Harold Snell: that part of northwest quarter of the southeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian
1976	8-21-2006	Annexing property, owned by Margaret T. Grohne, located immediately north of I-80 and east of East 6th Rd., the southwest quarter of Section 31, Township 4 north, Range 2 east of the Third Principal Meridian
1977	8-21-2006	Annexing property, owned by William Pezanoski, Charles Pezanoski, and Terry Pezanoski, located immediately east of East 6th Rd. and 1 mile north of I-80, the northwest quarter and the north half of the northeast quarter of Section 31; also that part of the southeast quarter of Section 30: commencing at the southeast corner of said quarter section, thence west 60 rods, thence north 40 rods, thence east 60 rods and thence south 40 rods to the place of beginning, all in Township 34 north, Range 2 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
1978	8-21-2006	Annexing property, owned by Robert A. Pezanoski, immediately west of East 6th Rd. and 1 mile north of I-80, east half of the northeast quarter of Section 36, Township 34, north Range 1, east of the Third Principal Meridian
1979	8-21-2006	Annexing property, owned by Catherine F. Pezanoski, located 1/4 mile west of East 6th Rd. and 1 mile north of I-80, west half of the northeast quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian
1980	8-21-2006	Annexing property, owned by Helen K. Weiland and Mark E. Weiland, located in the north half of the northwest quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian, situated in Dimmick Township
1981	8-21-2006	Annexing property, owned by James Ralph Crane as executor of the estate of Bernice Crane, located immediately north of I-80 and between I-39 and East 5th Rd., the southwest quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian
1982	8-21-2006	Annexing property owned by John Pohar and Frank Pohar: Parcel 1: The north half of the northwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: Part of the south half of the northwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian lying west of the right-of-way of I-39
1983	8-21-2006	Annexing property owned by the Pohar Family Development, LLC:

Ord. No.	*Date Passed*	*Description*
1983 (Cont'd)		The west half of the northeast quarter and the east half of the northwest quarter, all in Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
1984	8-21-2006	Annexing property, owned by Pohar Family Development, LLC, located immediately south of North 30th Rd. and 1/4 mile west of East 5th Rd., the west half of the northwest quarter and the east half of the northwest quarter, all in Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
1985	8-21-2006	Annexing 4 parcels located immediately south of I-80 and 1/4 mile east of Ill. Rte. 351
1986	8-21-2006	Annexing Margaret Grohne's property located in Section 1 and 2 in Township 33 north, Range 1 east of the Third Principal Meridian
1987	8-21-2006	Annexing property owned by William P. Dooley
1988	8-21-2006	Annexing property, owned by Ronald Senica, Marion Senica and Mary Senica, located immediately west and east of I-39 and 1/4 mile north of North 29th Rd., the south half of the north half of the southwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian
1989	8-21-2006	Annexing property, owned by Marius Derango, Sharon Derango, Ralph Derango, and Karen Derango, located south and east of I-39, the southwest quarter of the northeast quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
1990	8-21-2006	Annexing property, owned by Frank Pohar, located immediately west of East 5th Rd. and approximately 3,500 feet north of North 29th Rd., that part of the east half of the northeast quarter of Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
1991	8-21-2006	Annexing property, owned by Terry J. Waldron, located immediately west of East 5th Rd. and approximately 3,000 feet north of North 29th Rd., part of the east half of the northeast quarter of Section 2, Township 33 North, Range 1 east of the Third Principal Meridian
1992	8-21-2006	Annexing property, owned by Thomas F. Waldron, located immediately west of East 5th Rd. and approximately 2,800 feet north of North 29th Rd., that part of the east half of the northeast quarter of Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
1993	8-21-2006	Annexing property, owned by Kent John Hess, Glen Hess, and Paul Wayne Hess, located immediately north of I-80 and 1 mile west of County Highway 43, the southwest quarter of Section 32, Township 34 north, Range 2 east of the Third Principal Meridian
1994	8-21-2006	Annexing property, owned by Steven Bierbom and Margie Bierbom, a part of the northeast quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian, and also a part of the northwest quarter of Section 7, Township 33 north, Range 2 east of the Third Principal Meridian
1995	8-21-2006	Annexing property, owned by Mary Edwards, located immediately north of I-80 and east of East 6th Rd., the southwest quarter of Section 31, Township 34 north, Range 2 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
1996	8-21-2006	Annexing property, owned by William Pezanoski, Terry Pezanoski, and Charles Pezanoski, located immediately east of East 6th Rd. and 1 mile north of I-80, the northwest quarter and the north half of the northeast quarter of Section 31; also that part of the southeast quarter of Section 30 commencing at the southeast corner of said quarter section, thence west 60 rods, thence north 40 rods, thence east 60 rods and thence south 40 rods, all in Township 34 north, Range 2 east of the Third Principal Meridian
1997	8-21-2006	Annexing property, owned by Robert A. Pezanoski, located immediately west of East 6th Rd. and 1 mile north of I-80, the east half of the northeast quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian
1998	8-21-2006	Annexing property, owned by Catherine F. Pezanoski, located 1/4 mile west of East 6th Rd. and 1 mile north of I-80, the west half of the northeast quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian
1999	8-21-2006	Annexing property, owned by Helen K. Weiland and Mark E. Weiland, located 1 mile north of I-80 and between I-39 and East 5th Rd., the northwest quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian
2000	8-21-2006	Annexing property, owned by James Ralph Crane, located immediately north of I-80 and between I-39 and East 5th Rd., the southwest quarter of Section 36, Township 34 north, Range 1 east of the Third Principal Meridian
2001	8-21-2006	Annexing property owned by John Pohar and Frank Pohar:

Ord. No.	*Date Passed*	*Description*
2001 (Cont'd)		Parcel 1: The north half of the northwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: That part of the south half of the northwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian
2002	8-21-2006	Annexing property, owned by Frank Bedenko and Ellen Bedenko with Pohar Family Development, LLC, located immediately west of East 5th Rd. and south of North 30th Rd., that part of the east half of the northeast quarter of Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
2003	8-21-2006	Annexing property, owned by Pohar Family Development, LLC, located immediately south of North 30th Rd. and 1/4 mile west of East 5th Rd., the west half of the northeast quarter and the east half of the northwest quarter, Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
2004	8-21-2006	Annexing property, owned by St. Hyacinth Cemetery Association, located immediately south of I-80 and 1/4 mile east of Ill. Rte. 351: Parcel 1: 6 acres in the southwest quarter of the east half of the southeast quarter of Section 34, Township 34 north, Range 1 east of the Third Principal Meridian Parcel 2: 3.702 acres located in the southeast quarter of Section 34, Township 34 north, Range 1 east of the Third Principal Meridian Parcel 3: Part of the southeast corner of Section 34, Township 34 north, Range 1 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
2004 (Cont'd)		Parcel 4: Part of the north half of the northeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 5: Part of the southeast quarter of Section 34, Township 34 north, Range 1 east of the Third Principal Meridian
2005	8-21-2006	Annexing: Parcel 1: Part of the north half of the north half of the southwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: Part of the south half of the northwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian
2006	8-21-2006	Annexing property owned by Margaret Grohne: Parcel 1: That portion of the south half of the southwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: The west half of the southeast quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian
2007	8-21-2006	Annexing property, owned by William P. Dooley, located immediately south of North 29th Rd. and east of I-39, the east half of the northwest quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian
2008	8-21-2006	Annexing property, owned by Ronald Senica, Marion Senica, and Mary Senica, located immediately west and east of I-39 and 1/4 mile north of North 29th Rd., the south half of the north half of the southwest quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
2009	8-21-2006	Annexing property, owned by Marius Derango, Sharon Derango, Ralph Derango, and Karen Derango, located immediately southeast of the I-80 and I-39 interchange, lying south and east of I-39, the southwest quarter of the northeast quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian
2010	8-21-2006	Annexing property, owned by Frank Pohar, located immediately west of East 5th Rd. and approximately 3,500 feet north of North 29th Rd., that part of the east half of the northeast quarter of Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
2011	8-21-2006	Annexing property, owned by Terry Waldron, located immediately west of East 5th Rd. and approximately 3,000 feet north of North 29th Rd., that part of the east half of the northeast quarter of Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
2012	8-21-2006	Annexing property, owned by Thomas Waldron, located immediately west of East 5th Rd. and approximately 2,800 feet north of North 29th Rd., that part of the east half of the northeast quarter of Section 2, Township 33 north, Range 1 east of the Third Principal Meridian
2013	8-21-2006	Annexing property, owned by Kent John Hess, Glen Hess, and Paul Wayne Hess, located immediately north of I-80 and 1 mile west of County Highway 43, the southwest quarter of Section 32, Township 34 north, Range 2 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
2014	8-21-2006	Annexing property, owned by Steven Bierbom and Margie Bierbom, part of the northeast quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian and also a part of the northwest quarter of Section 7, Township 33 north, Range 2 east of the Third Principal Meridian
2015	8-28-2006	Annexing property, owned by Towpath, LLC, located in the southeast quarter of Section 35, Township 34 north, Range 2 east of the Third Principal Meridian, lying north of the right-of-way of F.A.I. Route 80
2016	8-28-2006	Annexing property, owned by Frank and Ellen Bedenko, located along and near the abandoned Illinois Central Railroad right-of-way extending about 1-1/2 miles from approximately 150 feet north of Raccuglia Dr. and Chartres St. to North 31st Rd. and also extending to East 3rd Rd.
2017	8-28-2006	Annexing property, owned by Chicago Title and Trust Company, an irregularly shaped parcel located immediately north of the Cedar Point Sportsman's Club and extending north for approximately 2 miles and also located ½ mile west of East 3rd Rd. and extending east for approximately 3/4 mile
2018	8-28-2006	Annexing property, owned by Kildare, LLC: Parcel 1: That part of the southeast quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: The west half of the northwest quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
2019	8-28-2006	Annexing property, owned by Towpath, LLC, located in the southeast quarter of Section 35, Township 34 north, Range 1 east of the Third Principal Meridian, lying north of the right-of-way of F.A.I. Route 80
2020	8-28-2006	Annexing property, owned by Frank Bedenko and Ellen Bedenko, located along and near the abandoned Illinois Central Railroad right-of-way extending about 1-1/2 miles from approximately 150 feet north of Raccuglia Dr. and Chartres St. to North 31st Rd. and also extending to East 3rd Rd.
2021	8-28-2006	Annexing property, owned by Chicago Title and Trust Company, an irregularly shaped parcel located immediately north of the Cedar Point Sportsman's Club and extending north for approximately 2 miles and also located ½ mile west of East 3rd Rd. and extending east for approximately 3/4 of a mile
2022	8-28-2006	Annexing property, owned by Kildare, LLC: Parcel 1: That part of the southeast quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: The west half of the northeast quarter of Section 12, Township 33 north, Range 1 east of the Third Principal Meridian
2058	3-26-2006	Annexing property owned by the city commonly known as a portion of the abandoned Burlington Northern, Inc. Railroad
2061	3-26-2006	Annexing property, owned by Robert M. Westbrook and Alice M. Westbrook, part of the northwest quarter of Section 7, Township 33 north, Range 2 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
2062	- -	Annexation agreement between the city and Deborah Derango, Jeri Derango, and Rosemarie Bufton
2063	- -	Annexation agreement between the city and LaSalle State Bank as Trustee under a trust agreement dated 8-10-89 and known as the Duncan Realty Trust
2064	4-10-2007	Annexing property, owned by Deborah Derango, Jeri Derango, and Rosemarie Bufton, located in the northwest quarter of the northeast quarter of Section 1, Township 33 north, Range 1 east of the Third Principal Meridian
2065	4-10-2007	Annexing property, owned by LaSalle State Bank: Parcel 1: Part of the northeast quarter of Section 22, Township 33 north, Range 1 east of the Third Principal Meridian and lying east of Route 351 Parcel 2: Part of the southeast quarter of Section 22, Township 33 north, Range 1 east of the Third Principal Meridian, lying north and west of the thread of the stream of the Illinois River and lying east of Route 351
2183	7-27-2009	Annexing property, owned by Duncan Realty Trust, located in the northwest quarter of Section 23, Township 33 north, Range 1 east of the Third Principal Meridian, lying north of the Illinois River and east of the right-of-way of the former Illinois Central Railroad, now Buzzi Unicem property
2197	11-2-2009	Annexing property, owned by Laura E. Sanchez and Arnulfo M. Sanchez, Jr., which premises are also commonly known as 2956 and 2960 St. Vincent's Avenue

Ord. No.	*Date Passed*	*Description*
2309	12-12-2011	Annexation agreement between the City of LaSalle and Pohar Family Development, LLC
2310	12-12-2011	Annexing territory owned by Pohar Family Development, LLC: Tract 1: the south 2 acres of the west 15 acres of the northeast quarter of the southeast quarter of Section 3, Township 33 north, Range 1, east of the Third Principal Meridian Tract 2: Part of the northeast quarter of the southeast quarter of Section 3, Township 33 north, Range 1, east of th Third Principal Meridian
2374	10-9-2012	Annexing territory owned by Carus Corporation, being a strip of land 100 feet in width situated in the northeast quarter of Section 4, Township 33 north, Range 1 east, of the Third Principal Meridian
2376	10-9-2012	Annexing territory owned by Investment Planning, Inc., and consisting of 3 parcels as described therein
2378	10-9-2012	Annexing approximately 80 acres owned by Gerald and Michael Cleer, located on the northwest corner of the intersection of Chartres Street and Wenzel Road
2403	12-18-2012	Annexing territory described as: Parcel 1: the east half of the northwest quarter, south of Interstate 80, Section 4, Township 33 north, Range 1 east of the Third Principal Meridian Parcel 2: the north half of the northeast quarter, southwest of the former US-51 and south of Interstate 80, Section 4, Township 33 north, Range 1 east of the Third Principal Meridian

Ord. No.	*Date Passed*	*Description*
2403 (Cont'd)	12-18-2012	Parcel 3: the south half of the northeast quarter, Section 4, Township 33 north, Range 1 east of the Third Principal Meridian, excepting the following two tracts labeled A and B: Tract A: the east 1,025 feet of the south 260 feet of the northeast quarter of 4, in Township 33north, Range 1 east of the Third Principal Meridian Tract B: the east 1,830 feet of the north 964 Feet of the south 1,224 feet of the northeast quarter of Section 4, in Township 33 north, Range 1 east of the Third Principal Meridian
2406	12-18-2012	Annexing territory owned by Betty Diedrick, being part of the northeast quarter of Section 4 in Township 33 North, Range 1 east of the Third Principal Meridian
2440	6-18-2013	Annexing territory owned by James Hughett and Rebecca Hughett, and described as the east 290.4 feet of the south 150 feet of the south 5 acres of the northeast quarter of the northwest quarter of Section 3, Township 33, Range 1, east of the Third Principal Meridian
2448	7-2-2013	Annexation agreement between the city and the Kelly Family Limited Partnership for real estate described as the south half of the northeast quarter and the southeast quarter of Section 31in Township 34 north, Range 2, east of the third principal meridian
2449	7-2-2013	Annexing territory located at Rural Route 1, commonly known as the Kelly Limited Partnership Premises

TABLE II: ENTERPRISE ZONES

Ord. No.	*Date Passed*	*Description*
1102	12-16-1985	Establishing an enterprise zone within the city, said zone being a portion of a larger enterprise zone encompassing contiguous portions of LaSalle, Peru and Oglesby and The County of LaSalle
1105	3-10-1986	Amending Ord. 1102
1122	12-15-1986	Amending Ord. 1102
1126	2-9-1987	Designating and employing a Zone Administrator for the Illinois Valley Enterprise Zone
1165	2-8-1988	Amending Ord. 1102
1186	9-6-1988	Amending Ord. 1102
1188	9-19-1988	Amending Ord. 1102
1203	4-17-1989	Amending Ord. 1102
1204	4-17-1989	Amending Ord. 1102
1549	11-6-1995	Amending Ord. 1102 to add territory
1564	3-14-1996	Amending Ord. 1102 to add territory
1575	6-11-1996	Amending Ord. 1102 to add territory
1576	6-11-1996	Amending Ord. 1102 to add territory
1647	10-19-1998	Amending Ord. 1102 to add territory
1661	5-3-1999	Amending Ord. 1102 to add territory
1683	10-18-1999	Amending Ord. 1102 to add territory

Ord. No.	*Date Passed*	*Description*
1872	11-22-2004	Amending Ord.1102 to add territory encompassing contiguous portions of the cities of Oglesby, Peru, LaSalle and the County of LaSalle
1955	5-8-2006	Amending Ord. 1102 to add territory encompassing contiguous portions of the cities of Oglesby, Peru, LaSalle and the County of LaSalle
2036	10-23-2006	Amending Ord. 1102 to add territory encompassing contiguous portions of the cities of LaSalle, Peru, and Oglesby and the County of LaSalle
2108	1-28-2008	Amending Ord. 1102 to add territory encompassing contiguous portions of the cities of Oglesby, Peru, LaSalle and the County of LaSalle
2211	3-8-2010	Amending Ord. 1102 to add territory encompassing contiguous portions of the cities of Oglesby, Peru, LaSalle and the County of LaSalle
2424	4-10-2013	Amending Ord. 2211 to add and delete thereto and include therein territory encompassing contiguous portions of the cities of Oglesby, Peru, LaSalle, and the County of LaSalle
2436	5-21-2013	Amending Ord. 2211 to add thereto and delete therefrom certain real estate

TABLE III: FRANCHISES

Ord. No.	*Date Passed*	*Description*
815	3-27-1972	Granting to Television Transmission Co. the right to provide a cable television system in the city for a period of 10 years.
979	11-23-1979	Granting to Illinois Power Company the right to operate an electric energy system for 50 years
1021	2-8-1982	Granting to United Cable Television of Illinois Valley, Inc. the right to provide a cable television system in the city for a period of 10 years.
1047	7-5-1983	Granting to Illinois Power Company to construct and maintain a system for the manufacture, transmission, and distribution of natural or artificial gas.
1349-A	11-9-1992	Authorizing an extension of a cable television franchise agreement with United Artists Cable Television of Illinois Valley, Inc. through 12-1-1992
1402	12-7-1992	Authorizing an extension of a cable television franchise agreement with United Artists Cable Television of Illinois Valley, Inc. through 1-2-1993
1416	5-25-1993	Granting cable television franchise to United Cable Television of Illinois Valley, Inc.
1439	11-8-1993	Regulating cable TV rates

Ord. No.	*Date Passed*	*Description*
1808	6-23-2003	Authorizing City of Peru to construct, operate and maintain an electric utility system in certain portions of the City of LaSalle
2190	10-5-2009	Authorizing four-year franchise agreement with Comcast regarding television, cable and related services

TABLE IV: REAL ESTATE TRANSACTIONS

Ord. No.	*Date Passed*	*Description*
512	6-16-1952	Accepting quitclaim deed to property from John Pohar and Josephine Pohar for roadway purposes
684	10-19-1964	Accepting quitclaim deed to property from Angelina Orlandini for roadway and utility purposes
721	3-20-1967	Sale of lots 5 and 6 in block 132
744	11-27-1967	Purchase by city to improve portion of Eleventh Street
850	7-29-1974	Agreement and purchase of certain real estate, Maciejewski
853	9-23-1974	Accepting deed to certain property, LP Industrial Building
976	10-29-1979	Sales of certain property to U.S. Post Office
997	11-10-1980	Purchase of property being Lot 4, Block 139, for disposal plant
1007	4-27-1981	Sale of city property, CIVIC I
1045	6-20-1983	Sale of 530½ Sixth St. to George Knafelc
1054	10-24-1983	Purchase of property for floodproofing project
1057	3-12-1984	Release of property to Peru, Chartres/Airport Road, Hollerich
1061	4-23-1984	Sale of property to Horizon House on O'Connor Avenue

Ord. No.	*Date Passed*	*Description*
1062	4-23-1984	Purchase of property for disposal plant
1103	12-30-1985	Sale of Street Department garage property to Cleo Sims, on O'Connor Avenue
1121	12-15-1986	Exchange of city property with Buckman Iron and Metal Co.
1132	5-18-1987	Quality Liquid Feed, use of city property
1144	8-24-1987	Sale of alley property to Morwicki
1148	8-24-1987	Purchase of property for new fire station
1149	9-3-1987	Purchase of Bernardi Property for fire station
1150	9-8-1987	Purchase of Ceretto Property for fire station
1167	3-21-1988	Acquisition of land
1175	6-27-1988	Sale of property to James Schmidt, Eighth and Crosat Streets
1205	5-1-1989	Sale of easement to Tabor Grain
1209	6-12-1989	Authorization for sale of city property to Tabor Grain, Canal Street
1221	8-7-1989	Conveyance of city property to James Schmidt, Eighth and Crosat Streets
1239	12-27-1989	Purchase of Knafelc property
1250	5-14-1990	Purchase of real estate from LaSalle National Bank, as trustee, to be used for parking purposes
1257	6-25-1990	Sale of municipal property to Tabor Grain Company

Ord. No.	*Date Passed*	*Description*
1272	11-13-1990	Purchase of real estate being part of Section 23 in Township 33 north, Range 1 east
1275	12-26-1990	Purchase of property from the Carus Corporation
1321	5-11-1992	Sale of municipal property to Madeline Kallner
1322	5-11-1992	Sale of municipal property to Helen Gunia
1323	5-11-1992	Sale of municipal property to Helen Gunia
1347	10-12-1992	Purchase of property from LaSalle-Peru Partners, L.P.
1403	12-21-1992	Purchase of property from James D. Walsh III and George M. Walsh
1405	1-4-1993	Purchase of property from Chicago Title and Trust Company, Trust No. 62343, for water supply purposes
1412	2-15-1993	Sale of municipal property to Eureka Savings Bank
1413	3-15-1993	Purchase of real estate from Illinois Power Company for water supply purposes
1417	5-24-1993	Revocation of borw through Schott property between St. Vincents and Washington St.
1418	5-24-1993	Transfer of row to IDOT at 11th and Joiliet
1475	9-12-1994	Acquisition of permanent easement for the extension of 24th Street
1582	7-29-1996	Acquisition of booster real estate and related easement
1589	10-7-1996	Sale of municipal property to Koolmaster, Inc.

Ord. No.	*Date Passed*	*Description*
1590	10-7-1996	Sale of municipal property to Koolmaster, Inc.
1634	4-6-1998	Sale of municipal property to Fred Konop
1639	6-15-1998	Receiving transfer and conveyance of premises known as 344 Wright Street from Loretta Jordan
1663	5-17-1999	Acquiring the premises known as 219 LaHarpe Street
1673	8-9-1999	Acquiring the premises known as 933 8th Street
1693	1-24-2000	Acquisition of lot 2 in Genesis Subdivision for library purposes
1698	4-17-2000	Sale of municipal property known as 219 LaHarpe Street to Ronald Yanke
1699	4-17-2000	Sale of municipal property known as 438 Crosat Street to Aloiys Knap
1700	4-17-2000	Sale of municipal property to Greg Prey and Vincent Suarez
1701	4-17-2000	Sale of municipal property known as 344 Wright Street to Stephen Wagner
1722	11-27-2000	Sale of municipal property known as 933 8th Street to Arturo Valdivia
1729	4-2-2001	Sale of municipal property known as a portion of the alley way between Fifth Street and Sixth Street north of the Hammers Tire building to Ronald D. Hammers
1806	6-9-2003	Lease of municipal property known as a right-of-way on the east side of Tonti Street, just north of Tonti's intersection with 8th Street to Al Turczyn and Al's Bella Vista, Inc. for a period of 2 years

Ord. No.	*Date Passed*	*Description*
1881	1-3-2005	Authorizing city to sell property described as Lot 15 in James Cower's Addition to the City of LaSalle
1945	1-3-2006	Lease of municipal property known as a right away on the east side of Tonti Street, just north of Tonti's intersection with 8th Street for a period of 2 years described as the east 10 feet of the south 60 feet of the city right-of-way adjoining lot 10 in block 25 of the original town of the city on the east side of Tonti Street at the intersection of 8th and Tonti
2039	10-23-2006	Approving sale of municipal property commonly known as the city right-of-way known as the southern part of LaFayette Street south of Second Street, adjacent to property owned by Koolmaster
2048	12-18-2006	Lease of municipal property, a small portion of right-of-way on the east side of St. Vincent's Avenue, on the west side of John's North Star Inn at 1840 St. Vincent's Avenue between O'Connor Avenue and Lincoln Avenue
2074	4-10-2007	Authorizing acquisition of easement interest in real estate owned by Dale E. Turczyn
2075	4-10-2007	Authorizing acquisition of easement interests in real estate presently owned by The Senica Group
2079	5-7-2007	Lease of municipal property, a small portion of right-of-way on the south side of First Street on the south side of the business commonly referenced as The Dog House at 848 First Street
2082	6-6-2007	Authorizing letter agreement concerning acquisition of city real estate between the city and Illinois Cement Company, LLC

Ord. No.	*Date Passed*	*Description*
2092	- -	Lease of municipal property, a small portion of right-of-way on the west side of Bucklin Street on the east side of the business commonly presently referenced as Country Insurance and Financial Services at 219 Bucklin Street
2106	1-14-2008	Authorizing lease of municipal property, a small portion of right-of-way on the south side of Danfoss Road f/k/a Sunstrand Road
2130	6-28-2008	Authorizing purchase of Lot 3 in Block 139 from Michelle J. Bailey
2134	7-14-2008	Lease between LaSalle-Peru High School and the city for a portion of Chartres Street right-of-way between 5th Street and 6th Street
2136	7-28-2008	Lease of municipal property, a small portion of right-of-way on the north side of First Street on the north side of the business commonly referenced as The Gathering Place Restaurant at 1021 First Street
Res. 200805	9-22-2008	Authorizing sale of surplus real estate described as Lot 5 in Block 34 in the Original Town, now City of LaSalle
Res. 200806	9-22-2008	Authorizing sale of surplus real estate described as Lot 14 in Block 22 in the Original Town of LaSalle
2166	4-20-2009	Exchange of real estate between the city and Illinois Cement Company, LLC
2174	- -	Lease of municipal property, a small portion of right-of-way on the northeast corner of Roosevelt and Creve Coeur at the address commonly known as 205 Roosevelt Road

Ord. No.	*Date Passed*	*Description*
2182	7-27-2009	Authorizing agreement with Maurice R. Johnson for acquisition of Lots 13 to 17, inclusive and the east 4.75 feet of Lots 18 to 24, inclusive, in Joseph Bakers Subdivision in lieu of pursuit of demolition case
2185	7-27-2009	Approving amendment to real estate exchange agreement with Illinois Cement Company, Inc.
2207	2-1-2010	Two-year lease with Air Logic Internet Services of a small portion of the Cannon Water Tower at 753 E. U.S. Route 6
2208	2-1-2010	Two-year lease with Holland & Sons, Inc. of a small portion of the Civic Water Tower at 341 N. 30th Road
2214	4-6-2010	Two-year lease with Pamela Ayers of a small portion of the city's right-of-way of the west 15 feet of the south 90 feet of Gooding Street right-of-way immediately to the west of 553 Tenth Street
2215	4-6-2010	Two-year lease with Richard Ferretti of a small portion of the city's right-of-way on Third Street, on the south side of the building commonly known as Illinois Valley Food Center
2216	4-6-2010	Two-year lease with Jacob Callahan of a small portion of the city's right-of-way immediately south of the 50-foot wide parcel at 901 Gooding Street
2217	4-6-2010	Two-year lease with Gabriele Casas of a small portion of the city's right-of-way on Eighth Street, immediately south of premises commonly known as 1043, 1045 and 1047 Eighth Street
2224	5-17-2010	Authorizing an agreement for the purchase of approximately 52,000 acres located in Section 11, Township 33 North, Range 1 East for park and related purposes

Ord. No.	*Date Passed*	*Description*
2238	7-26-2010	Authorizing five-year lease with Cellco Partnership of part of the Lincoln-Malcolm Water Tower property
2248	10-18-2010	Two-year lease with Scott A. Cavanaugh of a small portion of the city's right-of-way on the west side of Wright Street and south side of Ninth Place, more particularly described as Lot Six in Block Ten of FW Matthiessens Subdivision
2249	11-15-2010	Approving sale of easement in the property located at the southern part of Creve Coeur Street south of Canal Street, adjacent to property owned by Quality Liquid Feeds, Inc.
Res. 201025	12-13-2010	Authorizing sale of city's interest in railroad right-of-way premises (part of the former Illinois Central Gulf Railroad Company's 100-foot wide railroad right-of-way) to Illinois Cement Company, Inc.
2257	12-28-2010	Reaffirming and confirming sale of city's interest in railroad right-of-way premises (part of the former Illinois Central Gulf Railroad Company's 100-foot wide railroad right-of-way) to Illinois Cement Company, Inc.
Res. 201109	4-4-2011	Authorizing potential sale of surplus real estate located at the northwest corner of 8th Street and Joliet Street
2273	5-16-2011	Two-year lease with Harmond, Inc. of a portion of the city's right-of-way on the frontage road running easterly and westerly adjacent to I-80, commonly known as North 3029th Road
Res. 201111	5-16-2011	Authorizing potential sale of surplus real estate located at the northeast corner of 2nd Street and Wright Street

Ord. No.	*Date Passed*	*Description*
Res. 201112	5-16-2011	Authorizing potential sale of surplus real estate located on 2nd Street, between Wright Street and Gooding Street
2275	5-23-2011	Authorizing potential sale of surplus real estate located at the northwest corner of 8th and Joliet Streets
2278	5-31-2011	Two-year lease with Lana Fay of a portion of the city's right-of-way on Creve Coeur Street at the northeast corner of 9th and Creve Coeur, commonly known as 201 9th Street
2283	6-27-2011	Two-year lease with Air Logic, Inc. and its affiliate, Broadband Heaven, Inc. of a portion of the Civic Water Tower at 341 N. 30th Road
Res. 201129	12-12-2011	Authorizing the potential sale of surplus real estate at the southeast corner of 8th and Joliet Streets to Holly R. Iversen or a nominee, provided all lawful requirements are met
2321	12-27-2011	Authorizing the potential sale of surplus real estate at the southeast corner of 8th and Joliets Street to Holly Iversen
Res. 201201	1-9-2012	Authorizing the potential sale of surplus real estate located at 820 Seventh Street to Gerald J. Prusak or a nominee, provided all lawful requirements are met
2328	1-23-2012	Authorizing the sale of surplus real estate at 820 Seventh Street to Gerald J. Prusak
2353	6-5-2012	Two-year lease with Mark R. Donnelly of municipal property in the vicinity of 316 Third Street
2357-A	7-17-2012	Approving the lease of a portion of a city right-of-way in the diamond portion of the alley behind 839 Fourth Street, between Fourth and Fifth Streets, by Trinity United Church of Christ

Ord. No.	*Date Passed*	*Description*
2364	7-17-2012	Amending Ord. 2342 to confirm resolution of certain contingencies and reaffirm Ord. 2342 approving consolidation plat of a portion of Block 93
2368	8-14-2012	Authorizing the lease of a portion of the city's right-of-way on the south side of Third Street by Bean Partnership, and Illinois partnership
2427	4-23-2013	Authorizing the acquisition of real estate located at the southwest corner of Second and Marquette Streets
2428	4-23-2013	Authorizing the acquisition of premises located at 334 Fourth Street
2453	8-13-2013	Lease agreement with Esteban and Michael Villarreal, d/b/a Mareta Pasta-N-Deli, regarding premises commonly known as 148 Gooding Street

TABLE V: VACATIONS

Ord. No.	*Date Passed*	*Description*
–	passed during Council meeting	Vacated part of Summit Street, Adams Addition
609	- -	Vacating portion of Joliet, Block 14
641	- -	Vacating portion of alley diamond, LP High School Block 69 Lots 2-7
		Vacating 26th Street alley at Jary Culver, 1979
692A	4-19-1965	Vacating Alley in Diesterweg and Russells Subdivision north and south from Garfield to Baker, Romeo
693B	9-20-1965	Vacating north 2 feet of Fifth Street for Zubowski Lot 6 Block 1
720	3-20-1967	Vacating portion of Marquette Street, block 132 lot 6
746	2-19-1968	Vacating portion of Chartres Street to 101 Club
764	10-14-1968	Vacating north Tonti Street
825	5-8-1972	Vacating portion of alley lots 1, 2, 3, 4, 5, 6, 7, block 117, Cagnoni
835	11-19-1973	Vacating portion of LaFayette Street to Creve Coeur, 235 Third
836A	11-19-1973	Vacating east portion of alley, block #96, lot 7 235 Third Street
845A	6-17-1974	Vacating River Street between Creve Coeur and Chartres Street

Ord. No.	*Date Passed*	*Description*
868	8-11-1975	Vacating, portion of Jenkins Street, (North Creve Coeur) to Church
875	12-15-1975	Vacating Union Street between Seventh and Eighth Streets, Carus
1044	6-6-1983	Vacating portion of LaFayette Street to Illinois Power
1199	3-20-1989	Vacating city right-of-way to Care Inn, Chartres Street
1220	8-7-1989	Portion of Park Avenue
1225	- -1989	River and Water Streets, Tabor Grain
1249	5-14-1990	Vacating the public roadway located south of the Care Inn Convalescent Center and north of the Grace Methodist Church and west of Airport Road
1252	5-29-1990	Vacating an alley located in Joseph Baker Subdivision
1460	6-6-1994	Vacating a city alley located in Joseph Baker's Subdivision
1863	10-11-2004	Vacating premises known as the North ½ of the Alley Diamond between Bucklin and Wright Streets, East and West, and Second and Third Streets, North to South
2220	4-19-2010	Vacating a portion of Malcolm Avenue between Edwards Avenue on the north and Baker Avenue on the south
2269	5-2-2011	Vacating a portion of a 12-foot alleyway lying between Lots 1 through 6 in W. Baker Subdivision in the vicinity of 2290 Washington Street
2339	4-24-2012	Vacating a portion of the northern right-of-way of Third Street between Gooding and Wright Streets
2340	4-24-2012	Vacating the west right-of-way of Gooding Street between Third and Fourth Streets

Ord. No.	*Date Passed*	*Description*
2341	4-24-2012	Vacating part of the public alley commonly known as part of the southern part of the diamond within the public alley in Block 93
2361	7-17-2012	Amending Ord. 2339 to confirm resolution of certain contingencies and reaffirm Ord. 2339 approving vacation of a portion of the northern right-of-way of Third Street between Gooding and Wright Streets
2362	7-17-2012	Amending Ord. 2340 to confirm resolution of certain contingencies and reaffirm Ord. 2340 approving vacation of a portion of the west right-of-way of Gooding Street between Third and Fourth Streets
2363	7-17-2012	Amending Ord. 2341 to confirm resolution of certain contingencies and reaffirm Ord. 2341 approving the vacation of a portion of the public alley commonly known as part of the southern part of the diamond within the public alley in Block 93
2442	6-18-2013	Vacating a part of the public alley between 8th and 9th Streets between LaHarpe Street and Sterling Street

TABLE VI: ZONING CHANGES

Ord. No.	*Date Passed*	*Description*
658	7-29-1963	Hygienic, to M-2
661	8-12-1963	8 properties rezoned: Alpha Portland Cement Company to M-2 Illinois Power Co. to M-1 LaSalle Electric & Volkswagon, to C-2 LS and BC Railroad, to M-2 Mertel, to M-2 Pure Oil, to C-3
670	- -	LaSalle Road, Patrick Cawley
673	4-20-1964	Catholic War Veterans changed to C-2
674	6-1-1964	LaSalle Road, Mel's Motel, changed to C-2
708	5-2-1966	Bacidore property changed to M-1
710	- -	Hollerich Northtown Subdivision
716	11-14-1966	Therese Hollerich to Orsinger, change C-3
723	4-17-1967	2320 St. Vincent, Buck (Scoma) changed to C-1
724	5-15-1967	Hollerich Northtown Subdivision, changed to R-4
738	9-18-1967	Rezoned lots 1 through 7, Block 97 to C-3
780	11-10-1969	Hollerich changed to R-4
805	4-26-1971	Lot 1, 2, 7, 8 and 14 in Block 27, changed to C-3

Ord. No.	*Date Passed*	*Description*
818	7-17-1972	1135 Tenth, LaSalle Manor Housing, Raccuglia, changed to R-4
819	7-17-1972	3 Fourth Street, Credit Unions, changed to C-1 part of Lot 5 Block 1
832	9-24-1973	CIVIC, changed to M-1
839	12-17-1973	2705 St. Vincent, Hocking, Blossom Trailer Park changed to C-2
840	12-17-1973	2968 E. 350th Road, Kwiecinski (Key Outdoor) changed to C-2 City easement 60' along East line for future road
844	- -	Baker Avenue, Romeo Subdivision
856A	10-15-1974	Amended C-3
858A	10-15-1974	CIVIC, changed to C-2
870	8-25-1975	Reclassifying lots 3, 4, and 5, and part of lot 1 in Bull's Subdivision from AG-1 Agricultural to R-1 Residential.
896A	4-4-1977	Lucas and Senica property, contianing 80 acres, changed from AG-1 to M - 1, with exceptions
897	4-4-1977	Wertz changed to R-1
899	4-18-1977	340 24th St., Mirtich, R-1
		Tenth and Wright, O'Leary, John
		1028 Wright, Tremmpella, Leo, 2 single dwellings on lot 7 Block 9
–	In Council minutes	Trovero's First Subdivision, 1978 Lots 1, 2, 3, 4, 5, 6, 7, 27, 28, 29, 30, 31 and 32 changed to R-3 all others R-1, 1978
–	In Council minutes	Normandy Park First Subdivision, Charles Todd Co. M-1

Ord. No.	*Date Passed*	*Description*
900	5-2-1977	2535 St. Vincent, Dooley, changed to R-1
911	7-25-1977	Rezone South 3 acres of North 11 acres of NE 1/4 of NE 1/4 Section 9, T33N, R1E, Janko, changed to R-4
914	8-8-1977	Spicer property, being lot 10 in Catherine Farrel Subdivision, and part of lot 1 of Assessor's Subdivison, changed to R-4
922	11-28-1977	Rezone Civic to R-1
953	1-8-1979	Civic Water Tower, changed to M - 1
956	3-5-1979	West 550' of South 5 acres of North 25 acres of NE 1/4 of NW 1/4 Section 3, T33n, R1E, Russman, changed to M - 1
974	10-1-1979	United States Post Office, changed from M-2 to M-1
981	1-7-1980	Hollerich Trust, being 41 acres bounded by Airport Road and the city limits on the east, unincorporated territory on the south and the city limits on the west and north, changed to R-4
984	2-27-1980	Certain property being part of the northeast quarter of the southwest quarter of Section 3, Township 33 North, Range 1 east, containing 3.128 acres, changed to M-1
986	4-14-1980	Two tracts changed from AG-1 to M-1
989	5-27-1980	Lot 9 and the north 45 feet of lot 10 in block 31 changed from R-4 to C-1
1003	1-19-1981	Route # 351 LaSalle Road, LaSalle Machine Manufacturing changed to M-1
1004	2-2-1981	1047 Eleventh, Public House (White Elephant Apts.) changed to R-4

Ord. No.	*Date Passed*	*Description*
1008	5-11-1981	E. 350th Road, Roche (Schwanke), front property changed to R-1
1009	5-11-1981	E. 350th Road, Roche (Schwanke), rear of property changed to M-1
1038	12-20-1982	George Knafelc, Lot 5 in Gunns 3rd Subdivision, (1349 Bucklin) changed to R-3
1052	9-26-1983	2314 St. Vincent Avenue, Ksiazkiewicz, changed to C-2
1079	3-11-1985	1301 St. Vincent, Twisty Freeze, changed to C-1, with exceptions
1198	3-20-1989	Rezoned premises 1725 Crosat from R-2 to C-1, with exceptions
1271	11-13-1990	Changing the south forty feet of lot 1 in Block 37 in the Old Town, from R-3 to R-4
1312	2-17-1992	Changing a portion of the Illinois Cement Company premises from AG-1 to M-2
1344	8-31-1992	Rezoning property from AG-1 to C-2 for open air sales and racetrack
1351	11-17-1992	Rezoning 2 parcels of property to C-2 (Izzo)
1352	11-17-1992	Zoning Barnett property as M-1
1353	11-17-1992	Zoning Oak Ridge Subdivision properties: Tract 1 parcels A, B and C zoned C-3 Tract 1 parcel A, lots 1A - 12B zoned R-3 Tract 1 parcel A, lots 13 - 52 zoned R-2 Tracts 3, 4 and 5 zoned C-3 Tract 8 zoned C-1
1443	1-31-1994	Rezoning premises known as approximately 66.836 acres of the Pohar's LaSalle Industrial Park Trust premises from AG-1 to M-1

Ord. No.	*Date Passed*	*Description*
1444	1-31-1994	Rezoning premises commonly known as Faith Christian Fellowship Church from AG-1 to M-1
1458	6-6-1994	Rezoning property known as approximately 10.08 acres located south of Interstate 80 west of St. Hyacinth's Cemetery from AG-1 to M-1
1464	6-28-1994	Rezoning property from AG-1 to M-2, petitioned by John Pohar, Frank Pohar and Illinois Cement Company, Tract 1
1465	6-28-1994	Rezoning property from AG-1 to M-2, petitioned by John Pohar, Frank Pohar and Illinois Cement Company, Tract 2
1466	6-28-1994	Rezoning property from AG-1 to M-2, petitioned by John Pohar, Frank Pohar and Illinois Cement Company
1467	6-28-1994	Rezoning property from AG-1 to M-2, petitioned by Illinois Cement Company
1476	9-26-1994	Rezoning property from R-1 to R-2 at the northeast corner of the premises known as the former Matthiessen School property petitioned by Northern Land Development Corp.
1486	11-21-1994	Rezoning Golfview Estate Subdivision lots 1 through 23 from C-3 to R-2 and lots 24 A&B and 25 A&B from C-3 to R-3
1496	2-13-1995	Rezoning premises commonly known as being north of the U.S. Post Office Building at 2950 Chartres St and at the northeast corner of 24th Street and Chartres Street from M-2 to M-1
1516	4-10-1995	Rezoning the premises commonly known as the State Maintenance Yard at 2991 E. 350th Road from AG-1 to M-1

Ord. No.	*Date Passed*	*Description*
1517	4-10-1995	Rezoning a 1-acre parcel at the front portion of Cicci property at 2981 E. 350th Road and the 8.2 acre parcel at the rear of the property from R-1 to C-1
1534	7-17-1995	Rezoning premises at 2405 St. Vincent Avenue from R-1 to C-1
1535	7-17-1995	Rezoning premises at 2411 St. Vincent Avenue from R-1 to C-1
1545A	9-25-1995	Rezoned premises at 857 9th from R-3 to R-4
1552	12-4-1995	Rezoning premises located south of I-80 and west of Illinois Route 178 from R-1 to M-1
1553	12-4-1995	Rezoning premises located north of I-80 and west of LaSalle County Highway 43 (East Eighth Road) from R-1 to M-1
1554	12-4-1995	Rezoning premises situated on the west side of County Highway 43 (East Eighth Road) immediately north of Senica property from R-1 to M-1
1555	12-18-1995	Rezoning premises northwest of U.S. Route 6, south of Western Sand and Gravel property, ½ mile west of Illinois Route 178, from R-1 to M-1
1556	12-18-1995	Rezoning premises southeast of U.S. Route 6, ½ mile west of Illinois Route 178 and 1/4 mile east of County Highway 28, from R-1 to M-1
1557	12-18-1995	Rezoning the west side of E. Third Road and 2,000 feet north of I-80 from M-2 to AG-1
1560	1-29-1996	Rezoning the west side of E. Third Road and 2,100 feet north of I-80 from M-2 to AG-1

Ord. No.	*Date Passed*	*Description*
1579	7-1-1996	Rezoning 1209 and 1217 Crosat Street from R-2 to R-3
1609	6-30-1997	Rezoning property located at 10 Enterprise Drive from C-3 to M-1
1614	7-28-1997	Rezoning property located at 15 Enterprise Drive from C-3 to M-2
1621	11-3-1997	Rezoning property at 2221, 2223 and 2213 Chartres Street and Route 1 Airport Road from AG-1 to M-1
1632	2-9-1998	Rezoning property located at 505 Edwards Avenue from R-1 to R-3
1679	9-20-1999	Rezoning lots 11, 12 and 13 in Block 27, from R-3 to C-3 for construction of employee parking lot
1713	8-21-2000	Rezoning premises at 2412 St. Vincent Avenue from C-2 to C-3
1714	8-21-2000	Rezoning premises at 546 E. Route 6 from R-1 to C-2
1758	3-18-2002	Rezoning premises at 1054 Canal Street from M-2 to M-1
1788	2-3-2003	Rezoned premises located at 837 Joliet Street form R-3 to C-2
1791	3-3-2003	Rezoning premises located in the vicinity of 2300 St. Vincent Avenue from R-1 to C-2, with exceptions
1801	3-31-2003	Rezoning property located at 2835 East 5th Road from M-2 to M-1
1802	3-31-2003	Rezoning property located at 2985 E. 350th Road from R-1 to R-3
1814	9-2-2003	Rezoned property located at 2942 E 729th Rd. (Renee Drive), R-3 to M - 1

Ord. No.	*Date Passed*	*Description*
1818	10-13-2003	Rezoned property located at 2701 St. Vincent Ave., R-1 to C-1
1831	1-5-2004	Rezoned property located 1/4 mile east of St. Vincent Ave. and lying between N2969th and N2979th Roads, R-1 to C-1
1838	4-26-2004	Rezoned property located at north end of 2979th Road, part of proposed lots 11, 12, 31, 32, 33, and 41, R-1 to R-3
1844	5-24-2004	Rezoning property located at 130 Buck St, M-2 to M-1
1859	9-27-2004	Rezoning property located at 1517 Sobieski Street, R-1 to R-3
1898b	3-28-2005	Rezoning property located at Kotecki Farm on Route 6 East of Interstate 39, Ag-1 to M-1
2015-A	8-21-2006	Rezoning parcel numbers 1, 2, 5-11, 13, 17-18, 20-24 and 26-27, M-1
2016-A	8-21-2006	Rezoning property located immediately south of North 29th Road and east of I-39, M-1
2023	8-28-2006	Rezoning parcels #12 (Towpath, LLC), #16 (Frank and Ellen Bedenko) and #25 (Kildare, LLC), M-1
2024	8-28-2006	Rezoning a parcel located immediately north of the Cedar Point Sportsman's Club and extending north for approximately 2 miles and also located ½ mile west of East 3rd Rd. and extending east for approximately 3/4 of a mile, M-2
2066	4-10-2007	Rezoning a parcel of real estate commonly known as the southeast corner of I-39 and I-80, M-1
2067	4-10-2007	Rezoning a portion of the Duncan Realty Trust property lying east of Route 351 and north of the Illinois river, M-1

Ord. No.	*Date Passed*	*Description*
2068	4-10-2007	Rezoning real estate commonly known as a portion of the abandoned Burlington Norther, Inc. Railroad, M-1
2107	1-28-2008	Zoning premises commonly known as 5 Danfoss Road as M-2
2164	4-6-2009	Rezoning the premises commonly known as 801-821 Joliet Street, R-4 to C-2
2179	7-13-2009	Rezoning Parcel 2 of the premises contemplated to be transferred to the Illinois Cement Company as part of exchange agreement authorized by Ord. No. 2166, from R-1 to M-2
2180	7-13-2009	Rezoning the parcel of land lying east of Illinois Route 351 and north of the Illinois River owned by Duncan Realty Trust, from Ag-1 to M-2
2184	7-27-2009	Ratifying and confirming the rezoning of the property rezoned by Ord. No. 2180 from Ag-1 to M-2
2198	11-2-2009	Rezoning the property commonly known as 548 and 542 Crosat Street from R-4 to C-2
2305	11-14-2011	Rezoning property south of I-80 and west of Western Sand and Gravel, commonly known as the Kasperski/Derix property, from R-1 to M-1
2335	4-10-2012	Rezoning property owned by Pohar Family Development, LLC, located at 522 East U.S. Route 6, from R-1 to M-1
2379	10-9-2012	Rezoning approximately 80 acres owned by Gerald and Michael Cleer, and located on the northwest corner of the intersetion of Chartres Street and Wenzel Road/24th Street, as M-1

Ord. No.	*Date Passed*	*Description*
2391	10-30-2012	Rezoning property owned by Pohar Family Development, LLC, located on the south side of North 2969th Road, and adjacent to the Catholic War Veterans property from R-1 to R-2 and R-3
2404	12-18-2012	Rezoning approximately 134.4 acres located south of Raccuglia Drive and Interstate 80, and west of, but not immediately adjacent to, Chartres Street, to M-1, Light Industrial District
2418	2-26-2013	Rezoning approximately 147.7 acres located west of LaSalle County Highway 43, east of East 6th Road, and north of Interstate 80, to M-2, Heavy Industrial
2441	6-18-2013	Rezoning property located at 2975 East 350th Road, to R-2, Single Family Residential
2443	6-18-2013	Rezoning Lots 3, 4, 5, and 7 in Block 27, and part of the alley in Block 27 as C-3, Central Business District
2450	7-2-2013	Rezoning property commonly known as the Kelly Limited Partnership premises, located at Rural Route 1, from R-4 to M-1
2458	10-22-2013	Rezoning property located at 1055 Sixth Street from R-4 to C-2

TABLE VII: VARIANCES

Ord. No.	*Date Passed*	*Description*
1803	3-31-2003	Variance for property located at 55 Royal Wood Drive, reduction of east front yard set back for constructing a home
1809	7-7-2003	Variance for property located at 2375 Malcolm Avenue on southwest corner of 24th Street and Malcolm Avenue, reduction of west rear yard set back for construction of a sunroom
1817	9-2-2003	Variance for property located at 104 8th Street on southeast corner of 8th and Chartres Street, reduction of south rear yard set back for construction of garage
1829	12-22-2003	Variance for property located at 658 6th Street, reduction of south side yard set back to construct a carport
1839	4-26-2004	Variance for property located at 220 9th street on south side of 9th Street between Creve Coeur and LaFayette Streets, reduction of rear yard set back for construction of garage
1847	6-21-2004	Variance for property located at 1618 Illinois Street, reduction of north side yard set back for construction of garage
1848	6-21-2004	Variance for property located at 1949 LaHarpe Street, reduction of rear yard set back and north front yard set back for construction of garage
1850	7-5-2004	Variance for property located at 220 Crosat Street, reduction of rear yard set back for constructing a deck

Ord. No.	*Date Passed*	*Description*
1851	7-19-2004	Variance for property located at 1251 11th Street, reduction of north rear yard set back for constructing garage
1855	8-16-2004	Variance for property located at 1544 4th Street, reduction of rear yard set back for constructing garage
1867	10-25-2004	Variance for property located at 2064 Crosat Street, reductions of north side yard set back and rear yard set back for constructing garage
1871	11-22-2004	Variance for property located at 1658 St. Vincent Ave., reduction of north side yard set back and rear yard set back for constructing garage
1898a	4-11-2005	Variance for property located at 830 Walnut Rd, reduction of rear yard set back and north side yard set back for constructing garage
1904	4-25-2005	Variance for property located at 707 Joliet St., reduction of side yard set back and rear yard set back for reconstructing garage
1907	5-23-2005	Variance for property located at 754 Gooding Street, reduction of east rear yard set back and south side yard set back for constructing garage
1917	8-1-2005	Variance for property located at 1598 Campbell Ave., reduction of east side yard set back and south side yard set back for constructing garage
1932	9-26-2005	Variance for property located at 18 Lauren Place, reduction of north front yard set back for constructing porch

Ord. No.	*Date Passed*	*Description*
1933	9-26-2005	Variance for property located at 25 Brookview Drive, reduction of southwest side yard set back for constructing new home
2032	9-25-2006	Variance for property located at 1121 3rd Street, for the purpose of constructing a garage
2086	7-16-2007	Variance for property located at 1120 St. Vincent Avenue, for the purpose of constructing a garage
2089	8-27-2007	Variance for property located at 1252 Linden Avenue, for the purpose of constructing a garage
2132	6-16-2008	Variance for property located at 1545 Argyle Road, for the purpose of constructing a garage
2138	10-6-2008	Variance for property located at 1587 Campbell Avenue, for the purpose of constructing a garage
2177	6-29-2009	Variance for property located at 85 Chartres Street, for the purpose of allowing open storage of products, materials or equipment on up to 50% of the premises
2233	6-14-2010	Variance for property located at Lot 17, Vermilionvue Subdivision, from the requirement of providing sewer ejector pump
2241	8-23-2010	Variance for property located at 1602 Prospect Avenue, for the purpose of expansion and upgrade of a garage
2247	11-1-2010	Variance for property located at 1573 Fourth Street, for the purpose of constructing a garage
2248-A	10-4-2010	Variance for property located at 1120 St. Vincent Avenue, for the purpose of constructing a garage

Ord. No.	*Date Passed*	*Description*
2272	5-16-2011	Variance for property located at 2154 St. Vincent Avenue, for the purpose of constructing a fence on the south and west sides of the premises
2274	5-23-2011	Variance for property located at 801-821 Joliet Street, from the requirement of providing off-street parking
2276	5-23-2011	Variance for property located at 1228 O'Conor Avenue, for the purpose of constructing a garage
2296	9-19-2011	Variance for property located at 773 Eleventh Street, for the purpose of constructing a garage
2347	5-22-2012	Variance for property located at 1204 Sixth Street for the purpose of constructing a garage
2459	10-22-2013	Variance for property located at 1055 Sixth Street, for the purpose of reducing the number of off street parking spots at that location to zero

TABLE VIII: SPECIAL USES

Ord. No.	*Date Passed*	*Description*
Res. 200311	8-18-2003	Special use permit for property known as southeast portion of 802 First Street for purpose of construction and maintenance of 140 foot monopole and equipment cabinets
Res. 200312	11-24-2003	Special use permit for property known as the south 600 feet and the west 400 feet of the north half of the northeast quarter of Section 3, Township 33 north, Range 1 east of the Third Principal Meridian
Res. 201002	2-1-2010	Special use permit for installation of three dishes and Omni antenna on the Cannon Water Tower located at 753 E. U.S. Route 6
Res. 201003	2-1-2010	Special use permit for installation of GPS antenna on the Civic Water Tower located at 341 N. 30th Road
Res. 201014	7-26-2010	Special use permit for property known as the Lincoln-Malcolm Water Tower property for installation of antennas with coax lines and equipment shelter
Res. 201116	6-27-2011	Special use permit for property located at 341 N. 30th Road for installation of two antennae and a dish and cables and related appurtenances
Res. 201302	2-26-2013	Special use permit for an approximate 147.7 acre tract of land located west of LaSalle County Highway 43, east of East 6th Road, and north of Interstate 80 for use in a sand mining operation and related endeavors

TABLE IX: SUBDIVISIONS

Ord. No.	*Date Passed*	*Description*
1813	8-4-2003	Approving subdivision plat of Galas Subdivision located on East side of LaHarpe Street between 1360 LaHarpe and 1414 LaHarpe Street
1815	9-2-2003	Approving subdivision plat for property located at 533 Garfield Avenue
1816	9-2-2003	Approving first and final plat of Bedenko Subdivision located at 502 Edwards Avenue
1830	1-5-2004	Approving subdivision of Yaklich's Subdivision located at 101 Garfield Avenue
1845	6-14-2004	Approving subdivision plat of Golfview Estates, Second Subdivision - Phase 2
1865	10-11-2004	Approving final plat subdivision of Ossola's Subdivision located at 2126 Creve Couer Street
1866	10-25-2004	Approving re-subdivision of portion of Golfview Estates, Second Subdivison - Phase 2 commonly described as being 25, 35 and 45 Brookview Drive in Golfview Estates Subdivision
1878	12-6-2004	Approving first and final plat of Fouts re-subdivision of a part of lots 1, 2 and 3 in Hartshorn's Subdivision located at 506 East US Route 6, 2794 East 508th Road, 2796 East 508th Road, 2798 East 508th Road and which are located on the south side of Route 6 and East of 508th Road

Ord. No.	*Date Passed*	*Description*
1906	5-9-2005	Approving Schmidt-Tracy, Inc Subdivision, a re-subdivision of lot 4 in Senica's Industrial Park Subdivision
1960	5-22-2006	Approving preliminary plan of planned unit development commonly known as Frontier Lodge
2059	3-26-2007	Approving Westbrook Subdivision, located at 602 North 29th Road
2060	3-26-2007	Approving Wright Subdivision, located at 2295 Washington Street
2342	4-24-2012	Approving are-subdivision of Lots 8, 13, 14, part of Lot 12, and art of the public alley in Block 93, and part of Gooding and Third Streets, known as the LaSalle Dollar General Subdivision
2382	10-23-2012	Approval of a preliminary plat of North Terraces Subdivision, located on the south side of North 2969th Road
2383	10-23-2012	Approving the final plat of the North Terraces Subdivision, located on the south side of North 2969th Road
2445	6-18-2013	Approving consolidation plat of a portion of Block 27 within the City of LaSalle, being a re-subdivision of certain lots and part of the public alley in Block 27 between 8th and 9th Streets between LaHarpe Street and Sterling Street

TABLE X: PURCHASES

Ord. No.	*Date Passed*	*Description*
1832	1-19-2004	Purchase of fire rescue truck
1858	9-27-2004	Purchase of Pierce fire truck
1975	- -	Purchase of crosswind sweeper
2078	5-7-2007	Lease-purchase of police vehicles
2103	11-19-2007	Purchase of John Deere backhoe/endloader
2125	5-5-2008	Lease-purchase of police squad car
2173	- -	Lease-purchase of police squad car
2229	5-17-2010	Lease-purchase of police squad car
2270	5-2-2011	Purchase of two police squad cars
2352	6-5-2012	Purchase of two police squad cars
2359	7-17-2012	Purchase of a 2012 Vermeer BC1500 Chipper
2431	5-7-2013	Acquisition of two police squad cars
2435	5-21-2013	Purchase of an ambulance

TABLE XI: AGREEMENTS AND CONTRACTS

Ord. No.	*Date Passed*	*Description*
1870	11-1-2004	Approving and authorizing TIF redevelopment agreement
1952	3-13-2006	Agreement authorizing entry into garbage disposal agreement with Illinois Valley Waste Services
1958	6-22-2006	Authorizing the execution of a professional services agreement by and between Thomas N. Jacob & Associates, Ltd. and the Economic Development Group, Ltd. and the city
1963	6-5-2006	Authorizing the execution of an intergovernmental agreement between the city and Illinois Valley Community College District 513
1967	6-26-2006	Authorizing the execution of a professional services agreement by and between Thomas N. Jacob & Associates, Ltd. and the city
1971	- -	Authorizing the execution of a predevelopment agreement between the city and Frontier Lodge, LLC
1974	8-14-2006	Authorizing execution of intergovernmental agreement between the city and the County of LaSalle
2033	9-25-2006	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle Grade School District #122
2037	10-23-2006	Authorizing execution of intergovernmental Shopper Bus Agreement

Ord. No.	*Date Passed*	*Description*
2041	- -	Authorizing the execution of intergovernmental agreement by and between the city and Illinois Valley Community College District Number 513
2042	- -	Authorizing the execution of intergovernmental agreement by and between the city and Illinois Valley Community College District Number 513
2047	12-2006	Authorizing the execution of IMLRMA Minimum/Maximum Contribution Agreement
2072	- -	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle-Peru High School District No. 120
2073	- -	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle-Peru High School District No. 120
2090	9-10-2007	Authorizing the execution of an intergovernmental agreement between the city and Illinois Valley Community College District 513
2091	9-24-2007	Supplementing and amending Ordinance No. 1792 relating to loan agreement with the Illinois Environmental Protection Agency
2093	10-22-2007	Authorizing the execution of an intergovernmental agreement between the city and LaSalle-Peru High School District No. 120
2100	11-19-2007	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement
2101	11-19-2007	Authorizing the execution of a TIF District Redevelopment Agreement between the city and Con-Way Freight, Inc.

Ord. No.	*Date Passed*	*Description*
2110	2-11-2008	Authorizing entry into Illinois Public Works/Water/Wastewater Mutual Aid and Assistance Agreement
2119	4-7-2008	Authorizing entry into amendment of garbage disposal agreement, related fees to city households, and related matters
2120	4-7-2008	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle-Peru High School District Number 120 regarding Downtown TIF District
2121	4-7-2008	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle Elementary School District Number 122 regarding Downtown TIF District
2127	6-16-2008	Authorizing the execution of intergovernmental agreement by and between the city and the City of Peru regarding "Code Red"
2139	10-6-2008	Confirming licensing agreement with the State of Illinois Department of Natural Resources
2140	10-20-2008	Authorizing the execution of redevelopment agreement by and between the city, Gary C. Hammers and Julia A. Hammers regarding Downtown TIF District
2149	- -	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle County regarding the Downtown TIF District a/k/a TIF V
2150	- -	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle County regarding the LaSalle Water Park TIF District a/k/a TIF VI

Ord. No.	*Date Passed*	*Description*
2151	- -	Authorizing the execution of intergovernmental agreement by and between the city and LaSalle County regarding the LaSalle Industrial Park and Other Redevelopment Area TIF District a/k/a TIF VII
2153	11-17-2008	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement
2154	11-17-2008	Approving ambulance service agreement
2162	3-23-2009	Authorizing an agreement for application, administration and coordination services for an open space land acquisition and development grant on behalf of the city
2168	- -	Authorizing the execution of a redevelopment agreement between the city and successors in interest to Edward Yaklich and Vivian Yaklich, and successors in interest to Stanley Mrowicki and Charlotte Mrowicki
2169	- -	Approving redevelopment agreement between the city and Canal Corridor Association
2172	6-1-2009	Authorizing the city to enter into engineering agreements regarding the East Side Waste Water Treatment Plant
2186	7-27-2009	Approving tentative agreement between the city and AFSCME Local 2823
2191	10-5-2009	Approving labor agreement between the city and Illinois FOP Labor Council
2194	10-19-2009	Approving $15,000,000 loan agreement with the Illinois EPA
2196	10-19-2009	Ratifying, confirming and approving interagency law enforcement agreement (TRIDENT)

Ord. No.	*Date Passed*	*Description*
2199	11-2-2009	Authorizing agreement with Farnsworth Group, Inc. for professional services regarding CSO long-term control plan
2201	11-16-2009	Approving and authorizing execution of a TIF District Redevelopment Agreement
2202	12-14-2009	Approving water main easement agreement
Res. 201005	2-1-2010	Entry into agreement for application, administration and coordination services for CDAP grant
Res. 201009	5-3-2010	Join North Central Illinois Council of Governments
Res. 201010	5-17-2010	Authorizing execution of intergovernmental automatic mutual aid agreement with City of Peru
Res. 201011	6-1-2010	Authorizing execution of intergovernmental automatic mutual aid agreement with Utica Community Fire Protection district
Res. 201012	6-14-2010	Entry into agreement for application, administration and coordination services for CDAP grant
2239	8-9-2010	Approving agreement with Fehr-Graham and Associates regarding pursuit of EPA Brownsfields Assessment grants
2242	9-7-2010	Authorizing contract with U.S. Dept. of Agriculture regarding grant money for equipped K-9 vehicle
2245	9-20-2010	Approving agreement with Fehr-Graham and Associates regarding pursuit of a grant for asbestos removal
2246-A	10-18-2010	Authorizing agreement with Ameren regarding tree reimbursement
Res. 201016	- -	Authorizing entry into cost of reimbursement subcontract with NCICG

Ord. No.	*Date Passed*	*Description*
Res. 201018	10-18-2010	Authorizing entry into rebate agreement with Illinois Dept. of Commerce and Economic Opportunity regarding energy grant by rebate
2256	12-13-2010	Authorizing agreement between the city and Paramedic Services of Illinois, Inc.
Res. 201028	12-28-2010	Entry into agreement for application and coordination services for a CDAP grant
2257A	1-10-2011	Authorizing business associates agreement between the city and Paramedic Services of Illinois, Inc.
2260	1-10-2011	Authorizing ambulance billing agreement with Paramedic Services of Illinois, Inc.
2261	3-7-2011	Approving and authorizing execution of redevelopment agreement between the city and Susan Crawford and William Miller
2263	4-4-2011	Ratifying and approving intergovernmental agreement for conveyance and mutual easements between the city, the Illinois Department of Veterans Affairs and the Illinois Capital Development Board
2266	4-18-2011	Authorizing garbage disposal agreement with Illinois Valley Waste Services
2271	5-2-2011	Authorizing agreement regarding Illinois Clean Energey Community Foundation grant
2281	6-13-2011	Approving graduate practicum placement agreement with Illinois State University intern
2284	7-11-2011	Authorizing cooperative agreement for clinical instruction and observational experiences between the city and Illinois Valley Community College

Ord. No.	*Date Passed*	*Description*
2285	7-11-2011	Authorizing entry into community facilities grant agreement with U.S. Dept. of Agriculture Rural Housing Service
2288	8-8-2011	Approving and authorizing the execution of a professional services agreement for the amendment of LaSalle TIF District III
2289	8-8-2011	Approving and authorizing the execution of an intergovernmental agreement regarding the LaSalle Industrial Park TIF District
2290	8-8-2011	Approving and authorizing the execution of an intergovernmental agreement regarding the LaSalle Waterpark TIF District
2291	8-8-2011	Authorizing entry in to a grant administration agreement between the City of LaSalle and the North Central Illinois Council of Governments
2294	8-22-2011	Authorizing the execution of a professional services agreement for the amendment and extension of LaSalle TIF District IV
Res. 201117	9-6-2011	Agreement with the North Central Illinois Council of Governments for application, administration, and coordination services for a Community Development Assistance Program grant
2299	10-3-2011	Approving an intergovernmental agreement between the City of LaSalle and LaSalle-Peru Township High School regarding the placement of a school resource officer
2302	10-17-2011	Authorizing an agreement with Rezek, Henry, Meisenheimer and Gende, Inc., regarding engineering work in connection with Phase I of the OSLAD grant

Ord. No.	*Date Passed*	*Description*
2307	11-28-2011	Approving an agreement with Rezek, Henry, Meisenheimer and Gende, Inc., in regard to master plan work in reference to the development of the park commonly known as Rotary Park
2319	12-12-2011	Agreement with HR Green, Inc., for professional engineering services in connection with an IKE Disaster Recovery CDBG Grant
Res. 201202	2-6-2012	Authorizing entry into an agreement with the North central Illinois Council of Governments for application, administration and coordination services for a Community Development Assistance Program grant
2331	2-20-2012	Approving a redevelopment agreement between the city, LaSalle County, and Gary Hammers for premises commonly known as 749 First Street
2333	3-13-2012	Amendment to an agreement with HR Green, Inc., for professional services pertaining to economic development
2337	4-24-2012	Agreement between the city and Paramedic Services of Illinois, Inc., regarding the providing of ambulance services
2344	5-10-2012	Collective bargaining agreement between the city and AFSCME Union regarding city employees covered by that union agreement
2345	5-8-2012	Approving agreement with Aclara Technologies, LLC for maintenance of computer hardware and software
Res. 201207	5-22-2012	Authorizing entry into an agreement with the North central Illinois Council of Governments regarding application services for an Illinois Transportation Enhancement Program grant

Ord. No.	*Date Passed*	*Description*
Res. 201208	5-22-2012	Authorizing an agreement between the city and Bergfeld Landscape Architecture Studio regarding Illinois Transportation Enhancement Program grant
2346	5-22-2012	Agreement with Robinson Engineering for professional services regarding economic development TIF District
2355	6-19-2012	Authorizing the execution of a professional services agreement between the city, Jacob & Klein, Ltd., and the Economic Development Group, Ltd., regarding the establishment of a TIF District
2355-A	7-10-2012	Authorizing an agreement with Dore & Associates Contracting, Inc., regarding demolition of Matthiessen School
2357	6-19-2012	Authorizing the execution of a pre-annexation agreement between the city and Carus Corporation, a foreign corporation
2358-A	6-19-2012	Authorizing the execution of a pre-annexation agreement between the city and Investment Planning Inc.
2365	6-19-2012	Approving and authorizing the execution of an intergovernmental agreement between the city and LaSalle-Peru Township High School District No. 120
Res. 201210	7-10-2012	Approving a charitable donation pledge agreement between the city and a donor to the LaSalle Rotary Park Foundation
2369	8-28-2012	Authorizing the city to enter into an agreement with Illinois Constructors Corp., regarding a retaining fund wall contract in connection with an IKE Disaster Recovery Program Grant

Ord. No.	*Date Passed*	*Description*
2370	8-28-2012	Authorizing an ambulance service agreement with Vitas Healthcare Corporation of Illinois
2372	7-10-2012	Approving an agreement regarding repair of a portion of a railroad right-of-way by Iowa Interstate Railroad, Ltd.
2373	10-9-2012	Approving and authorizing the execution of a pre-annexation agreement between the city and Carus Corporation, a foreign corporation
2375	10-9-2012	Approving and authorizing the execution of a pre-annexation agreement between the city and Investment Planning, Inc.
2377	10-9-2012	Approving and authorizing the execution of a pre-annexation agreement between the city and Gerald Cleer, Michael Cleer, and Harry Cleer
2380	10-9-2012	Authorizing the execution of an intergovernmental agreement between the Illinois Office of the Comptroller an the City of LaSalle regarding the Illinois Comptroller's Local Debt Recovery Program
2381	10-23-2012	Approving and authorizing the execution of an intergovernmental agreement between the city and Dimmick Community consolidated School District No. 175
2390	10-30-2012	Approving and authorizing the execution of an intergovernmental agreement between the city and Illinois Valley community College District No. 513
2393	11-6-2012	Authorizing a collective bargaining agreement between the city and the LaSalle Professional Fire Fighters Local 4760 Union

Ord. No.	*Date Passed*	*Description*
2401	12-18-2012	Approving and authorizing the execution of an intergovernmental agreement between the city and the County of LaSalle regarding the establishment of a new TIF District
2402	12-18-2012	Approving and authorizing the execution of a pre-annexation agreement between the city and Mertel Investment Company, Inc.
2405	12-18-2012	Approving and authorizing the execution of a pre-annexation agreement between the city and Betty Diedrick
2407	12-18-2012	Authorizing a permanent easement and intergovernmental agreement with the State of Illinois Capital Development Board
2413	1-2-2013	Approving and authorizing the execution of an intergovernmental agreement between the city and Peru Elementary School District No. 124
2414	1-2-2013	Approving and authorizing the execution of an intergovernmental agreement between the city and LaSalle Elementary School District No. 122
2417	2-26-2013	Approving and authorizing the execution of a pre-development agreement between the city and Quality Sand Products, LLC.
2419	2-26-2013	Approving and authorizing the execution of a re-development agreement between the city and John Pohar & Sons, Inc., regarding the North Terraces Subdivision
Res. 201306	3-26-2013	Authorizing conditional entry into an agreement with Illinois valley Community Hospital regarding post-acute transfer of patients
2421	4-10-2013	Authorizing a grant contract regarding public improvements to certain pedestrian and bike trails

Ord. No.	*Date Passed*	*Description*
2422	4-10-2013	Authorizing the development and implementation of the City of LaSalle Comprehensive Plan
2423	4-10-2013	Authorizing an intergovernmental agreement regarding amendment to the boundary line agreement with the Village of North Utica
2430	5-7-2013	Approving and authorizing the execution of TIF District Redevelopment agreement between the city and Thomas Arnold
2434	5-7-2013	Authorizing the execution of an agreement with Virginia Kochanowski for interim consultant services regarding training for the position of city clerk
2439	6-18-2013	Approving and authorizing the execution of an annexation agreement between the city and James Hughett and Rebecca Hughett
2446	7-2-2013	Approving and authorizing the execution of TIF District Redevelopment agreement between the city and Starved Rock Family Fun, LLC
2460	11-5-2013	Authorizing the city to enter a contract with the United Stated Department of Agriculture regarding the receipt of grant money for an equipped K-9 vehicle
2466	12-3-2013	Authorizing an engineering agreement with HR Green, Inc., regarding improvements to an existing well field
2467	12-3-2013	Approving a labor agreement between the city and the Illinois Fraternal Order of Police
2468	12-3-2013	Approving and authorizing the execution of TIF District Redevelopment agreement between the city and Buckman Iron & Metal Co., Inc.

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TABLE XII: CITY STREETS AND ROADS

Ord. No.	*Date Passed*	*Description*
1065	4-23-1984	Addition of Airport Road/Chartres Street from LaSalle Road southerly a distance of approximately 7,336 feet to the city street system
1810	7-7-2003	Roadway west of Route 351 previously referred to and known as towpath is named West Towpath Road
1875	12-6-2004	County Highway 28, beginning at the intersection of County Highway 28 and U.S. Route 6, thence southerly along County Highway 28 for a distance of 0.51 miles to E. 709th Road in its entirety is added to the municipal roadway of the city
Res. 200507	1-31-2005	Nomination of Illinois River Road-Route of the Voyagers as scenic byway for inclusion in byway corridor
1893	3-14-2005	Rename J.C. Whitney Way to Progress Parkway
1899	3-28-2005	Ratify renaming of J.C. Whitney Way to Progress Parkway (reaffirming Ord. 1893)
2043	11-6-2006	Naming Frontier Lane, East Lodge Lane, West Lodge Lane, Timber Lane, Pioneer Trail South, Pioneer Trail North, Hickory Land and Lodge Circle within the Frontier Lodge planned unit development
2112	3-25-2008	Clarifying street names: all streets and roadways within the city previously referenced and/or referred to by name as East 3rd Road and/or Chartres Street, be and same, are henceforth named and known as Chartres Street

Ord. No.	*Date Passed*	*Description*
2113	3-25-2008	Clarifying street names: all streets and roadways within the city previously referenced and/or referred to by name as East 350th Road and/or St. Vincent Avenue and/or Street, and/or St. Vincent's Avenue and/or Street, be and same, are henceforth named and known as St. Vincent Avenue
2114	3-25-2008	Clarifying street names: all streets and roadways within the city previously referenced and/or referred to by name as North 2969th Road and/or Ator Drive, be and same, are henceforth named and known as Ator Drive
2115	3-25-2008	Clarifying street names: all streets and roadways within the city previously referenced and/or referred to by name as East 6th Road and/or James Road, be and same, are henceforth named and known as James Road
2116	3-25-2008	Clarifying street names: all streets and roadways within the city previously referenced and/or referred to by name as Bucklin Street and/or Bucklin Avenue, be and same, are henceforth to be named and known as Bucklin Avenue
2204	1-11-2010	Addition of a frontage road located in the northwest quadrant of the Interstate 80/Illinois 178 interchange
2264	4-4-2011	Rename Sauer Danfoss Road to ABC Wire Drive
2455	10-8-2013	Renaming the portion of roadway lying east of St. Vincent's Avenue from Elm Road to Fifteenth Street
2464	12-3-2013	Clarifying the name of a street within the City of LaSalle
2465	12-3-2013	Clarifying the name of a street within the City of LaSalle

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References to ILCS
References to 1963 Code
References to Resolutions
References to Ordinances

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Ch. 5, Act 70, § 1.07	10.02
Ch. 5, Act 70, § 1.08	10.02
Ch. 5, Act 70, § 1.09	10.04
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Ch. 5, Act 70, § 1.11	10.04
Ch. 5, Act 70, § 1.12	10.02
Ch. 5, Act 70, § 1.15	10.02
Ch. 5, Act 70, § 1.16	10.02
Ch. 5, Act 70, § 1.17	10.02
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1510	3-27-1995	TSO I
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1512	3-27-1995	TSO I
1513	3-27-1985	TSO I
1514	3-27-1985	TSO I

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1515	3-27-1995	94.01–94.04
1516	4-10-1995	TSO VI
1517	4-10-1995	TSO VI
1518	- -	51.55
1521	5-8-1995	TSO I
1522	5-22-1995	TSO I
1523	5-22-1995	TSO I
1524	5-22-1995	TSO I
1525	5-22-1995	TSO I
1526	5-22-1995	TSO I
1530-A	6-26-1995	TSO I
1531	6-26-1995	TSO I
1532	6-26-1995	TSO I
1533	6-26-1995	TSO I
1534	7-17-1995	TSO VI
1535	7-17-1995	TSO VI
1537	7-17-1995	35.03; 35.05; 35.06
1538	7-17-1995	TSO I
1541	7-31-1995	TSO I
1545A	9-25-1995	TSO VI
1549	11-6-1995	TSO II
1550	12-4-1995	TSO I
1551	12-4-1995	TSO I
1552	12-4-1995	TSO VI
1553	12-4-1995	TSO VI
1554	12-4-1995	TSO VI
1555	12-18-1995	TSO VI
1556	12-18-1995	TSO VI
1557	12-18-1995	TSO VI
1558	12-18-1995	114.01–114.12; 114.99
1559	1-16-1999	Ch. 75, Sch. III
1560	1-29-1996	TSO VI
1564	3-14-1996	TOS II
1574	6-3-1996	TSO I
1575	6-11-1996	TSO II
1576	6-11-1996	TSO II
1579	7-1-1996	TSO VI
1582	7-29-1996	TSO IV
1586	9-9-1996	TSO I
1589	10-7-1996	TSO IV
1590	10-7-1996	TSO IV
1591	11-4-1996	TSO I
1598	4-21-1997	TSO I
1602	6-2-1997	Ch. 76, Sch. III
1603(a)	6-2-1997	Ch. 75, Sch. II

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1609	6-30-1997	TSO VI
1612	7-28-1997	TSO I
1614	7-28-1997	TSO VI
1620	9-29-1997	Ch. 76, Sch. I
1621	11-3-1997	TSO VI
1622	11-3-1997	TSO I
1626	11-3-1997	115.01–115.07
1627	- -	51.25; 51.31
1630	12-15-1997	Ch. 76, Sch. II
1631	12-15-1997	Ch. 76, Sch. I
1632	2-9-1998	TSO VI
1633	3-23-1998	153.002; 153.079
1634	4-6-1998	TSO IV
1639	6-15-1998	TSO IV
1640	6-29-1998	34.54; 34.99
1647	10-19-1998	TSO II
1649	10-19-1998	30.20–30.23
1656	3-22-1999	TSO I
1658	3-22-1999	111.01–111.05; 111.15–111.23; 111.35–111.48; 111.99
1660	5-3-1999	30.06
1661	5-3-1999	TSO II
1663	5-17-1999	TSO IV
1667	6-28-1999	32.020–32.028
1668	6-28-1999	35.20
1669	6-28-1999	Ch. 75, Sch. III
1673	8-9-1999	TSO IV
1675	8-23-1999	Ch. 75, Sch. III
1677	9-7-1999	51.01–51.03; 51.05–51.08; 51.99
1679	9-20-1999	TSO VI
1681	9-20-1999	32.001–32.010
1683	10-18-1999	TSO II
1690	12-13-1999	110.99
1691	12-13-1999	34.20–34.35
1692	12-13-1999	Ch. 76, Sch. III
1693	1-24-2000	TSO IV
1698	4-17-2000	TSO IV
1699	4-17-2000	TSO IV
1700	4-17-2000	TSO IV
1701	4-17-2000	TSO IV
1702	4-24-2000	128.040–128.045; 128.999
1703	4-24-2000	113.01; 113.02; 113.99
1704	4-24-2000	128.060–128.076; 128.999
1713	8-21-2000	TSO VI

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1714	8-21-2000	TSO VI
1717	9-18-2000	31.033
1718	9-18-2000	31.069
1720	10-2-2000	36.02
1722	11-27-2000	TSO IV
1724	1-8-2001	90.15–90.24; 90.99
1729	4-2-2001	TSO IV
1731	6-25-2001	Ch. 75, Sch. I
1734	5-29-2001	72.12; 72.99
1735	5-29-2001	91.20–91.26; 91.99
1736	6-11-2001	36.01
1738	6-25-2001	Ch. 76, Sch. I
1748	10-1-2001	153.080
1750	10-15-2001	TSO I
1756	1-21-2002	51.56
1758	3-18-2002	TSO VI
1762	4-15-2002	Ch. 75, Sch. III
1764	4-29-2002	133.07; 133.99
1765	4-29-2002	Ch. 75, Sch. III
1766	5-13-2002	33.28
1767	- -	51.31
1768	6-10-2002	36.01
1771	6-24-2002	91.01
1780	9-16-2002	115.20; 115.21
1781	10-14-2002	Ch. 76, Sch. III
1782	10-14-2002	Ch. 76, Sch. III
1784	11-11-2002	Ch. 75, Sch. III
1785	12-9-2002	51.20–51.41; 51.99
1788	2-3-2003	TSO VI
1791	3-3-2003	TSO VI
1793	3-31-2003	150.01
1794	3-31-2003	150.02
1795	3-31-2003	150.03
1796	3-31-2003	150.04
1797	3-31-2003	150.05
1798	3-31-2003	150.06
1799	3-31-2003	150.07
1801	3-31-2003	TSO VI
1802	3-31-2003	TSO VI
1803	3-31-2003	TSO VII
1806	6-9-2003	TSO IV
1808	6-23-2003	TSO III

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1809	7-7-2003	TSO VII
1810	7-7-2003	TSO XII
1813	8-4-2003	TSO IX
1814	9-2-2003	TSO VI
1815	9-2-2003	TSO IX
1816	9-2-2003	TSO IX
1817	9-2-2003	TSO VII
1818	10-13-2003	TSO VI
1822	11-24-2003	TSO I
1823	11-24-2003	TSO I
1824	11-24-2003	TSO I
1825	11-24-2003	TSO I
1827	11-24-2003	Ch. 76, Sch. I
1829	12-22-2003	TSO VII
1830	1-5-2004	TSO IX
1831	1-5-2004	TSO VI
1832	1-19-2004	TSO X
1833	2-2-2004	Ch. 76, Sch. V
1835	3-29-2004	73.12
1836	3-29-2004	32.151
1838	4-26-2004	TSO VI
1839	4-26-2004	TSO VII
1840	5-10-2004	35.20
1844	5-24-2004	TSO VI
1845	6-14-2004	TSO IX
1847	6-21-2004	TSO VII
1848	6-21-2004	TSO VII
1850	7-5-2004	TSO VII
1851	7-19-2004	TSO VII
1852	7-19-2004	Ch. 76, Sch. I; Ch. 76, Sch. VI
1853	7-19-2004	Ch. 76, Sch. I
1855	8-16-2004	TSO VII
1858	9-27-2004	TSO X
1859	9-27-2004	TSO VI
1860	9-27-2004	Ch. 75, Sch. III
1861	9-27-2004	112.01–112.05; 112.99
1862	10-11-2004	153.064
1863	10-11-2004	TSO V
1865	10-11-2004	TSO IX
1866	10-25-2004	TSO IX
1867	10-25-2004	TSO VII
1868	11-1-2004	Ch. 76, Sch. I
1870	11-1-2004	TSO XI
1871	11-22-2004	TSO VII
1872	11-22-2004	TSO II

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1873	12-6-2004	Ch. 76, Sch. I
1875	12-6-2004	TSO XII
1876	12-6-2004	Ch. 76, Sch. V
1877	12-6-2004	Ch. 76, Sch. II
1878	12-6-2004	TSO IX
1880	12-20-2004	Ch. 76, Sch. I
1881	1-3-2005	TSO IV
1882	1-17-2005	71.09; Ch. 75, Sch. I
1883	1-17-2005	71.10
1884	1-17-2005	Ch. 76, Sch. I
1891	2-14-2005	153.120
1892	2-28-2005	Ch. 75, Sch. VI
1893	3-14-2005	TSO XII
1894	3-14-2005	TSO I
1898a	4-11-2005	TSO VII
1898b	3-28-2005	TSO VI
1899	3-28-2005	TSO XII
1904	4-25-2005	TSO VII
1905	5-9-2005	TSO I
1906	5-9-2005	TSO IX
1907	5-23-2005	TSO VII
1911	6-6-2005	34.52
1913	6-20-2005	Ch. 76, Sch. I
1914	6-20-2005	Ch. 76, Sch. II
1916	6-20-2005	Ch. 75, Sch. VII
1917	8-1-2005	TSO VII
1918	8-15-2005	Ch. 76, Sch. V
1921	8-29-2005	TSO I
1926	8-29-2005	TSO I
1928	8-29-2005	Ch. 76, Sch. V
1930	9-12-2005	TSO I
1931	9-12-2005	132.05
1932	9-26-2005	TSO VII
1933	9-26-2005	TSO VII
1945	1-3-2006	TSO IV
1950	2-27-2006	Ch. 76, Sch. II
1951	2-27-2006	Ch. 76, Sch. II
1952	3-13-2006	52.01; 52.02; 52.03; TSO XI
1955	5-8-2006	TSO II
1957	5-22-2006	150.04
1958	6-22-2006	TSO XI
1959	5-22-2006	153.160–153.168
1960	5-22-2006	TSO IX
1961	6-5-2006	124.01–124.05; 124.99
1962	6-5-2006	73.07, 73.99
1963	6-5-2006	TSO XI

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1964	6-16-2006	36.01
1967	6-26-2006	TSO XI
1970	7-5-2006	91.99
1971	- -	TSO XI
1973	7-31-2006	150.05
1974	8-14-2006	TSO XI
1975	- -	TSO X
1976	8-21-2006	TSO I
1977	8-21-2006	TSO I
1978	8-21-2006	TSO I
1979	8-21-2006	TSO I
1980	8-21-2006	TSO I
1981	8-21-2006	TSO I
1982	8-21-2006	TSO I
1983	8-21-2006	TSO I
1984	8-21-2006	TSO I
1985	8-21-2006	TSO I
1986	8-21-2006	TSO I
1987	8-21-2006	TSO I
1988	8-21-2006	TSO I
1989	8-21-2006	TSO I
1990	8-21-2006	TSO I
1991	8-21-2006	TSO I
1992	8-21-2006	TSO I
1993	8-21-2006	TSO I
1994	8-21-2006	TSO I
1995	8-21-2006	TSO I
1996	8-21-2006	TSO I
1997	8-21-2006	TSO I
1998	8-21-2006	TSO I
1999	8-21-2006	TSO I
2000	8-21-2006	TSO I
2001	8-21-2006	TSO I
2002	8-21-2006	TSO I
2003	8-21-2006	TSO I
2004	8-21-2006	TSO I
2005	8-21-2006	TSO I
2006	8-21-2006	TSO I
2007	8-21-2006	TSO I
2008	8-21-2006	TSO I
2009	8-21-2006	TSO I
2010	8-21-2006	TSO I
2011	8-21-2006	TSO I
2012	8-21-2006	TSO I
2013	8-21-2006	TSO I
2014	8-21-2006	TSO I

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2015	8-28-2006	TSO I
2015-A	8-21-2006	TSO VI
2016	8-28-2006	TSO I
2016-A	8-21-2006	TSO VI
2017	8-28-2006	TSO I
2018	8-28-2006	TSO I
2019	8-28-2006	TSO I
2020	8-28-2006	TSO I
2021	8-28-2006	TSO I
2022	8-28-2006	TSO I
2023	8-28-2006	TSO VI
2024	8-28-2006	TSO VI
2031	8-28-2006	Ch. 76, Sch. V
2032	9-25-2006	TSO VII
2033	9-25-2006	TSO XI
2034	9-25-2006	73.07
2035	9-25-2006	150.05
2036	10-23-2006	TSO II
2037	10-23-2006	TSO XI
2038	10-23-2006	133.16, 133.99
2039	10-23-2006	TSO IV
2041	- -	TSO XI
2042	- -	TSO XI
2043	11-6-2006	TSO XII
2044	11-20-2006	Ch. 76, Sch. III
2047	12- -2006	TSO XI
2048	12-18-2006	TSO IV
2049	1-2-2007	36.04
2050	1-15-2007	72.09
2052	2-12-2007	Ch. 76, Sch. I
2054	2-26-2007	93.009
2055	3-12-2007	72.99; Ch. 76, Sch. II
2056	3-12-2007	Ch. 76, Sch. V
2057	3-12-2007	71.11
2058	3-26-2006	TSO I
2059	3-26-2007	TSO IX
2060	3-26-2007	TSO IX
2061	3-26-2006	TSO I
2062	- -	TSO I
2063	- -	TSO I
2064	4-10-2007	TSO I
2065	4-10-2007	TSO I
2066	4-10-2007	TSO VI
2067	4-10-2007	TSO VI
2068	4-10-2007	TSO VI
2072	- -	TSO XI

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2073	- -	TSO XI
2074	4-10-2007	TSO IV
2075	4-10-2007	TSO IV
2078	5-7-2007	TSO X
2079	5-7-2007	TSO IV
2080	5-21-2007	91.01
2081	5-21-2007	72.15; 72.99
2082	6-6-2007	TSO IV
2083	6-4-2007	36.01
2084	7-2-2007	Ch. 75, Sch. I
2085	7-2-2007	73.12
2086	7-16-2007	TSO VII
2089	8-27-2007	TSO VII
2090	9-10-2007	TSO XI
2091	9-24-2007	TSO XI
2092	- -	TSO IV
2093	10-22-2007	TSO XI
2094	10-22-2007	Ch. 76, Sch. I
2095	10-22-2007	Ch. 76, Sch. I
2097	11-5-2007	52.04, 52.99
2098	11-5-2007	125.01–125.14; 125.99
2099	11-5-2007	126.01–126.09; 126.99
2100	11-19-2007	TSO XI
2101	11-19-2007	TSO XI
2102	11-19-2007	Ch. 75, Sch. III
2103	11-19-2007	TSO X
2106	1-14-2008	TSO IV
2107	1-28-2008	TSO VI
2108	1-28-2008	TSO II
2109	2-11-2008	90.03; 90.99
2110	2-11-2008	TSO XI
2111	2-25-2008	Ch. 75, Sch. I
2112	3-25-2008	TSO XII
2113	3-25-2008	TSO XII
2114	3-25-2008	TSO XII
2115	3-25-2008	TSO XII
2116	3-25-2008	TSO XII
2117	4-7-2008	Ch. 75, Sch. III
2118	4-7-2008	Ch. 75, Sch. III
2119	4-7-2008	TSO XI
2120	4-7-2008	TSO XI
2121	4-7-2008	TSO XI
2123	4-21-2008	Ch. 76, Sch. III
2124	5-5-2008	Ch. 76, Sch. II
2125	5-5-2008	TSO X

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2127	6-16-2008	TSO XI
2129	6-16-2008	Ch. 75, Sch. VI
2130	6-28-2008	TSO IV
2131	6-28-2008	36.01
2132	6-16-2008	TSO VII
2134	7-14-2008	TSO IV
2136	7-28-2008	TSO IV
2138	10-6-2008	TSO VII
2139	10-6-2008	TSO XI
2140	10-20-2008	TSO XI
2142	10-20-2008	Ch. 75, Schs. III, IV, VII; Ch. 76, Sch. VI
2143	10-20-2008	Ch. 75, Sch. III
2144	10-20-2008	Ch. 75, Sch. III
2145	10-20-2008	Ch. 76, Sch. I
2146	10-20-2008	110.39; 110.51; 110.99
2147	10-20-2008	134.01
2148	10-20-2008	133.03; 133.99
2149	- -	TSO XI
2150	- -	TSO XI
2151	- -	TSO XI
2152	11-3-2008	Ch. 76, Sch. II
2153	11-17-2008	TSO XI
2154	11-17-2008	TSO XI
2156	12-15-2008	153.081
2157	1-12-2009	51.01–51.08; 51.99
2158	1-26-2009	51.20 –51.42
2160	2-23-2009	96.09; 96.99
2161	2-23-2009	Ch. 76, Sch. I
2162	3-23-2009	TSO XI
2163	3-23-2009	Adopting Ordinance
2164	4-6-2009	TSO VI
2165	4-6-2009	153.023
2166	4-20-2009	TSO IV
2168	- -	TSO XI
2169	- -	TSO XI
2170	5-4-2009	Ch. 75, Sch. IV
2171	6-1-2009	71.11
2172	6-1-2009	TSO XI
2173	- -	TSO X
2174	- -	TSO IV
2175	6-15-2009	36.01
2177	6-29-2009	TSO VII
2178	6-29-2009	32.160–32.167
2179	7-13-2009	TSO VI
2180	7-13-2009	TSO VI

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2182	7-27-2009	TSO IV
2183	7-27-2009	TSO I
2184	7-27-2009	TSO VI
2185	7-27-2009	TSO IV
2186	7-27-2009	TSO XI
2187	7-27-2009	35.23
2189	9-8-2009	51.56
2190	10-5-2009	TSO III
2191	10-5-2009	TSO XI
2192	10-5-2009	Ch. 75, Sch. III
2193	10-5-2009	Ch. 75, Sch. VII
2194	10-19-2009	TSO XI
2195	10-19-2009	Ch. 75, Sch. I
2196	10-19-2009	TSO XI
2197	11-2-2009	TSO I
2198	11-2-2009	TSO VI
2199	11-2-2009	TSO XI
2201	11-16-2009	TSO XI
2202	12-14-2009	TSO XI
2204	1-11-2010	TSO XII
2205	1-11-2010	33.10
2206	1-11-2010	152.01–152.12; 152.99
2207	2-1-2010	TSO IV
2208	2-1-2010	TSO IV
2210	2-1-2010	Ch. 75, Sch. I
2211	3-8-2010	TSO II
2212	3-22-2010	Ch. 76, Sch. I
2213	4-6-2010	91.01
2214	4-6-2010	TSO IV
2215	4-6-2010	TSO IV
2216	4-6-2010	TSO IV
2217	4-6-2010	TSO IV
2220	4-19-2010	TSO V
2222	5-3-2010	Ch. 76, Sch. I
2223	5-3-2010	36.05
2224	5-17-2010	TSO IV
2227	5-17-2010	Ch. 76, Sch. V
2229	5-17-2010	TSO X
2230	6-1-2010	36.01
2231	6-1-2010	Adopting Ordinance
2232	6-14-2010	51.04
2233	6-14-2010	TSO VII
2234	6-14-2010	153.002; 153.031; 153.032; 153.075
2235	6-28-2010	91.22; 91.24

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2237	7-26-2010	50.01–50.05; 50.15; 50.16; 50.30–50.33; 50.99
2238	7-26-2010	TSO IV
2239	8-9-2010	TSO XI
2240	8-23-2010	36.06
2241	8-23-2010	TSO VII
2242	9-7-2010	TSO XI
2243	9-7-2010	97.01; 97.02; 97.99
2244	9-7-2010	Ch. 75, Sch. IV
2245	9-20-2010	TSO XI
2246	10-4-2010	154.01–154.10; 154.99
2246-A	10-18-2010	TSO XI
2247	11-1-2010	TSO VII
2247-A	10-4-2010	Ch. 76, Sch. I
2248	10-18-2010	TSO IV
2248-A	10-4-2010	TSO VII
2249	11-15-2010	TSO IV
2251	11-29-2010	Ch. 76, Sch. I, VI
2252	11-29-2010	Ch. 76, Sch. II, IV, VI
2254	12-13-2010	91.40 - 91.47; 91.98; 91.99
2255	12-13-2010	Ch. 76, Sch. III
2256	12-13-2010	TSO XI
2257	12-28-2010	TSO IV
2257A	1-10-2011	TSO XI
2258	1-10-2011	119.14
2259	1-10-2011	33.34
2260	1-10-2011	TSO XI
2261	3-7-2011	TSO XI
2262	3-7-2011	73.07
2263	4-4-2011	TSO XI
2264	4-4-2011	TSO XII
2266	4-18-2011	TSO XI
2267	4-18-2011	Ch. 76, Sch. I, VI
2269	5-2-2011	TSO V
2270	5-2-2011	TSO X
2271	5-2-2011	TSO XI
2272	5-16-2011	TSO VII
2273	5-16-2011	TSO IV
2274	5-23-2011	TSO VII
2275	5-23-2011	TSO IV
2276	5-23-2011	TSO VII
2277	5-31-2011	128.071, 128.072
2278	5-31-2011	TSO IV
2280	6-13-2011	36.01
2281	6-13-2011	TSO XI
2282	6-27-2011	151.01–151.13; 151.99
2283	6-27-2011	TSO IV

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2284	7-11-2011	TSO XI
2285	7-11-2011	TSO XI
2287	7-25-2011	111.01–111.07; 111.15–111.22; 111.35–111.49; 111.99
2288	8-8-2011	TSO XI
2289	8-8-2011	TSO XI
2290	8-8-2011	TSO XI
2291	8-8-2011	TSO XI
2292	8-8-2011	Ch. 76, Sch. I
2294	8-22-2011	TSO XI
2295	8-22-2011	Ch. 76, Schs. IV, VI
2296	9-19-2011	TSO VII
2299	10-2-2011	TSO XI
2300	10-3-2011	134.02, 134.03, 134.99
2301	10-17-2011	72.16
2302	10-17-2011	TSO XI
2303	10-31-2011	Ch. 76, Sch. I
2304	10-31-2011	33.27, 33,28
2305	11-14-2011	TSO VI
2307	11-28-2011	TSO XI
2308	11-28-2011	Ch. 76, Sch. III
2309	12-12-2011	TSO I
2310	12-12-2011	TSO I
2319	12-12-2011	TSO XI
2320	12-12-2012	133.99
2321	12-27-2011	TSO IV
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Extraterritorial District
Adoption of district and zoning map, 153.110