

**TITLE 1  
ADMINISTRATION**

# Chapter 1 GENERAL PROVISIONS

## Article 1- Official Code

- SECTION 1. TITLE.** Upon adoption by the Village Board of Trustees, this Village Code shall constitute the official Village Code of the Village of Woodhull. This Village Code of Ordinances shall be known and cited as the Woodhull Village Code and shall be kept up to date as provided in Section 3 under the direction of the Village Attorney, acting for the Board of Trustees. Any reference to the number of any section contained in this Code shall be understood to refer to the position of the same number, its appropriate Chapter and title heading, and to the general penalty clause relating, as well as to the section itself when references are made to this Village code by title in any legal document.
- SECTION 2. ACCEPTANCE.** This Village Code shall be received without further proof in all courts of this State as the ordinances of the Village of general and permanent effect, except in the excluded ordinances enumerated in Section 1 of Article 2.
- SECTION 3. AMENDMENTS.** Any ordinance amending this Village Code shall set forth the title, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendment or revision by ordinance shall be prepared for insertion in its proper place in each copy of the Village Code. Each replacement page shall be properly identified.
- SECTION 4. INTERPRETATION.**
- 4.1 **Intent to Defraud.** Whenever intent to defraud is required in order to constitute an offense, it shall be sufficient if intent appears to defraud any person.
- 4.2 **Liability of Employers and Agents.** When the provision of any section of this Village 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 or aiding or abetting that person shall be considered guilty of the offense described and liable to the penalty set forth.
- SECTION 5. ALTERATION OF CODE BOOK.** No person shall alter, change, replace or deface in any way any section or any page of this Village Code in a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Village Board of Trustees. The Village Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the Office of the Clerk.

## TITLE 1- ADMINISTRATION, CHAPTER 1- GENERAL PROVISIONS

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**SECTION 6. RULES OF CONSTRUCTION.** In the construction of the Village Code, the following rules shall be observed unless such construction would be inconsistent with the intent of the Board or contradictory to the content of the provisions.

- 6.1 **Tense.** Words used in the present tense include the future.
- 6.2 **May.** Is permissive.
- 6.3 **Must.** States a requirement.
- 6.4 **Shall.** Is mandatory

**SECTION 7. CATCH LINES AND NOTES.** The catch lines of the several sections of the Village Code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the Village Code, do not constitute any part of the law and are intended merely to indicate, explain, supplement or clarify the contents of a section.

**SECTION 8. SEVERABILITY.** If any section, provision or part of the Village Code is adjudged invalid or unconstitutional, the judgment will not affect the validity of the Village Code, as a whole or any section, provision or part, not adjudged invalid or unconstitutional.

## **TITLE 1- ADMINISTRATION, CHAPTER 1- GENERAL PROVISIONS**

### **Article 2- Savings Clause**

**SECTION 1. REPEAL OF GENERAL ORDINANCES.** All general ordinances of the Village passed prior to the adoption of this code are repealed, except as referred to as being still in force or are, by necessary implication reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting right to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances naming or vacating streets, alley or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; zoning ordinances; ordinances relating to the transfer or acceptance of real estate by or from the Village; and all special ordinances.

**SECTION 2. PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossing 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 Village Code or by virtue of the preceding section, excepting as this Village Code may contain provisions for such matters, in which case the Village Code shall be considered as amending the ordinance or ordinances in respect to those provisions only.

**SECTION 3. COURT PRECEDINGS.** No new ordinance shall be constructed or held to repeal any former ordinance, whether the former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance, or any way whatever to affect such offense or act so committed or done, or any penalty, forfeiture or punishment incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of the proceeding, so far as practicable. If any penalty or forfeiture or punishment is mitigated by any provision of a new ordinance, the provisions may be, by consent of the party affected applied to any judgment after the new ordinance takes effect.

This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subjects or in any other ordinance.

Nothing contained in this article shall be construed as stopping any action now pending under or by virtue of any general ordinance of the Village herein repealed and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this article be deemed as discontinuing, stopping, modifying or altering any penalty accrued or to be accrued, or as affecting the liability of any person, firm or corporation, or as waiving the right of the Village under any ordinance or provision in force at the time of this adoption of this Village Code.

## **TITLE 1- ADMINISTRATION, CHAPTER 1- GENERAL PROVISIONS**

### **Article 2- Savings Clause**

**SECTION 4. SEVERABILITY CLAUSE.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Village Code or any part is for any reason held to be unconstitutional or invalid or ineffective by any court or competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part. The Village Board declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

## TITLE 1- ADMINISTRATION, CHAPTER 1- GENERAL PROVISIONS

### Article 3- General Penalty

**SECTION 1. GENERAL PENALTY.** Unless otherwise stated in other provisions of this code, any persons convicted of a violation of any section of this Village Code shall be fined a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Any juveniles convicted of a violation of any section of the code may be fined a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) unless otherwise stated.

### SECTION 2. APPLICATIONS OF PROVISIONS.

2.1 The penalty provided in this Article shall be applicable to every section of this Code the same as though it were part of each and every separate section unless otherwise indicated. Any person convicted of any section of this Code where a duty is prescribed or obligation imposed, or where any action which in a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day that the duty or obligation remains unperformed or the act continues, unless otherwise specifically provided in this Village Code.

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

2.3 Whenever the doing of any act for the omissions to any act constitutes a breach of any section or provision in this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this article shall apply.

**SECTION 3. LIABILITY OF OFFICERS.** No provision of this Village Code designating the duties of any officer or employee shall be so construed as to make the officer or employee be liable for any fine or penalty provided for a failure to perform the duty, unless the intent of the Board of Trustees to impose such fine or penalty on the officer or employee is specifically and clearly expressed in the section creating the duty.

**SECTION 4. VILLAGE RECOVERY OF ATTORNEY FEES.** The Village of Woodhull shall be entitled to recover any attorney fees it sustains from any person or entity against whom legal action is instituted for the enforcement of any provision of the Ordinances of the Village of Woodhull to the extent that the fees were generated as a result of the enforcement action.

## TITLE 1- ADMINISTRATION, CHAPTER 1- GENERAL PROVISIONS

### Article 4- Definitions

**SECTION 1.** Whenever the following words or terms are used in this code, they shall have the meaning as ascribed to them below, unless the context specifically indicates otherwise.

**Agent.** A person acting on behalf of another.

**Alley.** A public right of way, other than a street, affording secondary means of access to abutting property.

**Board.** The Board of Trustees of Woodhull, Illinois.

**Clerk.** The Village Clerk of Woodhull, Illinois.

**Code.** The specific chapter in which a specific subject is covered and there's a descriptive title word (such as the Building Code and/or a standard code adopted by reference).

**County.** Shall mean Henry County, Illinois.

**Employee.** Whenever reference is made in this code to a village employee by title only, this is construed as though followed by the words "of the Village of Woodhull."

**Fee.** A sum of money charged by the Village for the carrying on of a big business, profession or occupation.

**Fiscal year.** The "fiscal year" of the Village begins on May 1 and ends on April 30 each calendar year. (Note that Motor Fuel Tax Year is calendar year January 1 through December 31. See also definition of year on page 9.)

**License.** The permission granted for the carrying on of a business, profession or occupation.

**Measure.** An ordinance, amendment, resolution or motion.

**Misdemeanor.** Any offense for which a sentence of a term of imprisonment in other than a penitentiary for less than one year may be imposed or a fine of up to one thousand dollars (\$1,000.00).

**Month.** A calendar month.

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

**Occupant/tenant.** As applied to a building or land, includes any persons who occupy the whole or any part of the building or land whether alone or with others.

**Offense.** Any act forbidden by any provisions of this Code or the omission of any act required by the provision of this Code.

## TITLE 1- ADMINISTRATION, CHAPTER 1- GENERAL PROVISIONS

### Article 4- Definitions

**Officers.** Whenever reference is made in this code to a Village officer by title only, this is construed as though followed by the words “of the Village of Woodhull”.

**Operator.** The person who is in charge of any operation, business or profession.

**Ordinances.** The ordinances of the Village of Woodhull, Illinois as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.

**Owner.** As applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of the building or land.

**Person.** Any public or private corporation, firm, or partnership, association, organization, government or any other group cited as a unit, as well as a natural person.

**Personal Property,** Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any monetary obligation, right title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**Preceding, Following.** Next before and next after, respectively.

**President.** The President of the Board of Trustees of the Village of Woodhull.

**Property.** Include real property, and tangible and intangible personal property unless clearly indicated otherwise.

**Property Line.** The line marking the boundary between any street and the lots or property abutting.

**Property Owner.** A person owning private property in the Village as shown by the County Auditor’s plats in the Village.

**Public Property.** Any and all property owned by the Village or held in the name of the Village by any of the departments, commissions or agencies within the city government.

**Public Place.** Included in its meaning, but is not restricted to, any Village-owned open place, such as parks and squares.

**Public Way.** Any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

**Retailer.** Unless otherwise specifically defined, understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.



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### Article 4- Definitions

**Right-of-way.** The privilege of the immediate use of the roadway or other property.

**Sidewalk.** Portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line.

**State.** The State of Illinois.

**Statutes, Laws.** The latest edition of the Illinois Compiled Statutes as amended.

**Street.** Includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

**Tenant.** As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

**Village.** The Village of Woodhull, Illinois.

**Village Board.** The Village Board of Trustees of Woodhull, Illinois.

**Village Code.** The Code of Ordinances of the Village of Woodhull, Illinois.

**Wholesaler.** The terms "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, will be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

**In Writing, Written.** May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of that person, or in case he is unable to write, by his proper mark.

**Year.** A calendar year. (See also definition of Fiscal Year on Page 7.)

## Chapter 2 PERSONNEL

### Article 1- Village Officers and Employees.

- SECTION 1. ELECTION.** The President of the Board of Trustees shall be elected for a four (4)-year term, and shall serve until his or her successor is elected and qualified as provided by Statute.
- SECTION 2. DATE OF INAUGURATION.** The newly elected officers of the Village shall be inaugurated on the first regular or special meeting of the Village Board in the month of May following their election.
- SECTION 3. DUTIES.** The President of the Board of Trustees shall be the Chief Executive Officer of the Village of Woodhull, and shall preside over the meetings of the Board of Trustees, and shall perform such duties as may be required by Statute or ordinance. The President shall have supervision over all the executive officers and employees of the Village, and shall have the power and authority to inspect all books and records pertaining to Village affairs kept by any officers and employees of the Village at any reasonable time.
- SECTION 4. APPOINTMENT OF OFFICERS.** The President of the Board of Trustees shall appoint, by and with the advice and consent of the Board of Trustees, all officers of the Village whose election and appointment is not otherwise provided for. Any vacancies occurring in an appointed office shall be filled in the same manner.
- SECTION 5. DESIGNATION OF OFFICERS DUTIES.** Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the President of the Board of Trustees after consultation with all Village officers involved and the Board of Trustees; and the President of the Board of Trustees shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.
- SECTION 6. VICE PRESIDENT.** The President of the Board of Trustees shall appoint a Vice President. During a temporary absence or disability of the President, the Vice President shall assume the responsibilities of the Chief Executive Officer. In the event of a vacancy in the office of President, the Vice President shall serve until the vacancy is filled at a regular or special election as provided by law.
- SECTION 7. FORMAL OCCASIONS.** The President of the Board of Trustees shall act for and on behalf of the Village for formal occasions and receptions. In the absence or inability of the President to attend a function, the Board of Trustees may select any other Village officer to represent the Village.
- SECTION 8. VILLAGE CLERK.** The Village Clerk shall be appointed by the President of the Board of Trustees, and shall serve until a successor is selected and qualified as provided by Statute. The clerk shall:
- 8.1 Keep accounts showing all monies received by the Clerk and their source and disposition and other accounts as may be required by Statute or ordinance. Further, the Clerk shall turn over monies received on behalf of the Village to the Village Treasurer promptly upon receipt, and the Clerk shall give a statement as to the source of those monies.

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### Article 1- Village Officers and Employees

- 8.2 Keep a register of all licenses and permits issued and payments; a record showing all of the officers and regular employees of the Village; and other records as may be required by the Board of Trustees.
- 8.3 Seal and Attest all Village contracts, licenses, permits, and other documents as shall require this formally.
- 8.4 File the minutes and records of the Board of Trustees and its committees and subcommittee meetings.
- 8.5 Be authorized to approve for payment certain bills of the following types in a timely fashion:
- Payroll and all related withholdings
  - Taxes
  - Insurance
  - Petty Cash
  - Postage
  - Utilities
  - Phone (including pager, cell, fax, etc.)
- These bills will be included on a list for Board approval of payment, as prescribed by law, for the next regularly scheduled meeting.
- 8.6 Be authorized to designate a Deputy Clerk to act and perform the duties of the Clerk when either the Clerk shall give written direction to the Deputy to exercise a power or when the Village Board has determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform a duty of the Clerk.
- 8.7 Perform other duties and functions as may be required by statute or ordinance.
- 8.8 Be authorized to deposit water funds.
- 8.9 Open all Village mail and give to appropriate persons.
- 8.10 Be authorized to maintain and update Village Website.
- 8.11 Be authorized to oversee all aspects of the rental of the Town Hall Community Room with groups using that area of the Town Hall. He/she can be compensated for these duties.

**Note: All Village mail is to be received through P.O. Box 39 at the Post Office except mail for the Water Department can also be received at P.O. Box 178.**

**SECTION 9. VILLAGE COLLECTOR.** The Village Clerk may act as ex officio Village Collector upon recommendation and approval by the Village Board of Trustees. The Village Collector shall:

- 9.1 Compute, bill and collect all special assessments for the Village.
- 9.2 File all liens.

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### Article 1- Village Officers and Employees

- 9.3 File all delinquent special assessments for the Village with the County Clerk by August 1<sup>st</sup> of each year.
- 9.4 Maintain and keep up-to-date records of the Village special assessment roll.
- 9.5 Perform other duties as from time to time may be mutually agreed upon by the Board of Trustees and the Village Collector.

**Note: All Village mail is to be received through P.O. Box 39 at the Post Office except mail for the Water Department can also be received at P.O. Box 178.**

### SECTION 10. VILLAGE TREASURER

- 10.1 **Appointment.** The Village Treasurer shall be appointed by the President of the Board of Trustees as is provided by the Statute. The Treasurer shall serve for one (1) year or until a successor is appointed and qualified as provided by the Statute.
- 10.2 **General Duties.** The Treasurer shall perform duties as may be prescribed by Statute or ordinance. The Clerks and Treasurer shall receive all money paid to the Village either directly from the persons paying the money or from the hands of any other officer or employee who may receive it. The Treasurer shall pay out money approved by the President or Village Board of Trustees. All work to be performed on Village premises, in the approved office on electronic devices provided by the Village.
- 10.3 **Deposit of Funds.** The Treasurer shall deposit the Village funds in depositories as may be selected from time to time as provided by law in accord with Investment Policy of the Village; and shall keep the deposit of the Village money separate and distinct from personal money, and shall not make private or personal use of any Village money.
- 10.4 **Records.** The Treasurer shall keep the records showing all money received, the source from which it is received, and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village. All documentation and records are to be maintained and stored in the appropriate and Board approved places.
- 10.5 **Accounting.** The Treasurer shall keep books and accounts as may be required by Statute or ordinances, and shall keep them in the manner required by the Board of Trustees.

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### Article 1- Village Officers and Employees

#### SECTION 11. VILLAGE ATTORNEY

- 11.1 **Creation of Office, Appointment.** There is created the Office of Village Attorney, an executive office of the Village. The Attorney shall be appointed by the President of the Board of Trustees by and with the advice and consent of the Board of Trustees. The Village Attorney shall serve a one (1) year term, or until a successor is appointed and qualified, as provided by the Statute.
- 11.2 **Special Counsel.** The President with the consent of the Board of Trustees may from time to time retain an attorney to represent or advise the Village on legal matters, if no Village Attorney has been appointed; and may likewise retain special counsel to advise and represent the Village on special matters, or to assist the Village Attorney.
- 11.3 **Suits and Actions.** The Attorney shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, in which the Village may be interested, or which may be brought against or by any officer of the Village on behalf of the Village or in the capacity of the person as an officer of the Village.
- 11.4 **Judgments.** It shall be the duty of the Attorney to see to the full enforcement of all judgments or decrees entered in favor of the Village, and of all similar interlocutory orders.
- 11.5 **Advice.** The Attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting it, whenever requested to do so by any Village official. Upon request by the President of the Board, the Attorney shall reduce any opinion to writing.
- 11.6 **Special Assessments.** It shall be the duty of the Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

#### SECTION 12. BUILDING/ZONING OFFICER

- 12.1 **Appointment.** The position of Building/Zoning Officer shall be appointed by the Village Board of Trustees.
- 12.2 **Duties.** It shall be the duty of the Building/Zoning Officer to insure compliance with the Village Ordinance provisions related to buildings or zoning.
- 12.3 **Ex Officio Building/Zoning Officer.** The Building/Zoning Officer may act as ex officio Building/Zoning Officer upon recommendation and approval by the Village Board of Trustees and shall have all the powers and perform duties connected with that office.
- 12.4 **Stop Order.** The Building/Zoning Officer shall have the power to order all work stopped on construction, alteration or repair of building in the Village where a building permit has not been secured for the work being

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done. Work shall not be resumed after the issuance of a stop order except on the written permission of the Building/Zoning Officer, provided, that if the stop order is an oral one, it shall be followed by a written stop order within three (3) hours. The written stop order may be served by a police officer or designated Village Official.

- 12.5 **Entry Powers.** The Building/Zoning Officer and accompanying Officer or Village Official shall have the power to enter any building or premises where the work of altering, repairing or constructing any building or structure is going on, to verify that building permits have been secured, at any reasonable hour. The Building/Zoning Officer shall have the power to make emergency entries into any building or premises that threaten life and safety if its inhabitants are unsafe, uninhabitable or dangerous. The Building/Zoning Officer shall have the power to seek injunctions to stop work where permits have not been secured and to initiate proceedings to condemn unsafe, uninhabitable or dangerous structures.

**Note: All Village mail is to be received through P.O. Box 39 at the Post Office except mail for the Water Department can also be received at P.O. Box 178**

**SECTION 13. VILLAGE LIQUOR COMMISSIONER.** The President of the Board of Trustees of the Village shall be the Local Liquor Commissioner acting for and on the behalf of the Village, and shall be charged with the responsibility for the administration and enforcement of the applicable provisions of the State of Illinois Liquor Control Act as well as the Ordinances of the Village of Woodhull relating to the approval and issuance of Liquor Licenses, and relating to the sale of alcoholic liquors within the Village at retail, wholesale or otherwise. He/She can be compensated for these duties.

### SECTION 14. WATER CLERK

- 14.1 **Appointment.** The position of Water Clerk shall be appointed by the President with the approval of the Village Board of Trustees.
- 14.2 **Duties.** The Water Clerk shall be responsible for the delivery of correct water bills each month to all water users subject to billing. The Water Clerk shall receive payment and issue receipts for the bills and shall render a report on the form provided by the Water Department of all business transacted in the Water Clerk's office. A copy of each report shall be kept in the Water Clerk's office.
- 14.3 **Remittance to Treasurer.** The Water Clerk shall deliver to the Village Treasurer any and all monies or receipts of deposits from the payment of water bills, together with any Village money in his or her possession and shall receive a receipt from the Village Treasurer for all such monies and receipts of deposit and shall record the transaction in a timely manner, based upon a schedule determined by the Village Board.
- 14.4 **Deposit of Funds.** The Water Clerk shall deposit the Village funds in depositories as may be selected from time to time as provided by law in

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accord with Investment Policy of the Village; and shall keep the deposit of the Village money separate and distinct from personal money, and shall not make private or personal use of any Village money.

14.5 **Records.** The Water Clerk shall keep the records showing all money received, the source from which it is received, and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village.

14.6 **Accounting.** The Water Clerk shall keep books and accounts as may be required by Statute or ordinances, and shall keep them in the manner required by the Board of Trustees

**Note:** All Village mail is to be received through P.O. Box 39 at the Post Office except mail for the Water Department can also be received at P.O. Box 178.

### SECTION 15. PUBLIC WORKS DIRECTOR

15.1 **Appointment.** There is hereby created the Office of Public Works Director. The Public Works Director shall be appointed by the President with the consent of the Board of Trustees

15.2 **Sewers.** The Public Works Director shall have charge of the construction and care of all public sewers in the Village, including disposal plant and lift stations.

15.3 **Employees.** All officers and employees assigned to the Department of Water shall perform their duties subject to the orders and under the supervision of the Public Works Director.

15.4 **Waterworks.** The Public Works Director shall have charge of the operation and maintenance of the Village waterworks and water distribution system.

15.5 **Appointment.** There is hereby created the Office of Public Works Assistant Director. The Public Works Assistant Director shall be appointed by the President with the consent of the Board of Trustees.

15.6 **Streets.** The Public Works Director shall have charge of the construction and care of all public streets, alleys and driveways in the Village and with keeping them clean. He shall see to it that all public gutters and drains function properly and that they are kept free from defects.

15.7 **Property.** The Public Works Director shall be the custodian of all property of the Village which is not assigned to the care of any other officer.

15.8 **Employees.** All officers or employees assigned to the Department of Streets shall perform their duties subject to the orders and under the supervision of the Public Works Director.

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**Note:** The Building/Zoning Officer shall have another Village employee or official with him upon having to enter any building or premises for the purpose stated in this section.

**Note:** All Village mail is to be received through P.O. Box 39 at the Post Office except mail for the Water Department can also be received at P.O. Box 178

### **SECTION 16. PUBLIC WORKS ASSISTANT DIRECTOR**

16.1 The Public Works Assistant Director shall perform the same duties and have the same rights and responsibilities as the Public Works Director. The Assistant Public Works Director shall report to the Public Works Director.

### **SECTION 17. CHIEF OF POLICE**

17.1 **Appointment.** There is hereby created the Office of Chief of Police. The Chief of Police shall be appointed by the President with the consent of the Board of Trustees.

17.2 **Police Sergeant.** The Chief of Police has the authority from the Board of Trustees to appoint a Sergeant who, in his absence, will be responsible for fulfilling the same responsibilities as listed for the Chief of Police.

17.3 **Responsibilities.** Plans, organizes, coordinates and directs the police services and law enforcement program for the Village. This includes patrol, traffic enforcement, investigation, animal control, and administrative support services. The Chief also provides assistance to other Village officials and employees and outside agencies in his areas of expertise. The Chief is to foster cooperative working relationships with citizen groups and other agencies on police matters. Specific duties may include, but not limited to:

- Directs and manages all other police personnel including written evaluations of those within the department. This also includes fostering a team approach, maintaining a positive work environment, and providing staff training within the department.
- Develops and directs the implementation of goals, policies, procedures and work standards for the department.
- Confers with Village officials and citizens on law enforcement problems.
- Attends Regular Village Board Meetings and gives a monthly report of previous month's activities.
- Prepares Five-Year Plan regarding current and future Village needs and makes proposals to the Board of Trustees for action on these needs.
- Prepares an Annual Budget for the department and submits it to the Village President/Finance Chairperson. Manages the Budget approved by the Board of Trustees for his department.
- Coordinates the management of all necessary paperwork for the department.
  
- Knows and understands the principles of community policing, Village Code Book, criminal law, and other court interpretations including rights of citizens, apprehension, arrest, search and seizure, and rules of evidence.



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-Obtain additional training as needed or as requested by the Village Board of Trustees.

-Maintain a physical fitness necessary to handle the responsibilities of Chief of Police.

- 17.4 **Supervision received/Exercised.** The Chief is to perform the above responsibilities and any other related work as assigned by the Chairman of the Police Committee working together with the Village President and Board of Trustees.

### SECTION 18. PART-TIME POLICE OFFICERS.

- 18.1 **Requirements.** Be a high school graduate or possess a valid certificate of equivalency issued by a state department of education. Be at least 21 years of age and physically and mentally fit for the responsibilities for such a position as this. Must be a citizen of the United States. Must pass any qualifying exam, either written or oral, that may be required by the Village Board of Trustees and/or Chief of police.
- 18.2 **Necessary Knowledge, Skill and Abilities.** Must have the ability to cope with situations firmly, courteously, tactfully, and with respect for the rights of others. Must be able to analyze situations quickly and determine the proper course of action to be taken. Must be able to carry out oral and written instructions. Must be able to write and speak effectively. Must have skill in the use and care of firearms. Must be willing to learn and increase skill in police work.
- 18.3 **Nature of Work.** Must understand the commitment to the protection of life and property through the enforcement of laws and ordinances. This involves the responsibility for performing routine police assignments that are received from police officers of superior rank. This may include, but is not limited to:
- Routine patrol and traffic regulation.
  - Preliminary investigation with the knowledge that an element of danger may be involved.
  - Special assignments requiring specialized abilities gained through education, training, and experience.
  - Answering calls and complaints involving fire, automobile accidents, robberies, and other misdemeanors and felonies. This often involves administering first aid, providing protection from further accident/injury, preliminary investigation including gathering evidence/obtaining witnesses/making arrest, and may involve clearing the scene of wreckage and testifying later in court.
  - Handling and transporting prisoners and evidence, including maintaining written records.
  - appropriately handling fire arms and ammunition.
  - Seeking opportunities for additional training.
  - Performing other related police duties as assigned.

### SECTION 19. PART-TIME SEASONAL HELP

- 19.1 All part time seasonal personnel will report to the Public Works Director or Assistant Director. Part-time Seasonal personnel will assist the full-time employees under the supervision of the Public Works Director and

## TITLE 1- ADMINISTRATION, CHAPTER 2- PERSONNEL

Assistant Director. Work will include all aspects of work done by Village Employees which includes water, sewer, streets, sidewalks and maintenance done by Village Employees as assigned to them. The Village Board will have the right to accept or deny all applications for Part-time Seasonal Employees

### Article 2- Compensation

**SECTION 1. PRESIDENT OF THE BOARD OF TRUSTEES.** The salary for the President of the Board of Trustees shall be fixed at the sum of Five thousand dollars (\$5,000.00) per year. The salary shall be payable quarterly on July 1, October 1, January 1, and April 1. The Village president performs other duties in which he/she can be compensated.

### SECTION 2. COMPENSATION AND TERMS OF OFFICERS.

2.1 The term of office for Trustees shall be a four (4) year term.

2.2 The salaries for Trustee shall be calculated in the following manner:

A. Seventy five dollars (\$75.00) for each regular meeting attended (including up to two (2) missed meetings). However, a Trustee must remain in office through the end of the fiscal year to be eligible for payment of missed meetings.

B. Fifty dollars (\$50.00) for each special meeting attended.

2.3 **Vacancies of more than four (4) months.** If a Trustee resigns more than four (4) months before a regularly scheduled election, the President, with the advice and consent of the Board, may appoint a person to serve as Trustee in that vacancy until the next general election and until the person elected qualifies.

2.4 **Vacancies of less than four (4) months.** If a Trustee resigns less than four (4) months before a regularly scheduled election, the person appointed to serve as Trustee by the President, with the advice and consent of the Board, will serve out the term of the person who vacated the office.

**SECTION 3. CLERK.** The Clerk shall receive such compensation paid monthly as designated by the Village Board of Trustees.

**SECTION 4. TREASURER.** The Treasurer shall receive such compensation paid monthly as designated by the Village Board of Trustees.

**SECTION 5. VILLAGE ATTORNEY.** The Village Attorney shall be compensated on an hourly basis for services performed unless otherwise agreed to in writing between the Village Attorney and the Village Board of Trustees.

**SECTION 6. VILLAGE COLLECTOR.** The Village Clerk, as ex officio Village Collector, shall receive such compensation as designated by the Village Board of Trustees.

**SECTION 7. BUILDING/ZONING OFFICER.** The Building Officer of the Village of Woodhull shall receive such compensation as the Village President and the Village Board of Trustees may set from time to time.

**TITLE 1- ADMINISTRATION, CHAPTER 2- PERSONNEL**

**SECTION 8. WATER CLERK.** The Water Clerk of the Village of Woodhull shall receive such compensation paid monthly, as designated by the Village Board of Trustees.

**SECTION 9. LIQUOR COMMISSIONER.** The Village President, as ex officio Liquor Commissioner, shall receive such compensation as designated by the Board of Trustees.

**SECTION 10. SALARIES.** Salaries listed on the following page annually.

**Article 3- Bonds for Village Officials**

**SECTION 1. BONDS.** Before entering upon the duties of their respective offices, the President of Board of Trustees, Clerk, Treasurer, Water Clerk and Mayor Pro-Tem and Finance Committee Members shall execute a Bond with surety, to be approved by the corporate authorities.

**SECTION 2. FAITHFUL PERFORMANCE.** These Bonds shall be payable to the Village in the penal sum as directed, conditioned upon the faithful performance of the duties of the officers and the payment of all monies received by officers, according to law and also the ordinances of the Village of Woodhull.

**SECTION 3. PRESIDENT OF THE BOARD OF TRUSTEES.** The President of the Board of Trustees Bond with surety thereon, shall be in the amount of three thousand dollars (\$3,000.00).

**SECTION 4. TREASURER.** The Treasurer's Bond shall be written in an amount of money that is not less than three (3) times the latest Federal Census population or any subsequent census figure used for Motor Fuel Tax purposes.

**SECTION 5. CLERK.** The Clerk's bond with surety shall be written in the amount of three thousand dollars \$(3,000.00).

**SECTION 6. WATER CLERK.** The Water Clerk's bond with surety shall be written in the amount of one thousand five hundred dollars (\$1,500.00).

**SECTION 7. MAYOR PRO-TEM.** The Mayor Pro-Tem's bond with surety shall be written in the amount of one thousand five hundred dollars (\$1,500.00).

**SECTION 8. FINANCE COMMITTEE MEMBERS.** The Finance Committee Member's bond with surety shall be written in the amount of one thousand five hundred dollars (\$1,500.00).

**SECTION 9. PAYMENT.** The premium for all bonds provided for shall be paid for by the Village and shall be considered as a regular expense against the general corporate fund.

**SECTION 10. FILING.** All bonds with surety thereon, as provided, shall be filed with the Village Clerk excepting the Bond of the Clerk which shall be filed with the Village Treasurer.

**CHAPTER 3  
BOARD OF TRUSTEES**

**Article 1- Board of Trustees**

**SECTION 1. ELECTION FUNCTIONS.** The members of the Board of Trustees shall be elected and serve a four (4) year term. The Board of Trustees shall be the legislative division of the Village of Woodhull and shall perform duties and shall have powers as may be authorized by Statute.

**SECTION 2. PRESIDING OFFICER.** The Village Board President shall preside at all meetings of the Board, but shall have a vote only where the Statutes or Ordinances require more than a majority vote of the corporate authorities, in the event of a tie, or where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.

During the absence or disability of the Village President, the Vice-President shall act as presiding officer of the Board. The Vice-President when acting as presiding officer shall vote on all questions on which the vote is taken by "ayes" and "nays", with presiding officer being called last. The Vice-President shall have all the powers and duties of the Village Board President when acting as presiding officer.

**SECTION 3. STANDING COMMITTEES.** The Standing Committees are: Building, Finance/Insurance/Audit, Personnel, Public Works, Economic Development, Parks & Recreation, Police/Civil Defense/Zoning.

**SECTION 4. SPECIAL COMMITTEES.** The President of the Board of Trustees shall appoint Special Committees as deemed necessary or as may be directed by the Board of Trustees.

**SECTION 5. MEMBERSHIP IN COMMITTEES.** The President of the Board of Trustees shall appoint the members of all Standing and Special Committees, in the absence of specific direction by the Board of Trustees, and shall designate the Chairman of each committee. The President of the Board of Trustees shall be the ex-officio Chairman of all committees.

Every Committee of the Board of Trustees shall consist of two (2) members including the Chairman, unless the Board of Trustees shall provide otherwise.

**SECTION 6. ORDERS.** All recommendations from Committee members of Standing Committees shall be reduced to writing and signed by not less than two (2) members of the Committee following a duly authorized meeting of the Committee.

**Article 2- Oath of Office**

**SECTION 1. OATH.** Before entering upon the duties of their offices, all Village Officers and employees shall subscribe the following oath of affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability."

This oath or affirmation so subscribed shall be filed with the Village Clerk.

**TITLE 1- ADMINISTRATION, CHAPTER 3- Board of Trustees**

**SECTION 2. POWER TO ADMINISTER OATHS.** The President of the Board of Trustees and the Village Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.

**Article 3- Rules of Order**

**SECTION 1. MEETINGS.** The regular meetings of the Village Board of Trustees shall be held on the second Monday of each month at the hour of 7:00 p.m. at the Woodhull Village Hall, unless another site shall be specified. If the regular meeting falls on a holiday, the meeting shall be on the next day.

**SECTION 2. SPECIAL MEETINGS.** Special meetings may be called by the Village President or by any three (3) members of the Village Board by written request or notice being filed with the Clerk at least thirty-six (36) hours prior to the time specified for the meeting, except emergency meetings.

**SECTION 3. NOTICE OF MEETINGS.** Public notice of the schedule of regular meetings shall be given at the beginning of the calendar or fiscal year and shall state the dates, times and places of meetings.

**SECTION 4. OPEN MEETINGS ACT.** All meetings of the Board of Trustees and its committees and subcommittees shall be carried out in accordance with the Open Meetings Act, from time to time in effect.

**SECTION 5. CONVENING OF BOARD MEETINGS.** Each meeting of the Board shall convene at the time scheduled, as provided by ordinance. The Clerk shall immediately call the roll of the members. If no quorum is present, the Board shall not stand adjourned, but the members present shall be competent by majority vote, to adjourn or recess the Board to another time or date prior to the next regularly scheduled meeting.

**SECTION 6. QUORUM.** A majority of the corporate authority of the Board of Trustees shall constitute a quorum, but no ordinance or measure for the expenditure of money shall be passed except on a favorable vote of a majority of the corporate authority as provided by Statute.

If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to session personally to the absentees. Any absent member who unreasonably refuses to attend the meeting (or a new meeting which the members present have adjourned) after personal notice to attend may be fined by the members present a sum not to exceed fifty dollars (\$50.00) for each occurrence.

**SECTION 7. DISTURBING MEETINGS.** It shall be unlawful to disturb any meeting of the Board of Trustees or of any Committee thereof, or to behave in a disorderly manner at any meeting.

**SECTION 8. MINUTES AND JOURNAL.**

8.1 The proceedings of all meetings of the Board of Trustees and its Committees and Subcommittees shall be kept in written form. Minutes shall be kept whether a meeting is open or closed. The minutes shall be recorded and maintained in accordance with the Illinois Open Meetings Act from time to time in effect.

## **TITLE 1- ADMINISTRATION, CHAPTER 3- Board of Trustees**

### **Article 3- Rules of Order**

8.2 The Chairman, or designee, shall take the minutes of all standing Committee meetings. The Village Clerk shall take the minutes of Board Meetings.

8.3 **THE JOURNAL.** The Clerk shall keep the journal of the proceedings of the Board. Within no more than fifteen (15) days after each meeting of the Board, the Clerk shall supply to each member a copy of the proceedings (minutes). The journal shall be approved periodically. The Clerk's draft of the proceedings may be amended to correctly reflect the view of the legislative body as to the events which occurred.

### **SECTION 9. ORDER OF BUSINESS.**

- Roll Call/Attendance
- Pledge of Allegiance
- Public Comments
- Approval of the Minutes
- Treasurer's Report
- Audit Report (as needed)
- Approval of Bills
- Additions to the Agenda
- Police/Zoning/Civil Defense/Permits Report
- Public Works Report
- Parks/Recreation/Tourism Report
- Economic Development Report
- Village Engineer's Report (as Needed)
- Old Business
- New Business
- Meeting Adjourned

**SECTION 10. DUTIES OF THE PRESIDING OFFICER.** The presiding officer shall preserve order and decorum and may speak to points of order in preference of other members, and shall decide all questions of order. The presiding officer may speak to matters being considered by the Board without relinquishing the Chair. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

**SECTION 11. DUTIES OF MEMBERS.** While the presiding officer is putting the questions, no member shall walk across or out of the Board chamber. Every member prior to speaking, making a motion or seconding the same, shall address the presiding officer and shall not proceed with remarks until recognized by the Chair. The member shall confine to the question under debate, avoiding personalities, and refraining from attacking the motives of any member's argument or vote. When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak. The Trustees may, by two-thirds vote, expel a Trustee for disorderly conduct.

**SECTION 12. VISITORS.** Except during the time allotted for public discussion and comment, no person, other than a member of the Board shall address that body, except with the consent of the presiding officer.

**TITLE 1- ADMINISTRATION, CHAPTER 3- Board of Trustees**

- SECTION 13. PRESENTATION OF NEW BUSINESS AND DEFERMENT.** Upon the request of any two (2) Trustees present, any report of a committee of the Board shall be deferred (for final action) to the next regular meeting of the Board after the Report is made.
- SECTION 14. DEBATE.** No member shall speak longer than five (5) minutes at any one time, except by consent of the presiding officer, and in closing debate on any question, as above provided, the speaker shall be limited to three (3) minutes, except by special consent of the presiding officer.
- SECTION 15. CALL OF A MEMBER TO ORDER.** A member, when called to order by the Chair, shall discontinue speaking and take a seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.
- SECTION 16. QUESTION OF PERSONAL PRIVILEGE.** The right of member to address the Board on a question of personal privilege shall be limited to cases in which the integrity, character or motives are assailed or questioned.
- SECTION 17. VOTING.** Every member who shall be present when a question is stated from the Chair shall vote, unless excused, or unless the member is personally interested in the question, in which cases the member shall not vote.
- SECTION 18. SPECIAL ORDER OF BUSINESS.** Any matter before the Board may be set down as a special order of business at a time certain, if two-thirds of the Trustees present vote in the affirmative.
- SECTION 19. SECONDING OF MOTIONS REQUIRED, WRITTEN MOTIONS – READING OF MOTIONS, RESOLUTIONS, ORDINANCES, MINUTES AND CORRESPONDENCE.** No motions shall be made or debated by the Board unless seconded, provided however, that neither the maker or the one who seconded the motion shall be required to vote in favor of that motion. When a motion is seconded, it shall be stated by the Presiding Officer before debate and every motion in the Board except motions of procedure, shall be reduced to writing, if required by a member and the member who proposed the motion shall be entitled to the floor. No resolution, ordinance, nor minutes need to be read prior to consideration but may be read in response to a motion passed seeking the reading. Copies of correspondence received by the Village Clerk or Village Board President shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board meetings.
- SECTION 20. WITHDRAWAL OF MOTIONS.** The maker of the motion may withdraw the motion if so desired. The one who seconded the motion may renew the motion as its maker and seek a new second to the motion before the motion is ruled out of order for lack of a second. Neither the maker nor the one who seconded the motion may withdraw the motion, except with the consent of a majority of the Board, once discussion of the motion has ceased.
- SECTION 21. RECORD OF MOTIONS.** In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the same shall be entered.

**TITLE 1- ADMINISTRATION, CHAPTER 3- Board of Trustees**

- SECTION 22. DIVISION OF QUESTIONS.** If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such questions.
- SECTION 23. TAKING AND ENTERING THE VOTES: EXPLANATION OF VOTES.** The “aye” and “nay” upon any question shall be taken and entered in the journal. When the Clerk has commenced to call the roll of the Board for the taking of the vote by “ayes” and “nays”, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote a member shall respond to the calling of his name by the Clerk by answering “aye” or “nay” as the case may be.
- SECTION 24. ANNOUNCEMENT AND CHANGES OF VOTES.** The result of all votes by “ayes and “nays” shall not be announced by the Clerk, but shall be handed by the Clerk to the Village Board President for announcement and no vote shall be changed after the tally list has passed from the hands of the Clerk.
- SECTION 25. RECONSIDERATION.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearing shall be entertained except at the same meeting which the original action was taken or after the matter has been referred to the advisory body for further hearing and recommendation. When a motion to reconsider such a motion is made at the same meeting as the passage of the original motion it may be tabled to a later date.  
A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided however, that where a motion has received the majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by Statute for the passage or adoption of such motion, that in such case a motion to reconsider may be made only by those who voted in the affirmative on such questions to be reconsidered.
- SECTION 26. “AYE” AND “NAY” VOTE.** The “ayes” and “nays” shall be taken upon the passage of all ordinances and on all propositions to create any liability against the Village or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the Board. Such vote shall be entered on the journal of the proceedings, as provided by Statute.
- SECTION 27. APPROVAL OR VETO.** All resolutions and motions which create any liability against the Village, or which provide for the expenditure or appropriation of its money, or to sell any Village or school property, shall be deposited with the Village Clerk and approved and signed by the Village Board President. Those ordinances not approved shall be returned to the Village Board, with the Village President’s written objections, at the next regular meeting of the Board. The President may disapprove of any one or more sums appropriated in any ordinance, resolution or motion making an appropriation, and, if so, the remainder shall take effect and be in force. However, the President may disapprove entirely of an ordinance, resolution or motion making an



***TITLE 1- ADMINISTRATION, CHAPTER 3- Board of Trustees***

appropriation. If the President fails to return any Ordinance or any specified resolution or motion with written objections, within the designated time, it shall become effective despite the absence of the President's signature.

**SECTION 28. PASSING OVER A VETO.** Upon return of any ordinance by the Village Board President, it shall be reconsidered by the Village Board at the next regular meeting. If, after reconsideration, two-thirds of all the Trustees then holding office on the Village Board shall agree, by "ayes" and "nays", to pass the ordinance, it shall go into effect notwithstanding the President's refusal to approve it.

**CHAPTER 4  
OTHER GOVERNMENTAL PROVISIONS**

**Article 1 – Other Governmental Provisions**

- SECTION 1. CORPORATE SEAL.** The Corporate Seal of the Village shall be the seal.
- SECTION 2. FISCAL YEAR.** The fiscal year for the Village of Woodhull shall begin on the first day of May each year and end on the last day of April of the following year.
- SECTION 3. INJURY TO PUBLIC PROPERTY.** It shall be unlawful for anyone to injure, deface or interfere with any public property belonging to the Village without proper authority from the Board of Trustees.
- SECTION 4. SURETY BONDS.** Whenever a surety bond to indemnify the Village is required, as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit for the exercise of any special privileges, the surety on such bond shall be corporation licensed and authorized to do business in this State as a surety company, except on the approval of the Board of Trustees.

Whenever, in its opinion, additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss and liability because of the insolvency of the existing surety of sureties, or for any other reasons, the Board of Trustees may order a new surety or sureties to be secured for such bond. If the new surety or sureties are not procured within ten (10) days from the time the order is transmitted to the principal on the bond, or his assignee, the Board of Trustees shall declare the bond to be void, and thereupon such principal, or assignee, shall be deemed to have surrendered the privileges or position as a condition of which the bond was required.

- SECTION 5. APPROPRIATIONS.** During the first quarter of each fiscal year, as required by Statute, the Board of Trustees shall enact an Appropriation Ordinance in which all anticipated expenditures to be met during the coming year shall be itemized, other than those payable from bond issues. This ordinance must be filed with the County Clerk as required by Statute along with a list of estimated revenues for the current fiscal year.
- SECTION 6. TAX LEVY.** No sooner than ten (10) days after the publication of the Appropriation Ordinance, a Tax Levy Ordinance shall be enacted as required by law, levying such taxes as may be needed to meet the anticipated expenses of the coming year, together with such taxes as may be required to meet outstanding bond issues, or for purposes payable from special taxes properly authorized.

A certified copy of the Tax Levy Ordinance shall be filed with the County Clerk of the County of Henry County, State of Illinois, on or before the last Tuesday in December. Such Ordinance shall show the total appropriation for each item and the amount of tax levied.

## **TITLE 1- ADMINISTRATION, CHAPTER 4- OTHER GOVERNMENTAL PROVISIONS**

If the estimated levy is more than one hundred five percent (105%) of the amount extended or estimated to be extended upon the levy of the prior year, exclusive of election costs, public notice shall be given and public hearing shall be held in accordance with provisions of the Truth in Taxation Act from time to time in effect.

- SECTION 7. INDEBTEDNESS.** No indebtedness shall be incurred, excepting indebtedness as may be payable solely from the proceeds of a duly authorized bond issue, or from a designated specified source unless there is a prior appropriation out of which the indebtedness could be paid as provided by Statute. Provided that during the first quarter of any fiscal year, before the enactment of the current Appropriation Ordinance the Village may operate under the Appropriation Ordinance of the preceding year.
- SECTION 8. CONTRACTS.** The President of the Board of Trustees or any other person designated by the Board of Trustees, may sign on behalf of the Village any contract authorized by the Board of Trustees. No contract may be entered into without the authority of the Board of Trustees and without the contract being read before the Board of Trustees at a duly constituted meeting.
- SECTION 9. BILLS.** All bills payable by the Village other than for payment of salaries established by the Board of Trustees shall be submitted to the Board of Trustees for approval before payment. Board states the Treasurer shall pay monthly, recurring statements and invoices on a monthly basis without bringing these to the Board unless something out of the ordinary occurs in any of these.
- SECTION 10. PAYMENT OF TREASURER.** The Treasurer shall pay out money in payment of all bills or for salaries, or for any other purpose other than the retirement of principal or interest on bonds or tax anticipation warrants as directed by the Village Board of Trustees. Two (2) signatures (from either the Village President, Village Clerk, Village Treasurer or Trustees as designated by the Village President shall be required on all withdrawals in excess of \$4000.00 from funds on deposit for the Village. All payroll checks shall be required to have two (2) signatures.
- SECTION 11. AUDIT.** As soon as practicable at the close of each fiscal year and no later than three (3) months thereafter, there shall be an audit of all accounts of the Village made by competent persons authorized to act as an auditor under the Laws of the State, to be designated by the Board of Trustees. Copies of the Audit shall be filed with the Village Clerk and with the director of the State Department of Revenue and in any other place as may now or hereafter be required by law.

### **Article 2 – Elections**

- SECTION 1. CARRIED OUT ACCORDING TO STATUTE.** All elections held for elected Village Officers shall be carried out in accordance with the provisions of Illinois Law as may hereafter be provided or mandated for such election.

**TITLE II  
BUSINESS**

## CHAPTER 1 BUSINESS REGULATED

### Article 1 – Adult Business

**SECTION 1. DEFINITIONS.** In the construction and interpretation of this Article, the following definitions shall apply.

**Adult Bookstore.** An establishment having a substantial or significant portion of its stock in trade, books, magazines, films, or other electronically recorded materials for sale or viewing on the premises by use of motion picture devices or any other means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities” as defined below including instruments, devices and paraphernalia that are designed for use in connection with specified sexual activities, or an establishment with a segment or section devoted to the sale or display of such material.

**Adult Live Entertainment.** Any activity involving the presentation of live models displaying lingerie, or otherwise presenting live artistic modeling with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on “specific anatomical areas” for observation by patrons and including, but not limited to topless dancers, strippers, male or female impersonators or similar entertainments.

**Adult Mini-Motion Picture Theatres.** An enclosed building with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specific anatomical areas” or “specific sexual activities” for observation by patrons.

**Adult Motion Picture Theatres.** An enclosed building with a capacity for fifty (50) or more persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific anatomical areas” or “specific sexual activities” for observation by patrons.

**Specific Sexual Activities.** Are defined as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**Specific Anatomical Areas.** Are defined as less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola and human male genitals in a discernible turgid state even if completely and opaquely covered.

**SECTION 2. CERTAIN BUSINESSES PROHIBITED.** No establishment or business shall permit adult live entertainment nor conduct business as an adult mini-motion picture theatre or adult motion picture theatre within the boundaries of the Village of Woodhull.

**SECTION 3. ADULT BOOKSTORES.** Adult bookstores shall be allowed as a conditional use in “C” Commercial Districts only, and shall not be allowed as a conditional or permissive use in any other district.

## **TITLE II – BUSINESS, CHAPTER 1 – BUSINESS REGULATED**

### **Article 1 – Adult Business**

**SECTION 4. LOCATION OF ADULT BOOKSTORE.** No adult bookstore shall be permitted within one thousand (1,000) feet of any residential district, public or private school or licensed day care center, church or religious center, public park, or cemetery, or other adult bookstore. This section shall not be used to require the abolition or removal of an adult bookstore already in existence under this Ordinance due to the subsequent location of a church or school within one thousand (1,000) feet of such bookstore.

**SECTION 5. VIOLATIONS.** Violation of this Ordinance shall carry a minimum fine of five hundred dollars (\$500.00) and a maximum of five thousand dollars (\$5000.00).

## **TITLE II – BUSINESS, CHAPTER 1 – BUSINESS REGULATED**

### **Article 2- Regulating and Licensing of Solicitors**

- SECTION 1. REGISTRATION.** No solicitor, salesman, or canvasser shall call from home to home in the Village of Woodhull, without registering and obtaining a registration certificate in the office of the Village Clerk. Registration shall be on forms provided by the Village and shall give the solicitor's, salesman's, or canvasser's name, identification, signature, name of his employer, the nature of such products, and his proposed method of operation in the Village.
- SECTION 2. FEE.** The fee for each solicitor, salesman, or canvasser shall be twenty dollars (\$20.00) and the registration shall be valid for a period of one (1) month from the date of issuance.
- SECTION 3. REGULATIONS.** No certificate of registration under this Ordinance shall be given to any person not of good moral character. Each solicitor, salesman, or canvasser shall at all times while soliciting, selling or canvassing carry upon his person the registration certificate required and shall exhibit the same upon request to any police officer or person upon whom he calls in the course of business.
- SECTION 4. PENALTY.** Any person, firm, or corporation violating any of the provisions of this Article shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- SECTION 5. SOLICITATIONS EXEMPT.** The provisions of this Article shall not apply to any person soliciting contributions on behalf of any charitable, religious, fraternal, or educational organizations or institutions, a portion of the proceeds of which remain for use in the Village of Woodhull or in Henry County, Illinois.

## TITLE II – BUSINESS, CHAPTER 1 – BUSINESS REGULATED

### Article 3 - Alcoholic Liquor Dealers

**SECTION 1. DEFINITIONS.** Unless the context requires otherwise, the following terms as used in this Article shall be construed according to the definitions given below.

**Alcoholic Liquor.** Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume which is fit for beverage purposes.

**Retail Sale.** The sale for use or consumption and not for resale.

**Restaurant.** Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually served and regularly served, without sleeping accommodations, the space being provided with adequate and sanitary accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests: provided that no establishment shall qualify as a restaurant or shall continue to be qualified as a restaurant unless at least fifty percent (50%) of its gross income is derived from the sale of food. For such an establishment which has been in operation for at least one (1) year, such percentage shall be determined from the gross income received during the year preceding the year for which the application for the license or the renewal is made. For an establishment which has begun operation for less than one year, the percentage shall be determined on the projected gross income for the year which the application for license is being made.

**Hotel or Motel.** Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which twenty (20) or more rooms are used for the sleeping accommodations and dining rooms are being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**Club.** A corporation organized under the laws of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors that conforms to the definition of club, as provided by Statute.

**SECTION 2. LICENSE REQUIRED.** No person shall sell or offer for sale at retail in the Village any alcoholic liquor without having a retail dealer's license, or in violation of the terms of the license.

**SECTION 3. APPLICATION.** Applications for licenses shall be made at the local Liquor Control Commissioner, in writing, signed by the applicant if an individual, or by a duly authorized agent if a club or corporation. The application shall be verified by oath or affidavit, after ten (10) days residence in the Village of Woodhull, Illinois, and shall contain the following statements and information.



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- 3.1 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; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of that person.
- 3.2 The citizenship of the applicant, place of birth, and if a naturalized citizen, the time and place of naturalization.
- 3.3 The character of the business of the applicant, place of birth, and in the case of a corporation, the objects for which it was formed.
- 3.4 The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
- 3.5 The amount of goods, wares and merchandise on hand at the time the application is made.
- 3.6 The location and description of the premises or place of business which is to be operated under the license.
- 3.7 A statement whether the applicant has made an application for a similar or other license on premises other than described in this application, and the disposition of the application.
- 3.8 A statement that the 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 Article, laws of State, or ordinances of this Village.
- 3.9 Whether a previous license by any state or subdivision or by the federal government has been revoked, and the reasons.
- 3.10 A statement that the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinance in the Village in the conduct of his place of business.

### **SECTION 4. RESTRICTION OF LICENSES.** No such license shall be issued to:

- 4.1 A person who is not of good character and reputation in the community which he resides.
- 4.2 A person who is not a citizen of the United States.
- 4.3 A person who has been convicted of a felony.
- 4.4 A person who has been convicted of being the keeper of a house of ill-fame.
- 4.5 A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

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### Article 3 - Alcoholic Liquor Dealers

- 4.6 A person whose license under this Article has been revoked for cause.
- 4.7 A person who at the time of application for renewal of any license issued hereunder would not be eligible for the license upon a first application.
- 4.8 A co partnership, unless all members of the co partnership shall be qualified to obtain a license.
- 4.9 A corporation, if any officer, manager or director or any stockholder owning in aggregate more than five (5%) percent 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.
- 4.10 A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required of the licensee.
- 4.11 A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond to appear in court to answer charges for any such violation.
- 4.12 A person who does not own the premises for which a license is sought, or does not have a lease for the full period for which the license is issued.
- 4.13 Any law enforcing public official, any Board President, or member of the Village Board of Trustees and no official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.
- 4.14 Any person, firm, or corporation not eligible for a state retail liquor dealer's license.

**SECTION 5. TERM OF LICENSE.** Each license shall terminate on the 30<sup>th</sup> day of April following issuance. New businesses will be prorated.

**SECTION 6. EXAMINATION OF APPLICANT FOR LOCAL LICENSE.** The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for suspension that has been served as provided by Statute, and to examine the books and records of any applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for the purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, the Commissioner may authorize an agent to act on his behalf, as provided by the Statute.

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### Article 3 - Alcoholic Liquor Dealers

#### SECTION 7. CLASSIFICATION AND FEES

##### 7.1 Such licenses shall be divided into the following classes:

Class “A”, which shall permit the retail sale of 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 one thousand dollars (\$1,000), payable semi-annually, April 30<sup>th</sup> and October 31<sup>st</sup>.

Class “AA”, which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, that is, in restaurants, in hotels, or motels, as herein defined but not for resale in any form. Sunday sales are prohibited. The fee for such a license shall be one thousand five hundred dollars (\$1,500.00) paid semi-annually, April 30<sup>th</sup> and Oct 31<sup>st</sup>.

Class “AAA”, which shall permit the retail sale of alcoholic liquor for consumption on or off the premises where sold, that is, in restaurants, in hotels, or motels, as herein defined but not for resale in any form. Sunday sales are allowed. The fee for such a license shall be two thousand dollars (\$2,000.00) payable semi-annually, April 30<sup>th</sup> and October 31<sup>st</sup>.

Class “B”, which shall permit the retail sale of alcoholic liquor in sealed packages, but not for consumption on the premises where sold. The annual fee for such a license shall be five hundred dollars (\$500.00), payable semi-annually, or one thousand dollars (\$1000.00), payable semi-annually, if Sunday sales are included.

Class “C”, which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, containing not more than four percent (4%) of alcohol by weight, to be issued for temporary stands, booths, and counters such as used at picnics, celebrations, and the like. The daily fee for such licenses shall be twenty-five dollars (\$25.00).

Class “D”, which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized club as defined, such sales to be made only to members of the club, and shall be an amount equal to fifty cents (\$0.50) per member based upon the highest number of members of the club during the year for which the license is issued, but in no event shall the license fee be less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1000.00) payable semi-annually. Application for a Class “D” license may be issued for the sale of alcoholic liquor containing not more than four percent (4%) of alcohol by weight. The annual fee for a limited license shall be five hundred dollars (\$500.00), which shall accompany the application.

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### Article 3 - Alcoholic Liquor Dealers

- 7.2 With the application for a Class “D” license, a complete list shall be filed in duplicate, containing all the names and addresses of the members of the club. The list shall be supplemented every four (4) months during the term of the license, with the names of new members elected to the club. The license fee accompanying the application license shall be based upon the number of members shown on the membership list accompanying the application at the rate of fifty cents (\$0.50) per member. Upon the filing of any subsequent list as provided, the licensee shall pay the sum of fifty cents (\$0.50) for each such additional member, provided the additional payment or payments shall be subject to the maximum license fee of one thousand dollars (\$1000.00). The provisions for payment of additional license fee based upon membership shall not apply to a license for the sale only of alcoholic liquor containing not more than four percent (4%) of alcohol by weight.
- 7.3 No Class “D” license shall be issued until the Local Liquor Commissioner has been satisfied that the club applying for the license was organized for some purpose other than the sale or consumption of alcoholic liquor.
- 7.4 All licenses issued shall be designated by the classification letter provided.

### SECTION 8. NUMBER OF LICENSES.

- 8.1 There shall be no more than three (3) Class “A” licenses issued and in force at any one time in any year until the total population of the Village reaches two thousand (2000), and thereafter not more than one (1) Class “A” license shall be issued and in force any one time in any year for each two thousand (2000) or major fraction of one thousand (1000) of the population.
- 8.2 There shall be no more than two (2) Class “AA” licenses issued and in force at any one time until the total population of the Village reaches the number of two thousand (2,000). After reaching that threshold, not more than one (1) Class “AA” license shall be issued and in force at any new time in any year for each one thousand (1,000) or major fraction of one thousand (1,000) of added population.
- There shall be no more than three (3) Class “AAA” licenses issued and in force at any one time until the total population of the Village reaches the number of two thousand (2,000). After reaching that threshold, not more than one (1) Class “AAA” license shall be issued and in force at any new time in any year for each one thousand (1,000) or major fraction of one thousand (1,000) of added population.
- 8.3 There shall be no more than one (1) Class “B” license issued and in force at any one time in any year until the total population of the Village reaches two thousand (2,000). Thereafter, not more than one (1) Class “B” license shall be issued and in force at any one time in any year for each one thousand (1,000) or major fraction of one thousand (1,000) of population.

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### Article 3 - Alcoholic Liquor Dealers

8.4 Not more than one (1) Class “D” license shall be issued to any applicant.

8.5 The term “total population” shall mean the population determined by the most recent official federal, state or Village census.

**SECTION 9. INSURANCE REQUIRED.** No license shall be issued unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the insurance required by the State.

**SECTION 10. DISPOSITION OF FEES.** All fees shall be paid to the Village Clerk at the time application is made and shall be turned over to the Village Treasurer. In the event the applicant’s license is granted, then the fee shall be deposited in the general corporate fund or in any other fund as shall have been designated by the Village Board by proper action.

**SECTION 11. RECORD.** The Village Clerk shall keep a complete record of all licenses issued and shall furnish the Village President with a copy; upon revocation or suspension of any license the Village Clerk shall immediately give written notice to the Village President.

**SECTION 12. TRANSFER OF LICENSE.** A license shall be a purely personal privilege, not to exceed one (1) year after issuance unless revoked sooner as provided in this Article. The license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or pledged. The license shall cease on the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or the insolvency of the licensee. A refund shall be made of the portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

**SECTION 13. CHANGE OF LOCATION.** A license shall permit the sale of alcoholic liquor only in the premises described in the application and license. The location may be changed only when written permit to make the change shall be issued and the proposed new location is in compliance with the provisions and regulations of this Article.

### **SECTION 14. RENEWAL OF LICENSE.**

14.1 Any licensee may renew a license at expiration, provided that the licensee is then qualified to receive a license and the premises for which the renewal is sought is suitable for such purpose; provided further, that the renewal privilege shall not be construed as a vested right which shall in any case prevent the Village President from decreasing the number of licenses to be issued within jurisdiction.

## TITLE II – BUSINESS, CHAPTER 1 – BUSINESS REGULATED

### Article 3 - Alcoholic Liquor Dealers

- 14.2 License must be renewed by 5:00 p.m. on the last business day before expiration.
- 14.3 Violation of the terms of renewal before expiration could result in loss of licenses and/or a penalty of five hundred dollars (\$500.00)

**SECTION 15. PEDDLING.** It shall be unlawful to peddle alcoholic liquor in the Village.

**SECTION 16. SANITARY CONDITIONS.** All premises used for the retail sale of alcoholic liquor, or for the storage of liquor for sale, shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption; and shall obtain all necessary permits from the Health Department of the County and State.

**SECTION 17. EMPLOYEES.** No person shall employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease; and it shall be unlawful for any person who is infected with or is a carrier of such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

**SECTION 18. LOCATION RESTRICTIONS.** No license shall be issued for the sale of retail of any alcoholic liquor, within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons, or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to hotels or motels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic beverages is not the principal business carried on, of such place of business so exempted shall have been established for such purposes prior to the taking effect of this ordinance. No person shall hereafter engage in the business as a retailer of alcoholic liquor within one hundred (100) feet of any mortuary.

**SECTION 19. STORES SELLING SCHOOL SUPPLIES, LUNCHESES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for minors.

**SECTION 20. HOURS OF OPERATION.** Alcoholic liquor shall only be sold, offered for sale at retail, or given away in or upon any licensed premises during the following hours.

- 20.1 Monday through Thursday: 7:00 a.m. to Midnight  
Friday: 7:00 a.m. to 2:00 a.m. Saturday  
Saturday: 7:00 a.m. to 2:00 a.m. Sunday
- 20.2 Special licenses are required for Sunday sales of alcoholic liquor. With a special Sunday license, alcoholic liquor shall only be sold, offered for sale, or given away between the hours of 12:00 noon and 10:00 p.m.
- 20.3 A person may sell, offer for sale at retail, or give away alcoholic liquor on any licensed premises until 2:00 a.m. on January 1, New Years Day, of any year.

## TITLE II – BUSINESS, CHAPTER 1 – BUSINESS REGULATED

### Article 3 - Alcoholic Liquor Dealers

- 20.4 It shall be unlawful to keep open for business or to admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any premises in which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited, provided that in the case of restaurants, hotels or motels, such establishments may be open for business during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

**SECTION 21. VIEW FROM THE STREET.** Where the sale of alcoholic liquor for the consumption on the premises is licensed (other than as a restaurant, hotel or club) no screen, blind, curtain, partition, article or thing shall be permitted which shall prevent a clear view into the interior from the street, road, or sidewalk at all times, and no booth, screen partition, or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior which shall prevent a clear view of the entire interior from the street, road or sidewalk. All rooms where liquor is sold for consumption on the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into the premises shall be willfully obscured or in any manner obstructed, then license shall be subject to revocation in the manner herein provided. In order to enforce the provisions of this section, the Village President shall have the right to require the filing of plans, drawings, and photographs showing the clearance of view as required.

### **SECTION 22. MINORS – SALE TO.**

- 22.1 No person under the age of twenty-one (21) years shall purchase or obtain any alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.
- 22.2 No person under the age of twenty-one (21) years shall misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any tavern or other place in the Village where alcoholic liquor is sold.
- 22.3 In every tavern or other place in the Village where alcoholic liquor is sold there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Village Clerk and which shall read substantially as follows:
- 22.4 No holder of a retail liquor dealer's license, or his or her agent or employee shall suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where the licensed premises is located; provided that this paragraph shall not apply to any minor accompanied by a parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.
- 22.5 In addition to all other fines and penalties, the Village President may suspend or revoke the retail liquor dealer's license for any violation of this Article.

## **TITLE II – BUSINESS, CHAPTER 1 – BUSINESS REGULATED**

### **Article 3 - Alcoholic Liquor Dealers**

- 22.6 No parent or guardian shall permit any minor child to violate any of the provisions of this section.
- 22.7 No person shall give or deliver alcoholic liquor to any minor.
- 22.8 No minor under twenty-one (21) years of age shall attend any Class A licensed establishment without parent or legal guardian.
- 22.9 No minor under twenty-one (21) years of age shall draw, pour, mix or sell any alcoholic liquor in any licensed retail premises.
- 22.10 No minor under (21) years of age shall be seated at the bar of any establishment licensed for the sale of alcoholic liquor

**SECTION 23. SALE TO INTOXICATED PERSONS – HABITUAL DRUNKARDS.** No holder of a retail liquor dealer's license shall sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him to be a habitual drunkard, spendthrift or insane, feeble-minded or distracted person.

**SECTION 24. GAMBLING.** It shall be unlawful to gamble except for Video Gaming as allowed by the Illinois Legislature and as licensed by the Illinois Gaming Board, which shall be allowed. Video Gaming shall be limited by the number of Liquor Licenses available according to the Village Code.

**SECTION 25. VIDEO GAMING TERMINAL (MACHINE) FEE.** A licensee holding a State of Illinois Video Gaming License shall be assessed an annual Village fee of \$25.00 per video gaming terminal (machine). Said fee shall be payable to the Village prior to installation of any State of Illinois authorized video gaming devices, and then shall be payable in full prior to the start (May 1<sup>st</sup>) of each succeeding year.

**SECTION 26. RAFFLES.** Holders of Video Gaming Licenses issued by the Village and/or group(s) wishing to hold a raffle at Video Gaming establishments may, upon proper application to the Village and payment of a \$25.00 application fee, obtain a special permit from the Board of Trustees to conduct a charitable raffle within the premises where Video Gaming may be conducted.

**SECTION 27. INSPECTIONS.** No person shall refuse to grant admittance to the premises for which a Class "D" license has been issued at any time upon verbal request of any police officer, the health officer, or any member of the Village Board of Trustees for the purpose of making an inspection on the premises, or any part.

**SECTION 28. REVOCATION – SUSPENSION.** The Village President may suspend for not more than thirty (30) days or revoke for cause any liquor dealer's license for violation of any provision of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor as provided by law.

### **Article 4- Adopting the Henry County Bed and Breakfast Ordinance**

**SECTION 1.** The Village hereby accepts and adopts the Henry County Bed and Breakfast Ordinance, including Sections 1 through 8 of the Bed and Breakfast Act (P.A. 85-0399) as passed by the Henry County Board effective January 12, 1988, except for Section 4.1, which is revised to provide that the license fee for bed and breakfast operation in the Village shall be set and collected by the Henry County Health Department. Copies of the Ordinance and Act are attached in the Appendix of this Code.



**TITLE III  
BUILDINGS**

**CHAPTER 1  
BUILDING RESTRICTIONS**

**Article 1 – Dangerous Buildings**

**SECTION 1. DEFINED.** The term “dangerous building” as used in this Ordinance is defined as any building, shed, fence, or other manmade structure:

- 1.1 Which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease, or injury to the health of its occupants or of neighboring structures.
- 1.2 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.
- 1.3 Which by reason of faulty construction or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure: and
- 1.4 Which because of its condition or because of its lack of doors or windows is available and frequented by malefactors or disorderly persons who are not lawful occupants of the structure.

**SECTION 2. DECLARED A NUISANCE.** Any dangerous building in the Village of Woodhull, Henry County, Illinois, is hereby declared to be a nuisance.

**SECTION 3. DANGEROUS BUILDINGS PROHIBITED.** No person shall maintain or permit the existence of any dangerous building in the Village and no owner, occupant, or person in custody of any dangerous building shall permit the same to remain in a dangerous condition, or to occupy such building, or to permit it to be occupied while it is or remains in a dangerous condition.

**SECTION 4. ENFORCEMENT.** Whenever the Zoning Officer or the Village Board of the Village shall be of the opinion that any building or structure in the Village is a dangerous building, a statement in writing to this effect shall be filed in the office of the Clerk. The Clerk shall give written notice to the owner, and to the occupant or occupants, of the building to be served either by personal service, or by certified mail. The notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairs or alterations or demolitions at once. The notice shall also be posted upon the building found to be in a dangerous condition. If the person receiving the notice has not complied with the same within a period of thirty (30) days from the date of service in person or by certified mail, the Clerk may, upon the order of the President and Board of Trustees, proceed to remedy the condition or to demolish the dangerous building at the owner’s expense with a lien on the property if necessary to cover all costs incurred by the Village.

**CHAPTER 2  
ACCESSORY STRUCTURES**

**Article 1- Fences**

**SECTION 1. HEIGHT RESTRICTION.** No person shall erect, construct, install or permit to remain any fence or hedge greater than four and one half (4½) feet in height from the ground on any lot in the area between the street and the line indicated on the plat as the building setback line (or thirty (30) feet from the street line). No person shall erect, construct, install or permit to remain any fence or hedge greater than eight (8) feet in height from the building setback line to the rear and side extremities of the rear and side lot lines.

**SECTION 2. ELECTRIC FENCES PROHIBITED.** No person shall erect, construct, install or maintain any electrically charged fence above ground within the Village limits.

**SECTION 3. BARBED-WIRE FENCES.** No person shall erect, construct, install or maintain any barbed-wire fences within the village limits, except:

3.1 One (1) course of barbed-wire fence may be installed above the top line of a six (6)-foot chain link fence located in a district zoned for industrial and/or commercial purposes or on property used for industrial and/or commercial purposes under a valid non-conforming use.

3.2 Barbed-wire fences required by state or federal authorities or Statutes may be erected and maintained in compliance therewith.

**SECTION 4. FENCES CREATING SAFETY HAZARDS PROHIBITED.** No person shall erect, construct, install or maintain a fence which obscures clear view of traffic at intersections or driveways or which creates a safety hazard to pedestrians or vehicular traffic.

**SECTION 5. EXCEPTIONS.** This section does not apply to fences in existence before the passage of this Article, except that on sale or transfer of the property on which a non-conforming fence is located, the fence shall be made to conform to the requirements of this Article or be removed within thirty (30) days of closing or transfer.

**SECTION 6. NON-CONFORMING USES.** Any non-conforming fence which has been abandoned for a period of one (1) year shall therefore conform to the provisions of this Article; any non-conforming fence which has been destroyed or damaged to the extent of sixty (60%) percent or more of its assessed valuation shall thereafter conform to the provisions of this Article; no non-conforming fence may be moved to any other part or parcel of land upon which same was conducted at the time of the adoption of this ordinance; non-conforming fences shall not be enlarged or structurally altered except to make it a conforming fence.

**SECTION 7. ENFORCING OFFICER.** Any officer of the Village is designated as the officer to be responsible for enforcing this Article. The Building/Zoning Officer shall have the power and shall exercise the functions prescribed by State Law and by terms of all ordinances now in force or hereafter passed.

**SECTION 8. ENFORCEMENT AND PENALTIES.** This Article shall be administered and enforced by the Zoning Officer appointed by the Village Board of Trustees.

## TITLE III – BUILDINGS, CHAPTER 2 – ACCESSORY STRUCTURES

Proper authorities of the Village or any person may institute any appropriate action or proceedings against a violator as provided by statute. Any person, firm or corporation or their agents, employees, or contractors who violate, disobey, omit, neglect, or refuse to comply with or who resist enforcement of any of the provisions of this Article shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six (6) months, or both, for each offense, and each day of violation continues shall constitute a separate offense.

### Article 2 - Residential Swimming Pools

**SECTION 1. BUILDING PERMIT REQUIRED FEE.** No swimming pool shall be constructed within the Village unless a building permit has been obtained. Fees for permit shall be the same as for any other building permit in the Village except the minimum fee for pool construction shall be ten dollars (\$10.00).

**SECTION 2. DEFINITIONS.** The following shall apply in this article:  
**Above Ground/On Ground Pool.** See definition of swimming pool.

**Barrier.** A fence, wall, building wall or combination, which completely surrounds the swimming pool.

**In-Ground Pool.** See definition of swimming pool.

**Spa-Portable.** A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product. No fee or permit required

**Swimming Pool.** Any structure intended for swimming or recreational bathing that has sides more than twenty-four inches (24") deep. This includes in ground, above ground and on ground swimming pools, hot tubs and spas.

**Swimming Pool, Indoor.** Any swimming pool, which is totally contained within a structure and surrounded on all four (4) sides by walls of said structure.

**Swimming Pool, Outdoor.** Any swimming pool which is not an indoor pool.

**No permit or fee needed for Hot Tubs or Spas.**

### SECTION 3. PLANS

3.1 All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall be presented to the Zoning Officer for examination and approval as to proper location and construction.

3.2 All private residential swimming pools, appurtenances, water supply and drainage systems, shall be constructed in conformity with the approved plans.

## TITLE III – BUILDINGS, CHAPTER 2 – ACCESSORY STRUCTURES

### Article 2- Residential Swimming Pools

- SECTION 4. TYPE OF CONSTRUCTION.** Pools may be constructed of water-tight steel reinforced concrete poured in place, pneumatically applied concrete (gunite) with adequate steel reinforcing, dry pack concrete with adequate steel reinforcement, concrete block, brick, steel, aluminum, fiberglass, steel sunk in concrete, fiberglass sunk in concrete, vinyl lined steel, vinyl lined marine plywood treated, vinyl lined concrete asbestos (transite) or other materials having equivalent or similar utilitarian value or qualities as may meet with the approval of the Zoning Officer. Certification of plans shall be sufficient evidence of compliance with the requirements of this section. This Section shall apply to all swimming pools built on or above ground level, whether for dismantlement or of permanent installation, providing such pool is: 1.) in excess of ten feet (10') in diameter if round (or in excess of ten feet by ten feet (10' x 10') if of a square or of a rectangular design); 2.) is of twenty-four inches (24") or more in depth; and 3.) has a quantitative volume in excess of twelve hundred (1,200) gallons regardless of shape of figure.
- SECTION 5. LOCATION OF POOLS.** No portion of any private residential swimming pool shall be located at a distance less than eight feet (8') from any side or rear property line and may not be placed in any front yard. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight feet (8') from any side property line. Pools and appurtenant equipment shall not be permitted in the side yard between dwellings.
- SECTION 6. DRAINAGE FROM THE POOL.** Drain outlets from a pool shall not be directly connected to a sewer line. Drainage shall be by gravity, by pumping or siphoning. Drainage must not be made into a sanitary sewer, but can be made into storm sewers or gutters or natural watercourses. Pools must not be drained during periods of rain or storm.  
The drain outlet, which connects to the re-circulating system, shall be permanently installed at the lowest point in the pool. It shall be ample in size with a free grating area sufficient to minimize chances of clogging or occurrences of suction dangerous to the safety of bathers. The grating opening shall be of sufficiently mesh and construction that a bather's fingers or toes will not be caught or injured.
- SECTION 7. WATER DISINFECTION.** Chlorine disinfectant in the form of sodium or calcium hypochlorite, or bromine, shall be applied daily as frequently as needed to maintain a definite chlorine residual, not to exceed five tenths (0.5) ppm, throughout the pool volume while the pool is in use. A test kit with permanent color standards shall be provided at all pools and used at frequent intervals to check on the adequacy of chlorine treatment.
- SECTION 8. WALK.** A walk area not less than four feet (4') wide shall be provided to extend entirely around a pool, except in the case of a portable, above ground installation. The walk area shall be of impervious materials, shall be easily cleaned, and have a definite pitch away from the pool edge. The walk area at portable above ground pools shall be of impervious material four feet (4') wide by about eight feet (8') long and shall be constructed around the point where swimmers climb into the pool. Such walks shall be of non-skid texture.

## TITLE III – BUILDINGS, CHAPTER 2 – ACCESSORY STRUCTURES

**SECTION 9. SAFETY EQUIPMENT AND FENCES.** Pools shall be equipped with basic lifesaving equipment, including one or more of the following items:

- 9.1 A light, but strong pole with blunt end and not less than twelve feet (12') long.
- 9.2 A one-fourth inch (¼") diameter throwing rope as long as one and one-half (1½) times the maximum width of the pool or fifty feet (50'), whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately fifteen inches (15") or some other similar flotation device.

Pools shall be equipped with grab rails and approved metal ladders or steps firmly fastened to the construction. When pool is occupied, there shall be a minimum of one means of egress by ladders or steps. The ladder shall be locked or removed when pool is unoccupied. Diving Boards will not be permitted in depths less than seven feet (7') of water.

A fence or wall shall be installed and maintained to completely surround a pool. The fence or wall shall be at least four and one-half feet (4½') in height and no more than six feet (6') and shall be equipped with self-closing and key-locking devices placed at the top of the gate. The slope of the bottom of the pool shall not exceed one foot (1') of depth for each ten feet (10') horizontal where the depth of water is less than five feet (5').

Above ground pools do not require a fence, but must be equipped with a fold-up ladder and lock.

**SECTION 10. INSPECTION.** The Zoning Officer shall have the right and authority to inspect any swimming pool, or check the operations thereof, during reasonable daylight hours, in order to determine whether or not the provisions of this Article regarding health, sanitation and safety are being complied with.

**SECTION 11. ABANDONED POOLS.** Unused pools on residential premises not occupied or dwelt in for a period of thirty (30) days or more shall be removed or filled to the grade of adjacent land.

**SECTION 12. EXISTING POOLS.** This Article applies to any existing swimming pool constructed prior to enactment of this Ordinance. Any owner of an existing swimming pool must comply with this Article within at least thirty (30) days of being served with a copy of this Article by the Zoning Officer, the Clerk or any agent for the Village.

**SECTION 13. PENALTY.** Any person who violates, omits, neglects or refuses to comply with the provisions of this Article shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense, and every day such violation continues shall be a separate and distinct offense.

**SECTION 14. INSPECTION.** All new Buildings within the Village limits must undergo a post-completion inspection and be approved by a Village approved Inspector.

# TITLE IV

## COMMUNITY PROTECTION

### TITLE IV – COMMUNITY PROTECTION, CHAPTER 1 – ANIMAL PROTECTION AND CONTROL

#### CHAPTER 1 ANIMAL PROTECTION AND CONTROL

##### Article 1- ANIMAL CONTROL

**SECTION 1. DEFINITIONS.** As used in this Article, unless the context otherwise requires, the terms specified in this section have the following meanings:

**ANIMAL.** Every living creature, domestic or wild, except humans, and includes, but is not limited to fowls, fish, reptiles and domestic animals.

**CAT.** Except where specifically distinguished: All animals of the feline species of the age three (3) months or older.

**CONFINED.** Restricted at all times to a SECURE ENCLOSURE.

**DANGEROUS ANIMAL.** A lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, poisonous reptile, crocodile, alligator, wolf, coyote, or any individual animal which when either unmuzzled, unleashed, or unattended by its owner or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks or any public grounds or places. Any individual animals with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domesticated animals.

No animal shall be deemed "Dangerous" because it bites or attacks or menaces a trespasser within the domicile of its owner, or harms or menaces anyone who has abused it.

**DOG.** Except where specifically distinguished: All members of the canine species of the age three (3) months or older.

**SECURE ENCLOSURE.** A fence or structure of at least six feet (6') in height, forming an enclosure suitable to prevent entry of young children, and suitable to confine a dangerous animal. Such a structure shall be securely enclosed and locked and designed with secure side, top and bottom and shall be designed to prevent the animal from escaping. If the structure is not secured to a bottom, the sides must be embedded into the ground no less than twelve inches (12").

**LEASH.** A cord, rope, strap or chain which shall be securely fastened to the collar or harness of an animal and shall be of sufficient strength to keep the animal under control. It shall have a tensile strength to keep such animal under control. It shall have a tensile strength of at least three hundred (300) pounds and shall not exceed ten feet (10') in length.

**OWNER.** Any person having a right of property in an animal, or who keeps or harbors any animal, or who has it in his or her care, or acts as its custodian, or

**TITLE IV – COMMUNITY PROTECTION, CHAPTER 1 – ANIMAL PROTECTION AND CONTROL**

**Article 1 – Animal Control**

who knowingly permits an animal to remain on or about any premise occupied or controlled by him or her within the Village.

**VICIOUS DOG.** Includes a dog that has either committed an unprovoked attack on, or has bitten a person or animal, or that approaches a person in an apparent attitude of attack when unprovoked, either on public or private property.

**SECTION 2. ANIMAL NUISANCES.**

- 2.1 **Running at Large Prohibited.** It is hereby declared a public nuisance and it shall be unlawful for any person to permit any animal to run at large in the Village at any time. Any dog or cat shall be considered to be “running at large” if it leaves the premises of its owner or keeper when not under control by a leash, or other recognizable control methods, and a person willing and able to prevent the animal from violating any Village Ordinance.
- 2.2 **Barking Dogs.** It is hereby declared a public nuisance and it shall be unlawful for an owner to allow a dog to bark for a substantial period of time so as to alarm or disturb other individuals in the vicinity and cause a breach of the peace in the neighborhood. “Substantial Period of Time” shall be defined as any dog or dogs in combination that bark repeatedly for ten (10) minutes or a total of thirty (30) minutes in any one (1) hour period.
- 2.3 **Limit on Number of Dogs and/or Cats.** A household or person may have no more than three (3) dogs or five (5) cats with the total number of dogs and cats not exceeding five (5) excluding those under three (3) months old within the Village except in veterinarian hospitals, pet shops, kennels approved by the appropriate regulatory agency of the State of Illinois or a dog pound. The payment of license on dogs shall not be construed to permit the keeping of more than the number of dogs that is herein provided.
- 2.4 **Dangerous Animals Prohibited.** It is hereby declared a public nuisance and it shall be unlawful for any person to own, keep, harbor, care for, act as a custodian of, or maintain in his or her possession, any dangerous animal within the Village, except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, confined to an escape-proof and childproof enclosure. The Village Attorney, or the Village Chief of Police, or Village Animal Control Officer may file a complaint in the name of the Village to establish the existence of such a nuisance, to enjoin any person from maintaining or permitting such nuisance and to abate the same.
- 2.5 **Biting Dogs.** Whenever any dog bites a person or pet, the owner of the dog shall immediately notify the Village Police Officer or Village Animal



**TITLE IV – COMMUNITY PROTECTION, CHAPTER 1 – ANIMAL PROTECTION AND CONTROL**

**Article 1 – Animal Control**

Control Officer who shall have it impounded and examined by a licensed veterinarian immediately after it has bitten anyone and again at the end of ten (10) days. If at the end of the ten (10) days a veterinarian is convinced that the dog is free from rabies, the dog shall be released from quarantine or from the shelter, as the case may be. If the dog dies in the meanwhile, its head shall be sent to the State of Illinois Department of Health for examination for rabies.

**2.6 RULES FOR VICIOUS DOGS.**

When outside of the home, the dog must be confined to a “secure enclosure”

When outside the owner’s premises, the dog must be securely muzzled and restrained by a chain or leash and under the control of an able and responsible person.

A “Vicious Dog on Premises” sign must be displayed in a prominent place on the owner’s premises and on the pen or kennel.

**2.7 SANITATION.** The owner of every animal shall be responsible for removal and sanitary disposition of any excretal deposited by his animal(s) anywhere in the Village. When accompanying the animal outside his premises, he shall have on his person suitable means for the removal of such excreta.

**2.8 CRUELTY TO ANIMALS.** No person shall beat, cruelly treat, torment, starve or abuse any animal. Each owner shall provide for each of his animals;

Sufficient quantity of good quality, wholesome food and water, served in containers, with water available at all time

Adequate shelter of an appropriate size which provides sufficient protection from the weather. Temporary enclosures and travel carriers and crates shall be presumptively inadequate. The shelters appropriate size shall be determined in accordance with the Animal Welfare Act standards for primary enclosures (9 CFR 3.6 ©).

Veterinary care when needed to prevent suffering

**SECTION 3. INOCULATION.**

**3.1** It shall be declared a public nuisance and it shall be unlawful for any person to own, keep, harbor, care for, act as a custodian of, or maintain in his or her possession any dog of four (4) months or more of age, which has not been inoculated against rabies by a licensed veterinarian at such intervals as required by Illinois law. The owner of the dog shall present proof of a current rabies inoculation for such dog upon demand of the Village Officials charged with enforcement of this Article.

**SECTION 4. CONFINEMENT OF SICK ANIMALS.**

- 4.1 Any sick animal with or liable to communicate hydrophobia in the Village shall be confined by its owner and shall not be released unless such animal shall be securely muzzled by a full basket muzzle, leashed and within the immediate supervision and control of its owner.
- 4.2 At any time, when by proclamation of the Village President duly posted in at least three (3) public places, danger of hydrophobia shall be declared to exist in the Village, all dogs in the Village shall be confined by their owner and shall not be released unless such dog shall be securely muzzled by a full basket muzzle, leashed, and within the immediate supervision and control of its owner.

**SECTION 5. IMPOUNDMENT.**

- 5.1 **Authorized to Impound.** Any animal found to be running at large, without a license, or to otherwise be a nuisance as provided in Section 2 of this chapter in the Village contrary to any of the provisions of this Article shall be apprehended and confined to an animal shelter, or any other place duly authorized, designed, and approved by the Village Board and the Village President to provide adequate and humane care for the confinement of animals found running at large in violation of this Article.
- 5.2 **Duties of the Pound Keeper.** The pound keeper is hereby charged with the duties of impounding in an animal shelter all animals running at large in violation of this Article. He shall be a police officer authorized to make all necessary arrests in carrying out the provisions of this Article and shall be paid a fee as determined by the Village Board and approved by the Village President.
- 5.3 **Public Notice.** Immediately after impounding any animal, it shall be the duty of the pound keeper to enter upon the records of the pound in a book to be kept for such purposes, the approximate location where the animal was apprehended, the date of impounding, a description of the animal impounded and the owner or custodian of the animal, if known or the fact that the owner or custodian is unknown. Further, the pound keeper shall immediately after impounding any animal post in the Village Hall a copy of the description of the animal, the approximate location where the animal was apprehended, the date of apprehension and the location of the pound. In addition, the pound keeper shall immediately after apprehension and impoundment mail a notice by certified mail to the owner(s) or custodian(s) of the animal, if known. Also, the notice can be delivered in person.
- 5.4 **Animals Impounded, Redemption.** The owner(s) or custodian(s) of any animal impounded may redeem the animal by paying all penalties, costs and charges assessed for the taking up, transporting, impoundment and keeping of the animal, if any, that have accrued up to the time of making redemption. When all costs and charges are paid to the pound keeper or his agent, the animal shall be released to the owner(s) or custodian(s) of the animal. Also, the pound keeper shall maintain a permanent record of such information.

**TITLE IV – COMMUNITY PROTECTION, CHAPTER 1 – ANIMAL PROTECTION AND CONTROL**

**Article 1 – Animal Control**

5.5 **Costs and Charges.** Costs and charges assessed for impoundment and keeping of the animal shall be determined by and shall be payable to the authority designated and approved by the Board to maintain the animal shelter. In the event that such shelter is maintained by the Village, the Board shall determine such cost and charges and they shall be payable to the Village. The cost and charges for the taking up of the animal shall be payable to the Village and it shall be periodically fixed by the Village Board with regard to the average cost of taking up the animal. The cost and charges for impounding and keeping of an animal is determined to be according to fees already established by the Henry County Board.

5.6 **Unredeemed Animals.** If at the expiration of three (3) days after receipt of any of the owner(s) or custodian(s) of the notice of impoundment, or if at the expiration of the three (3) days after posting the notice of impoundment by the pound keeper, when the owner(s) or custodian(s) are unknown, the animal is not redeemed by the owner(s) or custodian(s), the animal is hereby declared to be an unredeemed animal, and a public nuisance. Unredeemed animals not found to be vicious or dangerous within the meaning of this chapter shall be offered for adoption or relinquished to an animal shelter or humane society for adoption upon the expiration of the notice period. Unredeemed animals found to be vicious or dangerous within the meaning of this chapter shall be humanely dispatched upon the expiration of the notice period.

**SECTION 6. STANDARDS FOR KEEPING DOMESTICATED HENS ON RESIDENTIAL LOTS WITHIN THE CORPORATE LIMITS OF THE VILLAGE.**

- 6.1 No more than eight domestic hens may be kept on properties zoned and occupied for single family residential use only.
- 6.2 Roosters are prohibited in the village limits.
- 6.3 No person shall slaughter any chickens in the village limits, except for humane reasons.
- 6.4 Hens shall be provided with a covered inside enclosure and a fully closed, adjacent outside fenced area. The outside fenced area shall be no less than 32 square feet in area.
- 6.5 The enclosures and adjacent fenced area shall be set back thirty (30) feet from any adjacent occupied residential structure, other than that of the owner; but not less than the minimum property line set back required for accessory structures. Must follow all Zoning set backs.
- 6.6 All enclosures shall be constructed and maintained in such a manner as to be free of rodent infestation.
- 6.7 Electric service to enclosures shall NOT be provided by an extension cord/cords.

- 6.8 Hens shall be kept in the enclosure and fenced area at all times.
- 6.9 All feed and other items that are associated with the keeping of chickens that are likely to attract or to become infested with rats, mice, or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
- 6.10 All chickens shall be kept in the rear yard.
- 6.11 All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.
- 6.12 No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity, and it is hereby declared a nuisance to exist.
- 6.13 Chickens cannot be part of an agriculture process or business.
- 6.14 The selling of chickens is prohibited.
- 6.15 All pens, coops, buildings, yards, or enclosures for chickens shall be kept clean, sanitary, and free from all refuse. Such areas shall be thoroughly cleaned at least once every week, and all refuse shall be disposed of in a clean and sanitary fashion.

**SECTION 7. REGISTRATION AND PENALTIES.**

- 7.1 All persons keeping chickens in the Village shall register with the Village Clerk prior to acquiring chickens. Registration shall be on a form provided by the Clerk and not be accepted until the enclosure has passed a final inspection by the Zoning Officer and the owner of the chickens has watched an instructional video on how to properly care for chickens. Such video will be provided by the Village and watched at the Village Hall. Persons having chickens as of this effective date shall have 30 days to bring their property into compliance with the Ordinance.
- 7.2 The Registration form shall include written permission for any Police Officer, or Zoning Officer to access the rear yard of the residents for the purpose of verifying compliance with this Code on a periodic basis. The form shall acknowledge receipt of a copy of standards listed in Section 6 & 7.
- 7.3 There shall be a \$25 fee charged for Registration and licensing and a \$10 annual renewal fee pending each annual inspection by an Officer of the Village.
- 7.4 Failure to notify the Village Clerk in accordance with #1 of this Section or failure to allow an inspection in accordance with #2 of this Section shall constitute a violation of the Village Code and shall be punishable by a fine of no more than \$100 plus court cost. Each day a violation continues shall be considered a separate offense.
- 7.5 Violation of any standard in Section 6 above shall be punishable by a fine not to exceed \$100 plus court cost. Each day a violation continues shall be considered a separate offense.

7.6 Three violations of this Ordinance on a property within any 12-month period shall result in loss of permission to keep chickens on the property. Keeping chickens after permission has been revoked shall be punishable by a fine not to exceed \$750 plus court cost. Each day a violation continues shall be considered a separate offense.

**SECTION 8 CONFLICT WITH PRIVATE COVENANTS.** Nothing in this Chapter shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions governing the use of property, or by rules, regulations or orders issued by the Illinois Department of Public Health or the Henry County Health Department.

**SECTION 9. PUBLICATION.** The Village Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

**This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Board of the Village of Woodhull, Illinois, at a regular meeting of said Board**

**SECTION 10. ENFORCEMENT.** It shall be the duty of the Village Police, Village Animal Control Officer, Pound Keeper, and other officers or employees or persons as the Village President may designate, to carry out the Provisions for this Article. However, no such policeman, officer or employee shall be liable for failure to perform such duty.

## **ARTICLE 2- DOGS AND OTHER ANIMALS**

### **SECTION 11. DOGS AND OTHER ANIMALS.**

**11.1 TAGS.** No person shall permit any dog to be on any public street, sidewalk, alley, or other public place unless the dog has a collar firmly attached around its neck with a county license tag for the current year attached.

**11.2 PLACE WHERE DOGS ARE KEPT.** Every person owning or keeping any dogs shall keep the dog kennel or any place where the dog is kept in a clean and sanitary condition so that the dog or where the dog is kept shall not become a nuisance because of any smell or obnoxious odor.

**11.3 OTHER ANIMALS.** No person shall keep within the Village any cattle, cows, horses, sheep, swine, goats, ducks, turkeys, geese or other livestock or wild animals.

**11.4 PENALTY.** Any person violating any of the provisions of this Article shall upon conviction be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). A separate offense shall be committed on each day during or on which a violation continues.

## TITLE IV - COMMUNITY PROTECTION, CHAPTER 2-PUBLIC OFFENSES

### Article 1 - Public Indecency

- SECTION 1. INDECENT ACTS.** Any person who performs any of the following acts in a public place commits a public indecency  
An act of sexual intercourse; or  
An act of deviant sexual conduct; or  
A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person; or  
A lewd fondling or caress of the body of another person of either sex; or  
Exposing a sexual part of his/her anatomy; or  
Sunbathing in the nude.
- SECTION 2. PUBLIC PLACE.** Public place for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others.
- SECTION 3. VIOLATION.** Anyone violating this ordinance shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

### Article 2- Prohibiting Obscenity

- SECTION 1. DEFINITIONS.** In the construction and interpretation of this Article, the following definitions shall apply:
- Obscene.** A thing shall be considered to be "Obscene" if, considered as a whole in relation to prevailing standards within the community, its predominant appeal is to lewd interest or a shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond customary limits or candor in description or representation of such matters.
- Publication or Other Article.** The term "Publication or Other Article" shall mean any representation, description or embodiment whatsoever, including, but not limited to;  
Electronic devices  
Writings and pictures, whether or not printed.  
Photographs and photographic film, developed or undeveloped,  
Phonograph record and other sound recordings.  
Sculptures.  
Sale or Exhibition. The term "Sale or Exhibition" shall include circulation, distribution, giving away and all other forms of dissemination.
- SECTION 2, NO DISSEMINATION OF PUBLICATIONS OR ARTICLES.** No person shall sell, offer for sale or exhibit any obscene publications or other articles.
- SECTION 3. VIOLATION.** Any person who violates the provisions of this Article shall be subject to a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) except that the minimum fine or a violation involving a sale or exhibiting obscene material to a person under the age of eighteen (18) years shall be one hundred dollars (\$100.00). Each day that such obscene material is offered for sale or exhibit shall constitute a separate offense.

## **TITLE IV — COMMUNITY PROTECTION, CHAPTER 2— PUBLIC OFFENSES**

### **Article 3-Concerning the Possession and Consumption of Alcoholic Beverages upon the Streets and Public Ways of the Village.**

**SECTION 1. NO PUBLIC CONSUMPTION.** No person shall consume or attempt to consume any alcoholic beverage upon the public streets, alleys, sidewalks or public areas within the Village except at public functions having the prior approval of the Board of Trustees.

**SECTION 2. SEALED CONTAINERS.** No person shall transport, carry, or possess any alcoholic liquor upon any public street, alley or public property in the Village except in the original package with the seal unbroken except at public functions having prior approval of the Board of Trustees.

**SECTION 3. VIOLATION.** Any person violating any provision of this ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisonment of six (6) months or by both fine and imprisonment.

**Ordinance to Regulate the Use of Skateboards, Roller Skates and  
Roller Blades in the Village of Woodhull, Illinois**

*Whereas*, Sections 11-40-1 and 11-80-2 of the Illinois Municipal Code authorize the Village to regulate vehicles, streets and public ways within the Village. 65ILCS 5/11-40-1 and 11-80-2.

*Whereas*, the Village Board has considered the public's health, safety and welfare regarding skateboards, roller skates and roller blades, which are not well defined or regulated by the Village;

*Whereas*, the Village Board feels that it is necessary to pass an Ordinance to address the public safety concerns relating to skateboards, roller skates and roller blades, including use and areas of operation within the Village and safety concerns.

*Therefore*, be it ordained by the President and Board of Trustees of the Village of Woodhull, in Henry County, Illinois, that:

**Section 1: Definitions.**

*Roller Skates*: Any device worn on the foot with wheels and which is propelled by human power. This definition includes devices commonly known as in-line skates.

*Skateboard*: A device with two (2) or more tandem axles and a combination of wheels connected by a platform designed for standing and which is propelled by human power.

**Section 2: Public Property.** No roller skates or skateboards shall be used, operated or propelled upon the streets, alleys, sidewalks, parks or public ways within the Village of Woodhull except as provided herein.

**Section 3: Sidewalks.** The operation of roller skates and skateboards shall be permitted on the sidewalks in the Village, *except* that no roller skates or skateboards shall be allowed to operate on sidewalks or crosswalks in the business district, which includes North Division Street between Illinois Route 17 and West 4<sup>th</sup> Avenue, or any other location in the Village where the operation of bicycles is prohibited.

**Section 4: Parks.** No roller skates or skateboards shall be used, operated, or propelled upon any playground equipment at any Village Park in the Village that is not designed for their use.

**Section 5: Private Property.** No roller skates or skateboards shall be used, operated, or propelled upon private property in the Village without the owner's consent.

**Section 6: Safety Provisions.** The operator of roller skates or skateboards shall be required to comply with all safety rules and regulations as may be provided by the Village for bicycle operators in the Village. (All are expected to follow the Illinois rules of the road. Focus is on bicyclist and skateboards.)

**Section 7: Penalty.** Every person convicted of violation of any of the provisions of this Ordinance may be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or may have such roller skates or skateboards impounded or confiscated by the Police Department, or by any combination thereof, as set forth:

*First Offense*: A written warning may be given and a copy of said warning may be delivered to the offender's parents either by mail or in person if the offender is under the age of 18 years.



*Second Offense:* A fine will be assessed and the roller skates or skateboards may be impounded for a period of fourteen (14) days. A notice shall be delivered to the offender's parents either by mail or in person if the offender is under the age of 18 years.

*Third Offense:* A fine will be assessed and the roller skates or skateboards may be impounded for a period of twenty-eight (28) days. A notice shall be delivered to the offender's parents either by mail or in person if the offender is under the age of 18 years.

*Fourth Offense:* A fine will be assessed and the roller skates or skateboards may be confiscated and disposed of by the Woodhull Police Department. A notice shall be delivered to the offender's parents either by mail or in person if the offender is under the age of 18 years. The offender shall be entitled to a hearing before the Police Committee and the Village Board President before disposal of the roller skates or skateboards.

**Section 8:** If the offender, or the offender's parents, if said offender is under the age of 18 years, makes a written request for a hearing before the Police Committee and the Village Board President, the Village Clerk shall schedule a hearing before the Police Committee and the Village Board President and provide written notice to the Offender of the date, time and location of the hearing. At said hearing, the Police Committee and the Village Board President shall hear the testimony of the offender and shall make a determination on the disposition of the roller skates or skateboards.

**Section 9:** This Ordinance shall take effect and be in full force from and after its passage, publication and approval as required by law.

*Passed, approved and adopted* by the President and Board of Trustees of the Village of Woodhull on the 2<sup>nd</sup> day of February, 2004.

Aye	<u>5</u>	Absent	<u>1</u>
Nay	<u>0</u>	Abstain	<u>0</u>

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**Lloyd Carlson, Village President**

Attest:

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**Bernadette Melow, Village Clerk**

**Ordinance No. 05-05**

**Ordinance to Amend the Municipal Code of the Village of Woodhull**  
**Possession of Tobacco Products by Minors**

*Whereas*, Section 11-20-3 of the Illinois Municipal Code authorizes the Village to regulate the use and sale of tobacco within the Village. 65 ILCS 2/11-20-3.

*Whereas*, Section 11-20-5 of the Illinois Municipal Code further provides that the Village may do acts and make regulations that are necessary or expedient for promotion of health and suppression of disease (65 ILCS 5/11-20-5), and the Illinois Courts have held that the preservation of public health is indispensable to the existence of municipal corporations, and the policy of the law is to favor such legislation since the health and safety of the community are the most important of the police powers. *Village of Spillertown v. Prewitt*, 21 Ill.2d 228, 171 N.E.2d 582 (1961).

*Whereas*, the Village Board feels that regulating the possession and sale of tobacco products to minors within the Village will promote the health and general welfare of the citizens of the Village and wishes to amend its current Code provisions relating to Community Protection;

*Therefore, be it ordained* by the President and Board of Trustees of the Village of Woodhull, in Henry County, Illinois, that:

**SECTION 1. DEFINITIONS.** Whenever the following words or terms are used in this Article, they shall have the meaning as ascribed to them below:

**Tobacco Products.** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

**Minor.** Any person under eighteen (18) years of age.

**Public School.** A public school or school offering general education courses the same as ordinarily given in public school, or a private preschool, play school, special curriculum school, and any other private school.

**Public Areas.** Any street, sidewalk, or other public right-of-way or place, park, or other public place including the quasi-public-school area in front of or adjacent to any store, shop, restaurant, luncheonette, or other place of business and also including parking lots or other vacant property not owned or under control of the person charged with the violation of this section.

**SECTION 2. USE OR POSSESSION OF TOBACCO PRODUCTS ON PUBLIC PROPERTY.**

2.1 The use or consumption of tobacco products by minors upon any public thoroughfares, public streets, public highways, public parks, or any property of a public school, or any other public areas with the Village limits of the Village of Woodhull is hereby prohibited.

2.2 The possession of any tobacco products by minors while upon any public sidewalks, public thoroughfares, public streets, public highways, public parks, or any property of a public school, or any other public areas within the Village limits of the Village of Woodhull is hereby prohibited.

**SECTION 3. CERTAIN DISTRIBUTIONS PROHIBITED.** It shall be unlawful for any licensee or any person in the business of selling or otherwise promoting or advertising tobacco products, or any employee or agent of any such licensee or person in the course of such licensee's or person's business, to distribute, give away or deliver tobacco products free of charge to any person upon any public sidewalks, public thoroughfares, public streets, public highways, public parks, or any property of a public school, or any other public areas within the Village limits of the Village of Woodhull.

**SECTION 4. ENFORCEMENT BY SCHOOL DISTRICT PERSONNEL.** The following appointed officials of any public school shall have authority to sign all complaints and charge any violations of this Article that take place upon school property: Superintendent, Principal, Assistant Principal and Dean of Students.

**SECTION 5. PENALTY.**

- 5.1 Any violations of the provisions of this Article shall be punishable by a minimum fine of twenty-five dollars (\$25.00) and a maximum fine of seven hundred fifty dollars (\$750.00). In the event a person violates this Ordinance a second or subsequent time, the minimum fine shall be fifty dollars (\$50.00).
- 5.2 These fines are in addition to administrative provisions for suspension, revocation or forfeiture of a license issued, and payment of such fine shall not constitute an admission of guilt or innocence for purposes of such administrative proceedings for suspension, revocation or forfeiture.
- 5.3 In the event that a person is charged with a violation of this article under an Ordinance Violation Notice as a first-time offender, such person may satisfy the penalty by paying the twenty-five-dollar (\$25.00) fine in person or by mail within five (5) days of being charged with said violation. All penalties shall be paid at the Police Department of the Village of Woodhull.

## **TITLE V**

### **HEALTH AND SANITATION**

CHAPTER 1  
PUBLIC HEALTH AND WELFARE

**Article 1- Garbage and Refuse**

**SECTION 1. DEFINITIONS.** As used in this ordinance, the following terms have these meanings:

**Garbage.** Wastes resulting from the handling, preparing, cooking and consumption of food, including the storage thereof.

**Refuse.** Combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, furniture and bedding, non-combustible trash, included but not limited to metals, tin cans, dirt, rock and pieces of concrete or bricks, rubbish, glass, beverage cans and bottles, crockery, waste or by-products of a process, carcasses of dead animals, and non-working appliances.

**SECTION 2. NUISANCES.** The following are hereby declared to be a nuisance and it shall be unlawful for any person:

- 2.1 To place or permit to remain anywhere in the Village any garbage, refuse or material subject to decay except in a tightly covered metal or plastic container. Rubbish containers must be moved from the edge of the street to the inside of the sidewalk within twenty-four (24) hours of garbage pick-up.
- 2.2 To cause or permit to accumulate any refuse, ashes or trash of such a material that it can be blown away by the wind anywhere in the Village except in a tightly covered container.
- 2.3 To deposit or permit to fall from any vehicle in the Village any garbage or refuse on any public street or alley.
- 2.4 To dump or place any garbage or refuse in the limits of the Village, or on any property therein.
- 2.5 To cause or permit recyclable materials, including cans, bottles and plastic, to be visible from the street or public right of way or from neighboring property.

**SECTION 3. VIOLATION.** Any person, firm or corporation violating any provision of this Article shall be fined not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

## TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES

### Article 1 – Offensive Conditions

**SECTION 1. DECLARATION OF NUISANCE.** It is hereby declared a nuisance and shall be unlawful for any person, firm or corporation to maintain, keep or suffer to be kept within the corporate limits of the Village, facilities, buildings, or exterior premises in a foul, nauseous, filthy or offensive condition; or to keep or suffer to be kept within the corporate limits of the Village, inoperative, unused, abandoned or unlicensed vehicles, machinery, appliances, or household items which may cause injury, discomfort, annoyance or devaluation of property values of any inhabitants within the Village, or burn or allow to burn or smolder within the corporate limits of the Village any garbage or refuse, other than paper, dry leaves or untreated wood as provided below that allow noxious or offensive odor or smoke.

**SECTION 2. OUTDOOR BURNING.** (Outdoor burning does not pertain to gas, electric or charcoal cooking grills.) Only dry leaves, untreated wood, and paper products may be burned. (Please try to be considerate of your neighbors, even during approved days and times.)

**2.1 Location.** No person shall kindle or maintain any fire, including bonfire, cooking fires (wiener roast), landscape waste, or authorize such fire to be kindled or maintained on any street, sidewalk, parkway, alley or any Village property.

(Except dry leaf fires may be kindled in the area between the sidewalk and roadway, or area referred to as parkway.)

No person shall kindle or maintain or authorize any such fire to be maintained on private land unless the location is not less than fifteen (15) feet from any structure and adequate provision is made to prevent fire from spreading to within fifteen (15) feet of any structure.

**2.2 Days and hours.** Fires are allowed only between sunrise and sunset on **Tuesday, Thursday, Friday and Saturday**, and must be extinguished by sunset. There shall be no burning on Monday, Wednesday or Sunday of any week during the year except October and November when leaf burning is allowed as permitted by weather. There shall be no burning on a legal Holiday.

**2.3 Cooking fires and Fire pits.** cooking fires and fire pits are the only exception to the sunrise to sunset rule. Residents may create small outdoor wood burning fires using portable outdoor fire pits or build small wood burning campfires or cooking fires (wiener roasts) on Friday, Saturday, Sunday and Tuesday, but must be extinguished by 12:00 midnight unless the next day is also a day burning is allowed. A person can get special permission from the Board if they wish to have a bigger fire including bonfires

**Note: A small fire is one contained within some type of fire pit four feet or less in diameter.**

**2.4 Waste fires.** Only dry leaves, untreated wood and paper products may be burned. Complaints may result in the dispatch of personnel to extinguish the fire.

**2.5 Rubbish fires.** Burning of refuse, rubbish, solid waste/non-burnable household refuse, grass clippings, plastics, styrofoam, shingles, tar paper,

## TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES

### Article 1 – Offensive Conditions

tires, rags, hay and straw or any material giving off obnoxious odor are not allowed.

- 2.6 Attendance.** Burning is permissible only if the fire is attended by a responsible person and the smoke from the fire does not bother other residents. Any fire, including bonfires, cooking fires (wiener roasts), burn barrel fires, waste fires, or leaf fires shall be constantly attended by a competent person until such fire is totally extinguished and smoldering. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

Complaints may result in the dispatch of personnel to extinguish the fire.

- 2.7 Prohibition.** The Village President, or Clover Fire Chief may prohibit any or all bonfires or outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, provided they have notified, at least twelve (12) hours in advance of said prohibition's taking effect, all news media who have a request for notification of public meeting under the Open Meetings Act on file with the Village Clerk.

Or any time the Village President or Clover Fire Chief declares an emergency exists they shall so prohibit without such notification.

**SECTION 3. ENFORCEMENT AUTHORITY.** Any municipal police officer shall have authority to press any and all charges connected with violations of the Article. First offense is a warning, if warning is not heeded after 14 days, it will be considered a Second offense and a fine of \$75.00. If this does not take care of the problem within another 30 days a \$250.00 fine will be imposed.

**SECTION 4. PENALTY.** Any person, firm, corporation, agent employee, or contractor of such that violates any provision of this Article shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

## TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES

**SECTION 1. DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Article:

**Person.** Any person, firm partnership, association, corporation, company or organization of any kind.

**Motor Vehicle.** A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and including without limitation, automobile, boat, truck trailer, motorcycle, tractor, buggy and wagon.

**Street or Highway.** The entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for purposes of vehicular travel, parking, or other public usage.

**Property.** Any real property within the Village that is not a street or highway.

**Inoperable Motor Vehicle.** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or any motor vehicle that has not been properly licensed for a period of seven (7) days. Shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or expeditious repair operations (active and ongoing work to restore the vehicle to an operable condition) nor to any motor vehicles that are kept in a building when not in use or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

**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 another vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**Highway.** Any street, alley or public way within the Village of Woodhull.

**Antique Vehicle.** Any motor vehicle or other vehicle twenty-five (25) years of age or older.

**SECTION 2. ABANDONMENT OF VEHICLES.** No person shall abandon any vehicle within the Village and no person shall leave any vehicle at any place within the Village for such time and under circumstances as to cause the vehicle reasonably to appear to have been abandoned.

**SECTION 3. LOCATION OF ABANDONED VEHICLES.** The abandonment of a motor vehicle or another vehicle on any highway in the Village is unlawful and subject to penalties. The abandonment of a motor vehicle or other vehicle on a part therefore, on private or public property, other than a highway, in view of the general public, anywhere in this Village is unlawful except on property, of the owner or bailee of the abandoned vehicle. A motor vehicle or other vehicle or any part so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police after a waiting period of seven (7) days or more has expired.



## **TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES**

### **Article 2 – Offensive Conditions and Vehicles, Machinery and Appliances**

**SECTION 4. TOWING.** When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this State, not the owner of vehicle. Than person shall immediately notify the Police Department when the vehicle is within Village limits. Upon receipt of notification, the Chief of Police shall authorize a towing service to remove and take possession of abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow of the vehicle until claimed by the titled owner or any person legally entitled to possession thereof, or until it is disposed of as provided.

### **SECTION 5. REMOVAL OF VEHICLES.**

5.1 When a vehicle is abandoned on a highway in the Village twenty-four (24) hours or more, its removal by towing service may be authorized by order of any municipal police officer. The owner of the vehicle will be responsible for all cost incurred, including towing, storage, and administrative fees.

5.2 When an abandoned, unattended, wrecked, burned or partially dismantled 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 towing service may be authorized by any municipal police officer.

5.3 When a vehicle removed from either public or private property is authorized by order of any municipal police officer, the owner of the vehicle will be responsible for all towing costs. The owner of the vehicle will be responsible for all cost incurred, including towing, storage and administrative fees

**SECTION 6. RECORD OF TOWED VEHICLES.** 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 color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate number 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.

**SECTION 7. SEARCH FOR OWNERSHIP.** When the municipal police department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle records of the Stale of Illinois to be searched by a direct communication to the Secretary of State for the purpose of obtaining the required ownership information.

The police department will cause the stolen motor vehicle files of the Illinois State Police to be searched by direct communication to The Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the Illinois State Police will search the information contained in the National Crime Information Center (NCIC) files. 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 disposition be made and setting forth public sale information.

## TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES

### Article 2— Offensive Conditions and Vehicles, Machinery and Appliances

**SECTION 8. UNIDENTIFIED OWNER.** When the registered owner or other person legally entitled to possession of a 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 Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to possession of the vehicle.

The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

**SECTION 9. RECLAIMING A TOWED VEHICLE.** Any time before a 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 the police department with 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.

**SECTION 10. UNCLAIMED VEHICLE, SEVEN (7) YEARS OF AGE OR NEWER.** Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given, 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 ten (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 legally entitled to 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. In those instances where the certified notification specified has been returned by the postal authorities to the police department due to the addressee having moved or being unknown to the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

**SECTION 11. DISPOSITION OF UNCLAIMED VEHICLES.** When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in the Article, the vehicle may be sold as provided herein or disposed of in the manner authorized by the ordinance without notice to the registered owner or other person legally entitled to possession of the vehicle. When an abandoned vehicle of more than seven (7) years of age is impounded, it will be kept in custody for a minimum of ten (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 the disposition; and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the vehicle to be junked or sold. A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Article.

## TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES

- SECTION 12. REPORT OF VEHICLE TRANSACTIONS.** When a 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, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of sale or disposal.
- SECTION 13. PROCEEDS OF VEHICLE DISPOSITION.** When vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village Treasury.
- SECTION 14. NO LIABILITY FOR TOWED VEHICLES.** 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 his legal representative, or any other person legally entitled to possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Article.
- SECTION 15. LEAVING OF WRECKED, NONOPERATING VEHICLES ON STREET.** No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway in the Village.
- SECTION 16. INOPERABLE VEHICLES TO BE DECLARED A NUISANCE** Inoperable motor vehicles, as defined, are declared to be a nuisance after sixty (60) hours on private property or twenty-four (24) hours on public property.
- SECTION 17. WRITTEN NOTICE TO REMOVE.** All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the corporate authorities or from the Chief of Police or designated police officer.
- SECTION 18. IMPOUNDING.** The Chief of Police or designated police officer is authorized to remove or have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this Article or which appears reasonably to be lost, stolen or unclaimed, or which is an inoperable vehicle as defined. The vehicle shall be impounded until lawfully claimed or disposed of as specified above.
- SECTION 19. PENALTIES.** Any person violating any of the provisions of this Article shall be deemed guilty of a petty offense and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

## TITLE V – HEALTH AND SANITATION, CHAPTER 2 - PUBLIC OFFENSES

### Article 3—Weeds

- SECTION 1. WEEDS, DECLARED A NUISANCE.** Any weeds, including but not limited to jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found to be growing in any lot or tract of land in the Village are declared to be a nuisance and no person shall permit any weeds to grow or to remain in any such place.
- SECTION 2. HEIGHT.** No person shall permit any weeds, grass, or plants, other than trees, bushes, flowers or produce gardens, or other ornamental plants to grow to a height exceeding six (6) inches anywhere in the Village, and any plants, grass, or weeds exceeding that height are declared to be a nuisance.
- SECTION 3. REMOVAL, NOTICE.** It shall be the duty of the Chief of Police or his Designee to serve or cause to be served a notice upon the owner or occupant at any premises on which weeds, plants or grass are permitted to grow in violation of the provisions of this Article and to demand the abatement of the nuisance within 3 days of notice via certified mail and/or written or verbal notice.
- SECTION 4. ABATEMENT.** If the person so served does not abate the nuisance within three (3) days the Chief of Police or his Designee may proceed to abate the nuisance, keeping an account of the expense of the abatement, and the expense shall be charged and paid by the owner or occupant. Subsequent violations – owner/ occupant will be cited without warning and abatement will occur in three (3) days. The Village charges \$200.00 per man hour for mowing such grass and weeds as described. If a Village equipment breaks during such abatement work, the owner of the property is responsible for mechanical costs of the repair of Village equipment.
- SECTION 5. CHARGES.** Charges will be invoiced at an hourly rate of \$200.00 per hour, per employee for any work done to abate the nuisance for the first offence and if the property requires additional work the rate would be increased by \$100.00 per hour, per employee, per offense.
- SECTION 6. LIEN.** Charges for removal shall be a lien upon the premises. Whenever a bill or charges remains unpaid for Thirty (30) days after it has been rendered, the Clerk may record with the Henry County Recorder of Deeds, a statement of lien claim. The statement of a lien claim shall contain a legal description of the premises, the expenses and costs incurred, and the dates the weeds, grass or plants were cut, and the statement that the Village of Woodhull claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Provided, however, that the failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice shall not affect the right of the Village to foreclose the lien for charges.
- SECTION 7. FORECLOSURE OF LIEN.** Property subject to a lien for unpaid cutting charges shall be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as in the case of foreclosure of statutory liens. Such foreclosure shall be equity in the name of the Village. The Village Attorney is authorized and directed to institute proceedings in the name of the Village, in any court having jurisdiction over such matter, against any property for which a bill has remained unpaid thirty (30) days after it has been rendered.

## CHAPTER 3 WATER AND SEWER

### Article 1 - Water or Sewer Service

**SECTION 1. APPLICATION REQUIRED.** No person, persons, firm or corporation shall make any connection to the water mains or the sewer mains of the combined waterworks and sewage system of the Village except upon written application to the Village Clerk and/or Water Clerk the issuance of a permit by the Clerk for connection. Proof of liability insurance in the amount of \$1 million is required for application. Each application shall state the name of the applicant, the permit desired, the location to be used, and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the permit.

### **SECTION 2. ESTABLISHING A CONNECTION FEE:**

2.1 Pursuant to authority granted under Illinois Law, a charge for connecting into the waterworks or sewerage, or combined systems of the Village is established. Charges are to be assessed against new or additional users of the sewage collection and treatment system or the water system of the Village and shall be known as a "connection charge". The charge shall be payable at the time the water meter is installed or water is used by the occupant, whichever first occurs. The water and sewer charge shall be paid simultaneously.

2.2 A. The charge for connection made in the Village shall be as follows:

Water \$125.00 per connection  
Sewer \$125.00 per connection

B. The charge for connections made outside the Village limits shall be as follows:

Water \$250.00 per connection  
Sewer \$350.00 per connection

The connection charge pertains to each single family, multiple family, commercial or industrial connection. There shall be only one (1) charge per structure.

The above connection charge is for the privilege of connecting to the water and sewer system; the cost of installation of the connection shall be borne by the person desiring the connection.

C. Disposition of Revenue. The revenue received by the Village from the water connection fee and the sewer connection fee shall be used by the Village for its Water and Sewer System, with the primary application being made to the necessary expansion of the works of the system to meet the requirements of new or additional users.

## TITLE V - HEALTH & SANITATION, CHAPTER 3- WATER AND SEWER

### Article 1 - Water or Sewer Service

**SECTION 3. SIGNED PERMIT NECESSARY FOR CONNECTION.** No connection shall be made with the combined waterworks and sewerage system without the signed permit of the Village Clerk and/or Water Clerk. Any connections or opening made with the waterworks and sewerage system without such signed permit or in any manner different from the mode prescribed for the opening or connection, shall subject the maker to a penalty as provided.

**SECTION 4. SPECIFICATIONS AND RULES.** The President and Board of Trustees are authorized to make rules and regulations consistent with this Article for the connections to the waterworks and sewerage system, specifying the types and sizes of pipes and all the other appurtenances and extensions, and amend the same from time to time as may be deemed necessary. All service pipes and connections to the combined water works and sewerage system shall comply with the specifications and rules for connection to the waterworks and sewerage system shall be subject to a penalty as provided.

**SECTION 5. RIGHT OF ACCESS FOR OPERATION AND MAINTENANCE OF SYSTEM.** Employees of the waterworks and sewerage system shall have the right of access to any premises served by the combined waterworks and sewerage system for the purpose of reading water meters at the regular prescribed intervals or for the purpose of making inspections in order to maintain in good condition and provide for the protection and efficient management of the combined system. Appointments for access may be arranged to be mutually convenient to the persons of the premises served and the employees. Any person refusing the right to permit the employees of the waterworks and sewerage system the above described right of access to his premises shall be subject to cessation of utility services until the required opportunity to inspect is accorded the officers and employees of the Village.

**SECTION 6. USE OF PUBLIC WATER SUPPLY AND SEWER REQUIRED.** It shall be the duty of the owner, occupant, or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building of any other character located on property abutting on the public waterworks and sewerage system to be connected with the waterworks and sewerage system within ninety (90) days from the date that water or sewerage facilities become available to the property.  
Every owner, occupant, a party or parties in possession of any house, structure, factory or commercial establishment or any other building of any other character connected to the combined water and sewer system shall use the water from the water system and shall not use water from any other source, excluding drinking water, as long as sufficient water is available from the Village's water system.  
An owner, occupant, party or parties in possession of any house, structure, factory, or commercial establishment or any other building of any kind shall not discharge into the Village's sewer system any water not derived from the Village's water system.

**SECTION 7. TURNING ON WATER OR SEWER SERVICE.** No water from the Village water supply nor service from the Village sewer system shall be turned on for service into any premise or premises by any person or persons but the Village Public Works Director or by some person authorized by the Village to perform this service.

**SECTION 8. APPLICATION AND TURN ON FEES.** Application to have the water turned on, or for the supplying of water for the sewer service shall be made in writing to the

## TITLE V - HEALTH & SANITATION, CHAPTER 3- WATER AND SEWER

### Article 1 - Water or Sewer Service

Clerk, and shall contain an agreement by the applicant to abide by and to accept all of the provisions of this Article governing the use of the Village water supply and the use of the Village sewer system. A fee of ten dollars (\$10.00) must accompany the application. For reinstallation, a fee of ten dollars (\$10.00) to reconnect is required, but a new application form is not necessary.

- SECTION 9. DEPOSIT.** There is a \$10.00 non-refundable application fee, and a deposit of Fifty dollars (\$50.00) shall be made with each application to be retained by the Village to insure payment of all bills for water and sewer service; when service is discontinued permanently this deposit, less any amount still due the Village for water and sewer service shall be refunded. The service account of homeowners will receive a \$50.00 credit after 13 consecutive months of paying their bill on time.
- SECTION 10. PLUMBING.** No water shall be turned on for service nor service supplied from the Village sewer system in any premises in which the plumbing does not comply with the Illinois State Plumbing Code; provided, however, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Article.
- SECTION 11. RESALE.** No water shall be resold or distributed by the recipient from the Village water supply to any premises other than that for which an application for service has been made and the meter installed, except in the case of an emergency.
- SECTION 12. TAMPERING.** It shall be unlawful for any person not authorized by the Village to tamper with, alter, or injure any part of the Village waterworks or sewer system, or any meter.
- SECTION 13. INSTALLATION OF SERVICE PIPES.** Before the property line, all service pipes, water and sewer shall be installed at the cost of the Village. After the property line, all service pipes, water and sewer shall be installed at the cost of the owner of the property served or the applicant for the service. Such installation shall be under the inspection of the Public Works Director.
- SECTION 14. REPAIRS.** All repairs to service pipes, water and sewer, and plumbing systems of buildings and residences shall be made by and at the expense of the owners of the premises served. The Village may in case of an emergency, repair any water or sewer service pipes, and charge the cost of the repair work to the owner of the premises who shall repay the Village within thirty (30) days. Water customers are responsible for a shut off into the house.
- SECTION 15. EXCAVATIONS.** Excavations for installing service pipes, water and sewer, or for repair of the same shall be made in compliance with the provisions of ordinances relating to the making of excavations in the Village streets. It shall be unlawful to place any water service pipe in the same excavation with, or directly over or under, any drain pipe or sewer pipe.
- SECTION 16. SHUT- OFF BOXES.** Shut-off boxes or service boxes shall be installed at the expense of the owner on every service pipe, and shall be located between the curb line and the sidewalk line where this is practicable. The boxes shall be so located that they are easily accessible and shall be protected from frost at the expense of the owner.

## **TITLE V - HEALTH & SANITATION, CHAPTER 3- WATER AND SEWER**

### **Article 1 - Water or Sewer Service**

**SECTION 17. METER REQUIRED.** The Village requires every water user to equip all premises using the Village water supply with an adequate water meter and shut off. Water meters shall be furnished by the Village, for rental properties, each tenant unit individually shall have a shut off and meter or the property owner/landlord is responsible for the bill for that unit.

**SECTION 18. INSTALLATION OF METERS.** Meters shall be installed in a location that will be of easy access.

**SECTION 19. READING METERS.** The Water Superintendent shall read or cause to be read every water meter in use in the Village at such times as are necessary so that bills may be sent out at the proper time. Meters shall be read monthly and the bills rendered as provided in the ordinances of the Village and paid as required.

**SECTION 20. DEDUCT WATER METERS.**



## TITLE V - HEALTH & SANITATION, CHAPTER 3- WATER AND SEWER

### Article 1 - Water or Sewer Service

- SECTION 21. TESTING METERS.** Any Village water meter shall be taken out and tested upon the complaint of the consumer, upon the payment of a fee of ten dollars (\$10.00). If upon test the meter is not found within three percent (3%) of being accurate, it shall be repaired or replaced and the ten-dollar (\$10.00) fee refunded to the consumer paying the same, otherwise the fee shall be retained by the Village.
- SECTION 22. RATES.** All property upon which any building has been or may hereafter be erected having a connection with the mains or pipes, water or sewer, which may be constructed and used in connection with the Village water and sewer system, shall pay monthly rate as listed in the Appendix to this Code.
- SECTION 23. WATER PURCHASED FROM VILLAGE IN BULK.** Anyone who shall buy water from the Village in bulk and who is not connected to the water system shall pay for water at a rate of Fifty cents (\$0.50) per one hundred (100) gallons
- SECTION 24. BILLS.** Bills for water and sewer service shall be sent out at such times as may be fixed by the Board of Trustees of the Village.
- SECTION 25. CONSTRUCTION, CONTRACTORS.** During the construction of any building and before any water is installed as is herein provided, the contractor so constructing the building may be permitted to use the Village water supply by making application and paying a fee of a minimum of twenty-five dollars (\$25.00) a month for water until the water meter is installed.
- SECTION 26. NON-PAYMENT.** If the rates or charges for water and sewer are not paid within Thirty (30) days after rendition of the bill for monthly service, such services shall be discontinued and shall not be reinstated until all past due bills, including the penalties, are paid in full, together with payment made of One Hundred dollars (\$100.00) for reinstating such service; along with such deposit as the Water Committee shall determine is necessary for protection from further delinquencies, taking into consideration the prior payment history of the user and all other factors that the Committee deems relevant to that issue. The Board shall determine the amount of the service charges due, if any, and may either grant additional time for a payment of any delinquent charges or may order such service discontinued of any delinquent charges or may order such service discontinued until all such delinquent charges are paid in full. If the service is discontinued, it shall not be reinstated until the user has paid a re-connection charge in the amount of One Hundred (\$100.00) dollars. Landlords are responsible for renter's unpaid bills.
- SECTION 27. LIEN.** Charges for water and sewer shall be a lien upon the premises as provided by statute. Whenever a bill for water and sewer service remains unpaid thirty (30) days after it has been rendered, the Village Clerk may file with the Henry County Recorder of Deeds a statement of lien claim. The statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges for water and sewer services served subsequent to the period covered by the bill. If the user of the water and sewer service whose bill is unpaid is not the owner of the premises, and the Village Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk, whenever such bill remains unpaid for a period of thirty (30) days after it has been rendered. The failure of the Village Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right

## **TITLE V - HEALTH & SANITATION, CHAPTER 3- WATER AND SEWER**

### **Article 1 - Water or Sewer Service**

to foreclose the lien for unpaid water and sewer service bills as mentioned in the following provision.

**SECTION 28. FORECLOSURE.** Property subject to a lien for unpaid water or sewer service charges shall be sold for non-payment of the same, and the proceeds of such sale 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 Village, and the Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the water and sewer service bill has remained unpaid after thirty (30) days.

**SECTION 29. ENFORCEMENT.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the Office of the Recorder of Deeds of Henry County, and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of the service of the combined waterworks and sewerage system of the Village on their properties, and it shall be the duty of the Village Clerk and such other officers of this Village to take all action necessary or required by the laws of the State of Illinois enabling to file all claims and liens for money due to the Village and to prosecute and enforce such claims in the manner, form and time as permitted by the laws of the State of Illinois.

**SECTION 30. PENALTY PROVISIONS.** Any person, firm, corporation, association, agent or legal representative violating the provisions of this Article shall be subject to a penalty of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00), and each day that the violation continues shall subject such person to an additional penalty of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00). A determination by a court that a violation of this Article has taken place and the assessment of a penalty shall not reclude the Village from seeking a recovery of any unpaid charges, fees or other sums due the Village under this or other ordinances because of the furnishing by the Village of its utility services.

**SECTION 31.** All water main and sewer construction shall be in accordance with the "Standard for Water and Sewer Main Construction in the State of Illinois".

**Water and Sewer rates listed on following pages.**

**TITLE V - HEALTH & SANITATION, CHAPTER 3- WATER AND SEWER**

**Article 2 - Cross Connection Control**

**SECTION 1.** Please refer to the current Village of Woodhull Cross Connection Control Ordinance at the end of this section.

**ORDINANCE NO. 1991**

**AN ORDINANCE FOR CROSS CONNECTION CONTROL TO PROVIDE AN EFFECTIVE MEANS FOR PROTECTING THE PUBLIC WATER SUPPLY SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE CUSTOMER WATER SERVICE CONNECTION INTO THE PUBLIC WATER SYSTEM.**

**WHEREAS, Rule 890.1510 of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.1510, requires protection of all potable water systems from contamination due to backflow of contaminants through plumbing connections, fixtures or appurtenances; and**

**WHEREAS, the Illinois Pollution Control Board Regulations, 35 Ill. Adm. Code 601.101, et seq. requires an active program of cross-connection control which will prevent the contaminants or pollutants through the potable water service connection; and**

**WHEREAS, in order to accomplish these goals, it is necessary to introduce restrictions that describe in detail specific procedures and requirements for cross-connection control; now, therefore,**

**BE IT ORDAINED by the President and Board of Trustees of the Village of Woodhull, Henry County, Illinois:**

**SECTION 1. That all plumbing installed within the Village of Woodhull, shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgment of the Public Works Director, an approved backflow prevention device is necessary for the safety of the public water supply system, the Public Works Director will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.**

**SECTION 2. That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Woodhull may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Public Works Director and the Illinois Environmental Protection Agency.**

**SECTION 3. That it shall be the duty of the Public Works Director to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Public Works Director shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.**

**SECTION 4.** That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Woodhull for the purpose of verifying the presence or absence of cross-connections, and that the Public Works Director or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Woodhull for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Public Works Director any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Public Works Director, be deemed evidence of presence of improper connections as provided in this ordinance.

**SECTION 5.** That the Public Works Director of the Village of Woodhull is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee of \$ 100.00 is paid to the Village of Woodhull. Immediate disconnection with verbal notice can be affected when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be affected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Public Works Director, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

**SECTION 6.** That the consumer responsible for back-siphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

**SECTION 7.** The following regulations are hereby adopted as the Cross Connection Control Regulations for the Village of Woodhull:

**VILLAGE OF WOODHULL  
CROSS-CONNECTION CONTROL REGULATIONS**

**SECTION I. Cross-Connection Control – General Policy**

**A. Purpose.** The purpose of these Rules and Regulations is:

1. To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
2. To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
3. To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

**B. Application.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village of Woodhull.

**C. Policy.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Public Works Director or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Public Works Director shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 5D (4) below for a period of at least five years. The Public Works Director may require the consumer to submit a cross-connection inspection report to the Village of Woodhull to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

**Section II. Definitions**

**A.** The following definitions shall apply in the interpretation and enforcement of these regulations:

1. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.
2. "Agency" means Illinois Environmental Protection Agency.
3. "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

4. **“Auxiliary water system”** means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor’s public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.
5. **“Backflow”** means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.
6. **“Backflow prevention device”** means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.
7. **“Consumer”** or **“Customer”** means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.
8. **“Consumer’s water system”** means any water system located on the customer’s premises. A building plumbing system is considered to be a customer’s water system.
9. **“Contamination”** means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.
10. **“Cross-connection”** means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

**Direct cross-connection** means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

**Indirect cross-connection** means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

11. **“Double check valve assembly”** means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
12. **“Health hazard”** means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word **“severe”** as used to qualify **“health hazard”** means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.
13. **“Inspection”** means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

14. **“Non-potable water” means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.**
15. **“Plumbing” means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at a curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.**
16. **“Pollution” means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of water.**
17. **“Potable water” means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary and domestic purposes.**
18. **“Potential Cross-Connection” means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.**
19. **“Process fluid(s)” means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer’s potable water system. This includes but is not limited to:**
  - a. **polluted or contaminated waters;**
  - b. **process waters;**
  - c. **used waters originating from the public water supply system which may have deteriorated in sanitary quality;**
  - d. **cooling waters;**
  - e. **questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;**
  - f. **chemicals in solution or suspension;**
  - g. **oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for firefighting purposes.**



20. **“Public water supply” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a “community water supply” or a “non-community water supply”.**
21. **“Reduced pressure principle backflow prevention device” means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valve at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.**
22. **“Service connection” means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.**
23. **“Survey” means the collection of information pertaining to a customer’s piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer’s piping system. The survey must be in written form, and should not be an actual plumbing inspection.**
24. **“System hazard” means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer’s potable water system.**
25. **“Used water” means any water supplied by a public water supply system to a consumer’s water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.**
26. **“Water purveyor” means the owner or official custodian of a public water system.**

### **SECTION III. Water Systems**

- A. The water system shall be considered as made up of two parts: the public water supply system and the consumer’s water system.**
- B. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Public Works Director up to the point where the consumer’s water system begins.**
- C. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.**
- D. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer’s water system.**

**E. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.**

**SECTION IV. Cross-Connection Prohibited**

**A. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.**

**B. No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.**

**SECTION V. Survey and Investigations**

**A. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.**

**B. On request by the Public Works Director, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Public Works Director for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.**

**C. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Rev. Stat. 1987, chapter 111, paragraph 1103(1).**

**D. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:**

**1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.**

**2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.**

**3. Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a Cross-connection Control Device Inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.**

**4. Testing and Records**

**1. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.**

**2. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Rev. Stat. 1987, chapter 111 1/2, paragraph 1004(e).**

3. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

4. A maintenance log shall be maintained and include:

- A. date of each test;
- B. name and approval number of person performing the test;
- C. test results;
- D. repairs or servicing required;
- E. repairs and date completed; and
- F. servicing performed and date completed.

#### **SECTION VI. Where Protection Is Required**

A. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Public Works Director, actual or potential hazards to the public water supply system exist.

B. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- 1. Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Public Works Director and the source is approved by the Illinois Environmental Protection Agency.
- 2. Premises on which any substance is handled which can create an actual or potential hazard to the premises having sources or systems containing processed fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Public Works Director.
- 3. Premises having internal cross-connections that, in the judgment of the Public Works Director and/or the Cross-Connection Control Device Inspector (CCCD), are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connection exists.
- 4. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- 5. Premises having a repeated history of cross-connections being established or re-established.

C. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Public Works Director determines that no actual or potential hazard to the public water supply system exists:

1. Hospitals, mortuaries, clinics, nursing homes.
2. Laboratories.
3. Piers, docks, waterfront facilities.
4. Sewage treatment plants, sewage pumping stations or storm water pumping stations.
5. Food or beverage processing plants.
6. Chemical plants.
7. Metal plating industries.
8. Petroleum processing or storage plants.
9. Radioactive material processing plants or nuclear reactors.
10. Car washers.
11. Pesticide, or herbicide or extermination plants and trucks.
12. Farm service and fertilizer plants and trucks.

#### **SECTION VII. Type of Protection Required**

**A. The type of protection required under Sections 6.1, 6.2 and 6.3 of these regulations shall depend on the degree of hazard which exists as follows:**

1. An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
2. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
3. An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

**B. The type of protection required under Section 6.4 and 6.5 of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.**

**C. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:**

1. the fire safety system contains antifreeze, fire retardant or other chemicals;
2. water is pumped into the system from another source; or
3. water flows by gravity from a non-potable source; or water can be pumped into

the fire safety system from any other source;

4. there is a connection whereby another source can be introduced into the fire safety system.

D. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on un-metered service lines.

#### **SECTION VIII. Backflow Prevention Devices**

A. All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specifications.

B. Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

#### **SECTION IX. Inspection and Maintenance**

A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within 24 hours.

2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

3. Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

B. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

C. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

D. A maintenance log shall be maintained and include:

1. date of each test or visual inspection;

2. name and approval number of person performing the test or visual inspection;

3. test results;

4. repairs or servicing required;

5. repairs and date completed; and
6. servicing performed and date completed.

**E. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 9A.**

**F. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Public Works Director.**

#### **SECTION X. Booster Pumps**

**A. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.**

**B. It shall be the duty of the water consumer to maintain the low-pressure cut-off device in proper working order and to certify to the Public Works Director, at least once a year, that the device is operable.**

#### **SECTION XI. Violations**

**A. The Public Works Director shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Public Works Director, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.**

**B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Public Works Director and the required reconnection fee is paid.**

**C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Public Works Director.**

**D. Neither the Village of Woodhull, the Public Works Director, or its agents or assigns shall be liable to any customers of the Village of Woodhull for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.**

**E. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.**

**F. Any person found to be violating any provision of this Ordinance shall be served with written notice stating the notice of violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.**

**G. Any person violating any of the provisions of this Ordinance in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.**

**SECTION 8. This Ordinance shall take effect and be in full force from and after upon its passage and publication, in accordance with Section 1-2-4 of the Illinois Municipal Code.**

Passed, adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Aye \_\_\_\_\_

Absent \_\_\_\_\_

Nay \_\_\_\_\_

Abstain \_\_\_\_\_

Approved: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Village Clerk

**TITLE VI**  
**PUBLIC WAYS AND PROPERTY**



# CHAPTER 1 STREETS AND SIDEWALKS

## Article 1- General

**SECTION 1. STREET MAP ADOPTED.** All streets shall be known and designated by the names applied on the map of the Village filed with the Building/Zoning Officer, which map is hereby adopted and made a part hereof. The naming of any new street or the changing of the name of any street shall be done by resolution, which shall amend the map. **(Note: Map is on Previous page.)**

## **SECTION 2. STREET NUMBERS.**

2.1 **Designation.** All premises shall bear a distinctive street number in accordance with and as designated upon the street numbering plat on file in the Village Office, which plat and any revision authorized by the Village Board is hereby adopted and made a part of this Article.

2.2 **Location and Description.** Every person owning or occupying any premises shall place the correct number upon the front of such premises with the number facing the street and adjacent to the principal entrance and in a position to be plainly visible from the street. Numbers shall be contrast in color with the color of the building or background to which they are attached.

**SECTION 3. CLOSING STREETS.** No person other than a police officer, emergency personnel or other duly authorized Village employee shall close any street.

## **SECTION 4. ENCROACHMENT.**

### 4.1 **Definitions.**

- A. Encroachment means any building, fence, sign or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the project right-of-way or the roadway right-of-way where no project right-of-way has been established.
- B. Project right-of-way means any area within the project right-of-way lines established jointly by the Village and the state which will be free of encroachments except as hereinafter defined.
- C. Roadway right-of-way means those areas existing or acquired by dedication or by a fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

## **SECTION 5. OBSTRUCTING STREETS**

5.1 **Prohibited.** No person shall encumber, obstruct or endanger the proper use of any street, sidewalk or alley,

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**Article 1 – General**

5.2 **Liability.** Any person having the care either as owner or occupant of any premises bordered by a public street or alley shall be liable to the Village for any legal liability that may be adjudged against the Village as a result of placing obstructions of any nature in the public street or alley by such person.

**SECTION 6. PLAYING IN STREETS; PROHIBITED.** No person shall play ball or any other game upon any public street or alley.

**SECTION 7. DEPOSITING.** No person shall leave, throw, deposit or allow to be placed or deposited any glass, dirt or rubbish, garbage, paper, wood, plastic, or other waste material or refuse or snow upon any public street, alley or sidewalk. However, snow may be removed from the public sidewalk and placed in the street.

**SECTION 8. REMOVAL.** Any person having the care, either as owner or occupant, of any premises bordered by a public street or alley, or graded or paved sidewalk shall remove any goods, wares, merchandise, machinery, junk, wood, rubbish, manure, leaves, grass, sawdust, ashes, garbage or refuse from that portion of the public street or alley abutting the premises bordered by the nearest limit of the traveled portion of the street or alley.

**SECTION 9. BUILDING MATERIALS.** No person shall use any street or alley for the temporary storage of building material, equipment, or facilities or merchandise, or for barricading or protecting building operations without a permit. No building material, equipment or facilities so stored shall be placed in such a manner as to interfere with normal drainage of the street or alley.

**SECTION 10. MUD AND DIRT AT OR NEAR CONSTRUCTION SITES.** Any person who deposits or causes the deposit of mud, dirt, rocks or similar substances on a public walk or street at or near the site of construction, remodeling or demolition of a building by spilling, dumping or tracking such substance with or by the means of a vehicle shall be guilty of an offense, unless such person removes or causes the removal of such mud, dirt, rocks or similar substance within a reasonable time after the same is so deposited, which in no event shall be later than six o'clock (6:00) p.m. on the day which such mud, dirt, rock or similar substance was so deposited.

**SECTION 11. ICE ON STREETS.**

11.1 **No Application of Water.** It shall be unlawful at any time when the temperature is thirty-two (32) degrees Fahrenheit or lower for any person to operate or cause the operation of a commercial establishment or device in or by which motor vehicles are cleansed by the application of water, unless such person salt or cause to be salted, with reasonable continuity and liberality, all street surfaces on which water collects as a result of such cleansing operation.

11.2 **No Operation of Sump Pump.** It shall be unlawful at any time when the temperature is thirty-two (32) degrees Fahrenheit or lower for any person to operate or cause the operation of a sump pump, unless such person shall salt or cause to be salted, with reasonable continuity and liberality,

**TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

**Article 1 – General**

all street and sidewalk surfaces upon which water collects as the result of the operation of the sump pump.

**SECTION 12. DISPLAY OF MERCHANDISE AND SELLING OR OFFERING FOR SALE.** No person shall obstruct or encumber any public street, alley or sidewalk, or any portion thereof, except as in hereafter provided. It shall be unlawful for any person, during the time their store or building is open for business, to place or set out for exhibition any goods, wares or merchandise directly connected with the business transacted by such person, on the public right-of-way in front of the place of business, store or building owned, controlled or occupied by them.

**SECTION 13. MATERIAL OVERHANGING STREET.**

13.1 **Prohibited.** No person shall suspend or support any article which will overhang any portion of the public street or alley except as provided in this Code.

13.2 **Ropes and Pulleys.** No person shall raise anything from; lower anything to, any street, alley or public place by means of a rope, chain, pulley or similar device without a permit. Protection for pedestrians using the street shall be provided. A bond of ten thousand dollars (\$10,000.00) shall be posted with the Village.

13.3 **Awnings.** No person shall install any awning overhanging any public street or alley unless such awning is of a type that will permit rolling up, elevating or otherwise withdrawing at will. No awning shall have less than seven (7) feet clearance below its lowest projection and the surface of the public street or alley, nor shall it project into the street or alley more than nine (9) feet from the lot line of the premises adjacent thereto.

13.4 **Poles and Wires.** No person other than a recognized public utility company shall place or remove any pole or string or remove any wire in the public streets or alleys without a permit. The issuance of such a permit shall be contingent upon the requirement that such pole or wire shall not be detrimental to the public safety and that the amount of tree trimming required shall be held to a minimum. A bond of ten thousand dollars (\$10,000.00) shall be posted with the Village to protect the Village from damages from such operation.

**SECTION 14. DAMAGE TO UNDERGROUND SERVICES.**

14.1 Any person proposing to excavate must call the acronym JULIE to locate utilities before digging.

14.2 Any person is required to contact the Public Works Director in order to determine the location of any underground service before making any excavations that might endanger such service. In the case of an emergency, notice shall be given as soon as possible, in no case to be longer than the next regular working day.

14.3 Should any person damage any underground service facility, they shall be required to repay the utility concerned for the facility repair or to repair the damaged facility under the direction of the utility concerned.

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- 14.4 All persons with the exception of municipally franchised utilities, making excavations that might endanger any underground service facility shall post bond with the Village in the amount of ten thousand dollars (\$10,000.00).

**TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

**Article 2 – Trees and Shrubs**

**SECTION 1. PURPOSE AND INTENT.**

- 1.1 **Purpose.** It is the purpose of this Article to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs, and other plants within the Village.
  
- 1.2 **Intent.** It is the intent of the Village Board that the terms of this Article shall be construed so as to promote:
  - A. The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the Village.
  
  - B. The protection of community residents from personal injury and property damage, and the protection of the Village from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

**SECTION 2. PERMITS**

- 2.1 **Permit Required.** No person except the Public Works Director and Assistant, and agent of the Superintendent, or a contractor hired by the Public Works Director may perform any of the following acts without first obtaining from the Public Works Director a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law:
  - A. Plant on any Village-owned property, or treat, prune, remove, or otherwise disturb any tree, shrub, or other plant located on Village-owned property, where advance notification is not possible, the Public Works Director and Assistant shall be notified immediately after any emergency public-safety related activities, except that this provision shall not be construed to prohibit owners of property from watering or fertilizing without a permit any tree, shrub, or other plant located on such Village-owned property;
  
  - B. Trim, prune or remove any tree or portion thereof if such tree or portion thereof may reasonably be expected to fall on Village-owned property and thereby cause damage to persons or property;
  
  - C. Place on Village-owned property, either above or below ground level, a container for trees, shrubs or other plants;
  
  - D. Damage, cut, tap, carve or transplant any tree, shrub or other plant located on Village-owned property;
  
  - E. Attach any rope, wire, nail, sign, poster, or any other man-made object to any tree, shrub, or other plant located on Village-owned property.

**TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

**Article 2 – Trees and Shrubs**

F. If the work for which such permit is issued entails the felling of any tree or part thereof, located on private property, which as a result of such felling reasonably may be expected to fall on Village-owned property, and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the Village harmless for all damages resulting from work conducted pursuant to the permit and shall deposit with the Village Clerk a liability insurance policy in the amount of one million dollars (\$1,000,000) per person/one million dollars (\$1,000,000) per accident for bodily injury liability and two million dollars (\$2,000,000) aggregate for property damage liability, which shall name the Village as an additional insured.

2.2 **Public Utility Companies.** Nothing in this section shall be construed to exempt public utility companies or their agents from any of the requirements of this Article.

**SECTION 3. PUBLIC NUISANCES.**

3.1 **Definition.** The following are hereby declared public nuisances under this Article:

- A. Any tree, shrub, or other plant or portion thereof located on Private-owned property which obstructs the free passage of a pedestrian. Trees shall be trimmed to not less than eight (8) feet over sidewalks.
- B. Any tree, shrub or other plant or portion thereof which obstructs the view at an intersection within the Village as determined by the Public Works Director.

3.2 **Abatement.** The following are the prescribed means of abating public nuisances under this Article:

- A. Any public nuisance as defined above which is located on real estate not owned by the Village, shall be abated by the owner of such real estate. In the case of a nuisance located on a Village terrace, the owner of the abutting real estate shall be responsible for abating such nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:
  - 1. The Public Works Director shall cause a written notice to be sent by registered or certified mail to the owner of the real estate on which the nuisance is located, or the owner of the abutting real estate when the nuisance is located on a Village terrace, as the case may be.

**TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

**Article 2 – Trees and Shrubs**

2. Such notice shall describe with particularity the tree, shrub, or other plant which has been declared to be a nuisance;
3. Such notice shall state with particularity the alternative actions that the property owner may undertake to abate the nuisance;
4. Such notice will require the elimination of the nuisance within fifteen (15) days after receipt of such notice by the property owner, however, upon a showing of good cause, such period may be extended for fifteen (15) additional days;
5. In the event that the nuisance is not abated within fifteen (15) days following the receipt of notice by the property owner or within fifteen (15) days following the initial publication of notice (as required above), the Public Works Director is authorized to cause the abatement of such nuisance, and the reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located or abutted against, and the owner of such property shall be subject to prosecution under this Article. Nothing in this provision shall be construed to exempt any person from the requirements of obtaining permits under this Article.

**SECTION 4. VIOLATION AND PENALTY.** Any person who violates any provision of this Article or who fails to comply with any notice issued pursuant to the provisions of this Article, upon being found guilty of violation, shall be subject to a minimum fine of fifty dollars (\$50.00), not to exceed five hundred dollars (\$500.00) for each separate offense. Each day during which any violation for the provisions of this Article shall occur or continue shall be a separate offense. This person shall also be financially responsible, if, and as a result of the violation of any provision of this Article, the injury, mutilation, or death of such tree, shrub or other plant located on Village-owned property is caused. Any person causing such injury, mutilation or death of such tree, shrub or other plant located on Village-owned property shall be liable to the Village for the cost of repair or replacement of such tree, shrub or other plant. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of a Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture.

## TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS

### Article 3– Excavations and Cuts Generally

#### SECTION 1. PERMIT REQUIRED.

- 1.1 **Authorization by Permit.** Unless acting under a contract with the Village, no person other than a duly authorized Village official or employee in the course of his employment or a recognized public utility company shall make any excavation or opening in or under any public street or alley or upon any public property without a permit.
- 1.2 **Accordance with Village Specifications.** No person shall make any opening in or through any curb of any street or alley except in accordance with plans and specifications established by the Village, nor without a permit; such permit will not be issued under the following conditions:
- A. When such cut is to be made permanent and is within twenty (20) feet of any permanent cut on the same premises;
  - B. When such cut is to be made permanent and is intended to be more than thirty-five (35) feet in its total throat width;
  - C. When such cut is on corner property and is within the quadrant of intersection or sidewalk area;
  - D. When in the opinion of the Public Works Director such cut will interfere with the safety of the public.
  - E. Unless the sidewalk abutting the area of the curb opening is constructed of an approved grade of monolithic concrete not less than six (6) inches in thickness.

**SECTION 2. BOND.** Applicants under this Article shall post bond with the Village in the amount determined by the Public Works Director to ensure restoration of the street to its former condition.

**SECTION 3. BARRICADES.** The applicant under this Article shall agree and shall keep the operations carefully barricaded, lighted at night, and otherwise protected as required by the Public Works Director for the protection of the public. The Village will not furnish to any contractor barricades, lights or signs except in an emergency.

**SECTION 4. SPECIFICATIONS FOR CUTS.** All openings on public right-of-way shall be made in accordance with the Standard Specifications for Road and Bridge Construction adopted by the State of Illinois, Department of Transportation, Division of Highways, including all amendments and supplemental specifications.

**SECTION 5. EXCAVATION PERMITS.** No person shall make an excavation for sewer or water purposes in any street right-of-way without first obtaining a permit from the Village.

**SECTION 6. APPLICATION FOR EXCAVATION PERMIT.** Application for an excavation permit shall be made to the Public Works Director on a form



## TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS

### Article 3– Excavations and Cuts Generally

prepared by the Village, and shall be issued only upon the payment of the fee hereinafter set forth, which payment shall be made.

### Article 4– Sewer Excavations

**SECTION 1. DEFINITION.** In this Section “permittee” means a person to whom a permit is issued

1.1 If a driveway is added to a street area, the entrance onto the street needs to be cut in and poured/paved at the tie in point to the Village’s road/street. If commercial property, the sidewalk needs to be replaced with a minimum 6” concrete due to heavier traffic patterns across drive section of sidewalk. This applies to new construction.

### SECTION 2. ROUTING OF TRAFFIC.

2.1 **Maintain Normal Traffic Conditions.** The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. If more than one-half of the street is closed, special permission shall be obtained from the Public Works Director. The Public Works Director may permit the closing of streets to all traffic for a period of time prescribed by him and the permittee shall route and control traffic including its own vehicles as directed by the police department.

2.2 **Affected State Routes.** In the case where the street or streets affected are a state route or routes, all rules and regulations, as promulgated by the state, concerning the street and the routing of traffic on state routes will apply, and shall be in addition to the regulations as directed by the Village.

**SECTION 3. CLEARANCE FOR FIRE EQUIPMENT.** The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fireplugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstruction.

**SECTION 4. DAMAGE TO EXISTING IMPROVEMENTS.** All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform with the requirements of any applicable regulation, code, or ordinance. If, upon being ordered, the permittee fails to furnish the necessary labor and material for such repairs, the Village shall have the authority to cause such necessary labor and materials to be furnished by the Village and the cost shall be charged against the permittee.

**SECTION 5. CLEANUP.** The permittee shall remove all dirt, concrete, brick, etc., from the area that was excavated from under the surfaced portion of the street. The permittee shall leave on the excavation site all dirt, etc., that was excavated from the terrace.

## **TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

- SECTION 6. PROTECTION OF WATERCOURSES AND SEWERS.** The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as originally found or shall make such provisions from them as the Public Works Director may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other runoff pumped from excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.
- SECTION 7. PIPE PUSHING OR BORING PREFERRED.** Whenever it is feasible and practical the installation of utility mains, conduits, and services shall be installed by means of pipe pushing or boring, so that the surface of the streets, sidewalks, driveways, curb and gutters do not have to be broken or cut.
- SECTION 8. BREAKING THROUGH STREET PAVEMENT.** Whenever it is necessary to break through existing street pavement for excavation purposes the pavement and the base shall be removed to at least six (6) inches beyond the outer limits of the sub grade that is to be disturbed in order to prevent settlement so that a six (6)-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. In concrete pavement the face of the remaining pavement shall be approximately vertical and the concrete pavement shall be sawed in such a manner as not to leave ragged edges. Asphalt pavement shall be scored or otherwise cut in a straight line. Brick pavement shall be removed in a near rectangular or square pattern as the pavement will permit.
- SECTION 9. SIDEWALK, DRIVEWAY, CURB AND GUTTER CUTS.** Whenever it is necessary to break through the surface of existing sidewalks, driveways, curbs or gutters for excavation purposes the complete section of the sidewalk, driveway, curb or gutter will be removed. A complete section of the sidewalk, curb or gutter shall consist of the portion of sidewalk, driveway, curb or gutter between existing dummy joints, construction joints, expansion joints or contraction joints. When a resident or business adds a driveway, or replaces an existing driveway that crosses a Village sidewalk, the resident/business shall contact Village Officials for Village specifications for said sidewalk prior to any removal of the old sidewalk.
- SECTION 10. BACKFILLING.** The permittee shall properly support his pipe and backfill the trench as provided in Title V of this Code.
- SECTION 11. TRENCHES IN PIPE LAYING.** Except by special permission from the Public Works Director, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe laying nor left unfilled more than five hundred (500) feet where pipe has been laid. The length of the trench that may be opened at any one (1) time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place.

## TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS

### Article 4– Sewer Excavations

- SECTION 12. PROMPT COMPLETION OF WORK.** The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and notify the Public Works Director's office that he is ready for the Village to make the backfill and surface restoration.
- SECTION 13. PRESERVATION OF MONUMENTS.** The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Public Works Director.
- SECTION 14. INSPECTION.** The Public Works Director all make such inspections as are reasonably necessary. He may also be allowed to authorize representatives to help his responsibilities under this Section.
- SECTION 15. MAINTAIN DRAWINGS.** Users of subsurface street space shall maintain drawings, plans, and profiles showing the location and character of all underground structures, including abandoned installations. In cases where changes or additions to installations are made, notification should be made to the Public Works Director to make him aware, and at all times such should be so that he may inspect the drawings or plans to obtain contained information.

### Article 5– Regulations Governing Cuts

- SECTION 1. DEFINITION.** In this Section "permittee" means a person to whom a permit has been issued under this Article.
- SECTION 2. SCOPE.** This Section applies to street cuts, drive cuts, sidewalk cuts, and curb and gutter cuts.
- SECTION 3. ROUTING OF TRAFFIC.**
- 3.1 **Maintain Normal Traffic Conditions.** The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. If more than one-half of the street is closed, special permission shall be obtained from the Public Works Director. The Public Works Director may permit the closing of streets to all traffic for a period of time prescribed by him and the permittee shall route and control traffic including its own vehicles as directed by the police chief.
- 3.2 **Affected State Routes.** In the case where the street or streets affected concerning the street and the routing of traffic on state routes will apply, and shall be in addition to the regulations as directed by the Village.
- SECTION 4. CLEARANCE FOR FIRE EQUIPMENT.** The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fireplugs. Passageways leading to fire escapes or firefighting equipment shall be kept free of piles of material or other obstruction.

## **TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

### **Article 5– Regulations Governing Cuts**

**SECTION 5. SIDEWALK EXCAVATIONS.** Any excavation made in any sidewalk, under a sidewalk, or any excavation interfering in any way with a sidewalk located in the business district shall be provided with an adequately relocated walk with a minimum width of three (3) feet and shall be fitted with adequate lighting, handrail, traffic protective facilities such as flares, barricades, etc., overhead protection, and any other precautionary measures, as may be deemed necessary to provide adequate safety to the public. When the routing of a sidewalk requires that parking be prohibited and/or traffic in any way affected then such shall conform to any applicable regulation, code, or ordinance.

**SECTION 6. DAMAGE TO EXISTING IMPROVEMENTS.** All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform with the requirements of any applicable regulation, code, or ordinance. If, upon being ordered, the permittee fails to furnish the necessary labor and materials for such repairs the Public Works Director shall have the authority to cause such necessary labor and materials to be furnished by the Village and the cost shall be charged against the permittee.

**SECTION 7. CLEANUP.** As the excavation work progresses all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, mud, rock, and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Public Works Director, and in any event immediately after completion of the work, the permittee shall at his own expense clean up and remove all refuse and unused materials of any kind resulting from the work. Upon failure to do so within twenty-four (24) hours after having been notified to do so by the Public Works Director, the work may be done as directed by the Public Works Director and the cost thereof charged to the permittee.

**SECTION 8. PROTECTION OF WATERCOURSES AND SEWERS.** The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions from them as the Public Works Director may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other runoff pumped from excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

**SECTION 9. PIPE PUSHING OR BORING PREFERRED.** Whenever it is feasible and practical the installation of utility mains, conduits, and services shall be installed by means of pipe pushing or boring, so that the surface of the streets, sidewalks, driveways, curb and gutters do not have to be broken or cut.

**SECTION 10. BREAKING THROUGH STREET PAVEMENT.** Whenever it is necessary to break through existing street pavement for excavation purposes the pavement and the base shall be removed to at least six (6) inches beyond the outer limits of the sub grade that is to be disturbed in order to prevent settlement so that a six-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. In concrete pavement the face of the remaining pavement shall be approximately vertical and the concrete pavement shall be sawed in

## **TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

### **Article 5– Regulations Governing Cuts**

such a manner as not to leave ragged edges. Asphalt pavement shall be scored or otherwise cut in a straight line. Brick pavement shall be removed in a near rectangular or square pattern as the pavement will permit.

**SECTION 11. SIDEWALK, DRIVEWAY, CURB AND GUTTER CUTS.** Whenever it is necessary to break through the surface of existing sidewalks, driveways, curbs or gutters for excavation purposes the complete section of the sidewalk, driveway, curb or gutter will be removed. A complete section of the sidewalk, curb or gutter shall consist of the portion of sidewalk, driveway, curb or gutter between existing dummy joints, construction joints, expansion joints or contraction joints.

**SECTION 12. BACKFILLING, GENERALLY.** Backfilling in any street opened or excavated pursuant to excavation shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, or by rolling in layers, as required by the soil in question and as sound engineering practices generally recognized in the construction industry.

**SECTION 13. DRY BACKFILLING.** Backfilling up to the first eighteen (18) inches above the top of the utility pipes of similar installations shall be done with thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand tamped shall not exceed six (6) inches in thickness. Layers that are power tamped shall not exceed nine (9) inches in thickness. The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. The backfill around all pipes shall be tamped a specified above to a depth of eighteen (18) inches above the top of the pipe before any additional backfilling is placed thereon.

**SECTION 14. BACKFILLING AT THE SURFACE.** Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type or with the rear of a truck carrying at least five (5) tons until the surface is unyielding. The surface shall then be graded as required.

### **SECTION 15. RESTORATION OF SURFACE.**

15.1 **Restore to Original Condition Or Specification of Village.** The permittee shall restore the surface of all streets, sidewalks, driveways, curbs and gutters broken into or damaged as a result of the excavation work to its original condition and/or in accordance with the specifications of the Public Works Director and any other applicable regulation, code, or ordinance. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place and this fill shall be topped with a minimum of at least two (2) inches of crushed rock which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one (1) inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are

**TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

**Article 5– Regulations Governing Cuts**

made, if such temporary restorations are not maintained and after due notification the Public Works Director may direct the work to be done and the cost charged to the permittee.

- 15.2 **Conditions for Satisfactory Restoration.** All work shall be done in a workmanlike manner, and concrete shall be treated and allowed to cure in accordance with accepted good practice and a “crushed stone concrete” shall be used in all cases where concrete is specified. All bituminous concrete shall be placed on the exact same type base as was originally in place, or a substitute deemed satisfactory by the Public Works Director, and shall be rolled with a pneumatic-tired roller or steel roller as directed by the Public Works Director. Oiled earth shall have a satisfactory granular base comparable to the original, or one deemed satisfactory by the Public Works Director and shall be primed and sealed in a manner director by the Public Works Director.
- 15.3 **Claim for Incomplete or Defective Work.** Acceptance or approval of any excavation work shall not prevent the Village from asserting a claim against the permittee for incomplete or defective work if discovered within twenty-four (24) months from the completion of the excavation work. The Village Engineer’s or Public Works Director’s presence during the completion of any excavation work shall not relieve the permittee of its responsibilities.

**SECTION 16. VILLAGE’S RIGHT TO RESTORE SURFACE.**

- 16.1 **Failure to Restore Surface.** If the permittee shall have failed to restore the surface of the street, sidewalk, driveway or curb or gutter to its original and proper condition upon the expiration of a reasonable time not to exceed fourteen (14) calendar days after completion of excavation work, the Village shall have the right to restore the street, sidewalk, driveway, curb or gutter and to complete the excavation work. The permittee shall be liable for the actual cost thereof and ten (10) percent of such cost in addition for general overhead and administrative expenses.
- 16.2 **Guarantee and Maintain Site for One (1) Year.** It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for one (1) year after restoring it to its original condition.

**SECTION 17. TRENCHES IN PIPELAYING.** Except by special permission from the Public Works Director, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipelaying nor left unfilled more than five hundred (500) feet where pipe has been laid. The length of the trench that may be opened at any one (1) time shall not be greater than the length of pipe and the necessary accessories which are available at the side ready to be put in place.

**SECTION 18. PROMPT COMPLETION OF WORK.** The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street, sidewalk, driveway, curb or gutter to its original condition, as near as may be, if agreed as

## **TITLE VI – PUBLIC WAYS AND PROPERTY, CHAPTER 1- STREETS AND SIDEWALKS**

### **Article 5– Regulations Governing Cuts**

such by the Public Works Director, soon as is practicable.

**SECTION 19. EMERGENCY ACTION.** In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first obtaining permission or giving notice, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety.

**SECTION 20. PRESERVATION OF MONUMENTS.** The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Public Works Director.

**SECTION 21. INSPECTION.** The Public Works Director shall make such inspections as are reasonably necessary. He may also be allowed to authorize representatives to help his responsibilities under this Section.

**SECTION 22. MAINTAIN DRAWINGS.** Users of subsurface street space shall maintain drawings, plans, and profiles showing the location and character of all underground structures, including abandoned installations. In cases where changes or additions to installations are made, notification should be made to the Public Works Director to make him aware, and at such times should be so that he may inspect the drawings or plans to obtain contained information.

**TITLE VII  
TRAFFIC**



**CHAPTER 1  
TRAFFIC REGULATIONS**

**Article 1 - Traffic**

**SECTION 1. DEFINITIONS.** Whenever in this Article the following terms are used, they shall have the meanings respectively ascribed to them in this Section.

**Alley.** A public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

**Crosswalk.** That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

**Curb.** The lateral boundary of the roadway whether such curb is marked by curbing construction, or not so marked.

**Driver.** Every person who drives or is in actual physical control of a vehicle.

**Emergency Vehicle. Police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.**

**Intersection.** The area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not such streets cross.

**Park.** To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading and unloading.

**Parking Space.** An area of not less than one hundred eighty (180) square feet or sixteen and seventy-four hundredths (16.74) square meters, either within a structure or in the open, excluding driveways or access drives, for the parking of a vehicle.

**Parkway.** That portion of a street other than a roadway or a sidewalk.

**Pedestrian.** Any person afoot.

**Sidewalk.** That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.

**Stop.** When required, complete cessation of movement.

**Street or Highway.** The entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular travel.

**Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power or used exclusively upon stationary rails or tracks, this includes Golf Cart/UTV.

**SECTION 2. OBEDIENCE TO POLICE.** Members of the police department, and special police assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this Article, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in

## TITLE VII – TRAFFIC, CHAPTER 1- TRAFFIC REGULATIONS

### Article 1– Traffic

case of emergency it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

**SECTION 3. SCENE OF FIRE.** The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the fire department equipment is on the scene in the absence of or in assisting the police.

**SECTION 4. SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the president and board or in accordance with the laws of the State excepting on direction of a police officer.

### Article 1 - Parking

**SECTION 1. NO PARKING PLACES.** At any time, it shall be unlawful to permit any vehicle to stand in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic control device:

A. In any intersection.

B. In crosswalk.

C. Within fifteen (15) feet or four and fifty-seven hundredths (4.57) meters of a traffic signal, beacon, or sign on the approaching side.

D. Within fifteen (15) feet or four and fifty-seven hundredths (4.57) meters of any intersection or crosswalk.

E. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen (18) feet.

F. Within fifteen (15) feet or four and fifty-seven hundredths (4.57) meters of a fire hydrant.

G. At any place where the vehicle would block the use of a driveway. When driveway is blocked, people just need to call the Police.

H. Within twenty (20) feet or six and ten hundredths (6.10) meters of the driveway entrance to the fire department station and on the side of the street opposite the entrance to any such station within seventy-five (75) feet or twenty-two and eighty-seven hundredths (22.87) meters of such entrance when properly sign posted.

I. On any sidewalk.

J. At any place where official signs prohibit parking.

**SECTION 2. PARKING AT CURB.** No vehicle shall be parked with the left side of such vehicle next to the curb, and it shall be unlawful to stand or park any vehicle on a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve (12) inches of the regularly established curb line, except that upon those streets that have been marked for angle parking.

## TITLE VII – TRAFFIC, CHAPTER 1- TRAFFIC REGULATIONS

### Article 1 - Parking

- SECTION 3. ANGLE PARKING.** Upon those streets that have been designated for angle parking, vehicles shall be parked at the angle to the curb indicated by such designation and within such marking as appears.
- SECTION 4. ALLEYS.** No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- SECTION 5. LIMITED PARKING.** It shall be unlawful for the owner or operator of any vehicle to park said vehicle on Division Street between Route 17 and West Fourth Avenue in the Village, for a period of time longer than three (3) minutes for loading or unloading passengers and for a period of time longer than thirty (30) minutes for loading, unloading or delivery of property between the hours of 2:30 a.m. and 5:30 a.m.
- SECTION 6. ALL NIGHT PARKING PROHIBITED ON DIVISION STREET.** No person, firm or corporation shall stop, stand or park a vehicle or to cause or to permit a vehicle to be parked or left unattended between the hours of 2:30 am. and 5:30 a.m. on Division Street between Highway Avenue and West Fourth Avenue. Nothing in this section shall be construed as prohibiting physicians, or emergency cars or any other persons, or firm, or corporation operating authorized emergency vehicles while engaged in their duties from parking a vehicle in said designated areas when the occasion of any emergency arises.
- SECTION 7. PARKING MOTOR VEHICLES ON PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.
- SECTION 8. SIGNS.** The chief of police or any other person authorized by the president and board shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.
- SECTION 9. PENALTY.** Any person, firm or corporation violating the following provisions of this Article shall be fined the amount set opposite therefrom:

11.1 Double Parking \$ 25.00

11.2 Parking in No Parking Zone \$ 50.00

Any person, firm or corporation violating any provision other than those set forth above shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **TITLE VII – TRAFFIC, CHAPTER 1- TRAFFIC REGULATIONS**

### **Article 2 - Parking of Semi-Trucks, Semi-Tractors or Semi-Trailers on the Village Streets and Alleys**

**SECTION 1.** No person shall park a Semi-Truck, Semi-Tractor, or Semi-Trailer on any street or alley within the Village of Woodhull for a longer period than one (1) hour or for only a longer period if necessary for loading and unloading of vehicles.

**SECTION 2.** Any person violating any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$500.00 or imprisoned for a period of not more than six (6) months or by both fine and imprisonment.

## CHAPTER 3 SNOWMOBILES

### Article 1 - Snowmobile Traffic

#### **SECTION 1. DEFINITIONS.**

**Snowmobile.** A self-propelled device designed for travel on the snow or ice or natural terrain steered by skis or runners and supported in part by skis, belts or cleats.

#### **SECTION 2. NO OPERATION NEAR ROADWAY.** No person shall operate a snowmobile within ten (10) feet from the roadway as provided by State Statute.

#### **SECTION 3. LOCATION OF PERMITTED ROUTE.** The following streets shall be designated as specific public streets within the jurisdiction of the Village for the purpose of ingress and egress for use by snowmobiles and on such streets the snowmobiles may be operated within ten (10) feet of the roadway. Said streets are as follows: Commencing on South Division Street at the Southern Boundary of the Village limits and continuing North along South Division Street to Southeast Third Avenue; thence East on Southeast Third Avenue to Southeast Third Street; thence North on Southeast Third Street to East Second Avenue; thence West on East Second Avenue to East Second Street; thence North on East Second Street to the corner of East Fifth Avenue; thence West on East Fifth Avenue to North Division Street: Thence North on North Division Street to the Northern Boundary of the Village limits.

Also commencing on Southwest Fifth Street north to West Third Avenue or on Northwest Fifth Street south to West Third Avenue, thence East to East Second Street, thence north on East Second Street to the corner of East Fifth Avenue; thence West on East Fifth Avenue to North Division Street; thence North on North Division Street to the Northern Boundary of the Village limits, or south on East Second Street to East Second Avenue; thence East on East Second Avenue to Southeast Third Street; thence South on Southeast Third Street to Southeast Third Avenue; thence West on Southeast Third Avenue to South Division Street; thence South along South Division Street to the Southern Boundary of the Village Limits.

These routes are marked with snowmobile signage (arrows on poles)

#### **SECTION 4. ACCORDANCE WITH TRAFFIC RULES AND REGULATIONS.** Any snowmobile operated within the Village shall be operated in accordance with all the rules and traffic regulations as provided by a governmental authority including the Village of Woodhull and the Illinois Statutes.

#### **SECTION 5. NOTICE OF PERMITTED ROUTE.** The Clerk shall cause to be erected and maintained official signs giving proper notice of the specific highways and streets within the jurisdiction of the Village of the use of ingress and egress for the use of snowmobiles.

#### **SECTION 6. VIOLATION.** Any person, firm or corporation violating any provision of this ordinance shall be fined no less than fifty dollars (\$50.00) or more than two-hundred fifty dollars (\$250.00) for each offense and a separate offense shall be deemed committed on each day on or which a violation occurs or continues.

**TITLE VIII  
DEVELOPMENTAL REGULATIONS**

**CHAPTER 1  
SUBDIVISION ORDINANCE**

**Article 1 - Introduction**

**SECTION 1. Scope.** No plan of subdivision of land within the Village of Woodhull or within one and one-half miles of the corporate limits of such Village shall be approved excepting in full compliance with the provisions of this Ordinance.

**SECTION 2. Definitions.** When used in this Ordinance, the following terms shall have the meaning indicated:

**Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of any of them.

**Subdivision.** A division of a lot, tract, or parcel of land into two or more lots, or other divisions of land, for the purposes, immediate or future, of transfer of ownership, building development, or redevelopment, including all changes in lot lines and in street lines.

**Preliminary Plat.** A map or plan of a proposed land division or subdivision.

**Tentative Approval.** An approval of the Board of Trustees of the Village of Woodhull, with or without recommended alterations given to a preliminary plat by the Board, and provides the necessary authority to proceed with the presentation and preparation of a final plat.

**Final Plat.** A map or chart of a subdivision which has been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

**Street.** A public or private thoroughfare which affords primary access by pedestrians and vehicles to abutting property.

**Building Set Back Line.** A line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which and on the adjacent boundary of the street upon which the lot abuts, the erection of an enclosed structure or portion thereof is prohibited.

**Easement.** The quantity of land set aside or over which a liberty privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or to some particular person or part of the public.

**Butt lots.** Lots the rear lines of which abut the side lot lines of other lots platted in the same block and not separated there by an alley or open space.

**Lot width.** The width of a lot measured along the minimum building set back line, except for lots which front on the concave side of a curving street, where the width of the lot shall be measured 60 feet back from the front lot line.

**Article 2 – Board Submissions**

**SECTION 1. Preliminary Plat.** File at least ten (10) days before the next regular meeting of the Board of Trustees of the Village of Woodhull, three (3) copies of a preliminary plat with the Board for examination and subsequent recommendations for approval or disapproval.

**TITLE VIII – DEVELOPMENTAL REGULATIONS, Chapter 1 – Subdivision Ordinance**

**SECTION 2. Final Plat.** Within one (1) year after receiving tentative approval of a preliminary plat by the Board of Trustees of the Village, an original and three (3) copies of a final plat shall be submitted to the Board of Trustees of the village for final approval.

**SECTION 3. Recording Final Plat.** Following final approval by the Board of Trustees of the Village, the final plat as approved must be legally recorded in compliance with the laws of the State of Illinois within sixty (60) days after the date of approval unless an application for an extension is made in writing and granted before the expiration of the sixty (60) days time.



**TITLE VIII – DEVELOPMENTAL REGULATIONS, Chapter 1 – Subdivision Ordinance**

**Article 3 - Plat Requirements**

**SECTION 1. Preliminary Plat.** The preliminary plat shall contain the information herein specified and comply with the following requirements:

- 1.1 **Description and delineation.** Proposed name of subdivision location of the subdivision by section, township and range or other legal description, names and addresses of the owner and the designer or surveyor of said subdivision, date of preparation, scale 100 feet to an inch and true north shown.
- 1.2 **Existing conditions.** Boundary line of proposed subdivision shown by a solid heavy line and the total acreage, location, width and names of all existing or prior platted streets or public ways, railroad and utility rights of way, permanent easements, section and corporate lines, within and adjacent to the tract, also all permanent buildings, houses or structures; existing sewers, water mains, culverts or underground facilities within the tract and to a distance of at least 180 feet beyond the tract boundaries, indicating pipe sizes, grades, manholes, and exact locations; boundary lines of adjacent tracts of unsubdivided or subdivided land showing ownership, contour lines at vertical intervals of not more than two (2) feet. High water levels of all water courses, if any, shall be indicated in the same datum used for contour elevations.
- 1.3 **Proposed subdivision plan.** The layout of streets showing location and widths of streets, cross walks and easements; layout, number, and dimension of lots; parcels of land to be dedicated or reserved for public use or set aside for the use of the owners of the subdivision; building set back lines showing dimensions; easements for public utilities where alleys are not provided; typical street cross sections.

**SECTION 2. Final Plat.** The final plat shall contain all the information required on the preliminary plat, except contours, plus the following:

- 2.1 Accurate and correct angular and lineal dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, and areas to be reserved for public use.
- 2.2 An identification system for all lots and blocks and names of streets. Lot lines to show dimensions in feet and hundredths of feet.
- 2.3 True angles and distances to the nearest established street lines or official monuments which shall be accurately described on the plat.
- 2.4 Radii, internal angles, points and curvatures, tangent bearings and lengths of all arcs.
- 2.5 Accurate location of all monuments which shall be permanently set at each corner or angle on the outside boundary.
- 2.6 Pipes or physical markers shall be placed at each lot corner.

## TITLE VIII - DEVELOPMENT REGULATIONS, CHAPTER 1 - SUBDIVISION ORDINANCE

### Article 3 - Plat Requirements

- 2.7 Accurate outlines and legal descriptions of any area reserved or dedicated to public uses.
- 2.8 Certification by a registered Illinois land surveyor to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- 2.9 Notarized certification, by the owner, or by any mortgage holder of record, of the adoption of the plat and the dedications of the streets and other public areas.
- 2.10 Certifications showing that all taxes and special assessments due on the property to be subdivided have been paid in full.
- 2.11 Proper form for the approval of the Board of Trustees of the Village of Woodhull, Illinois.
- 2.12 Approval by signature of county, village or state officials concerned with the specification of utility installations.

**SECTION 3. Improvements.** No final plat of subdivision of land shall be approved unless and until the improvements described in the subdivider's plans and specifications meet the minimum requirements of the ordinances of the Village of Woodhull and comply with the following:

- 3.1 **Sewers.** Sanitary sewers shall be installed to serve all properties in the subdivision, and shall meet the requirements of the Village and State officials and comply with the requirements of the authorities regulating their installation, construction and design.
- 3.2 **Sidewalks.** Sidewalks shall be required in subdivisions on one side of the street.
- 3.3 **Streets.** All streets within the subdivision shall have curbs and gutters and may be drive over or roll over type and meet the specifications of the appropriate state regulatory agency or agencies relating to curbs and guttering.
- 3.4 **Public Utilities.** All utility lines for telephone and electric service shall be placed in rear line easements if carried on overhead poles.
- 3.5 **Water Mains.** All water mains shall conform to and be installed in accordance with the regulations of the Village and the State Department of Health of the State of Illinois.

**SECTION 4. Lots.** The minimum depth of lots shall be 140 feet. The minimum area of a lot shall be 10,800 square feet, and the minimum frontage shall be 75 feet, provided, however, that the minimum area in corner lots shall be 10,800 square feet, and the minimum frontage shall be 100 feet.

**TITLE VIII - DEVELOPMENT REGULATIONS, CHAPTER 1 - SUBDIVISION  
ORDINANCE**

**Article 3 - Plat Requirements**

**SECTION 5. Violations.** Whoever shall violate any of the provisions of this Ordinance shall be fined not more than ten thousand dollars (\$10,000.00) for each offense.

ORDINANCE NO. 79-1  
ZONING ORDINANCE  
VILLAGE OF WOODHULL, ILLINOIS

**BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE  
OF WOODHULL, ILLINOIS:**

**ARTICLE I**  
**CITATION, PURPOSE, AND REGULATIONS**  
**OF ZONING ORDINANCE**

Section 10. **CITATION AND TITLE**

This ordinance, adopted by the authority granted by the Illinois Revised Statutes, Chapter 24, Section 11-13 - 2, shall be known and cited as the "Zoning Ordinance of the Village of Woodhull, Illinois".

Section 11. **PURPOSE**

The provisions contained herein are necessary to promote the public health, safety, morals, comfort, and general welfare; to conserve the value of the property throughout the village; to lessen or avoid the traffic congestion and hazards on public streets and highways, to lessen or avoid the hazards to people and damage to property resulting from the accumulation or run-off of storm or flood waters, to reduce fire hazards and improve public safety; to prevent undue concentration of population; and to create a stable pattern of land uses upon which to plan for transportation, water supply, sewers, schools, parks, and other facilities. The aforementioned purposes shall be the guide to the enforcement of the provisions contained herein.

Section 12. **REGULATIONS**

This ordinance shall divide the Village of Woodhull into districts; regulate and restrict therein the use of land, buildings, and structures; regulate and restrict the location, erection, construction, reconstruction, and alteration of such buildings and structures; regulate and restrict the height, number of stories, and size of all buildings and size of yards, courts, and other open spaces surrounding buildings; regulate and restrict the density of population.

This ordinance shall also provide for change and amendment of the provisions and boundaries of districts, provide for a Board of Appeals, provide for the administration and enforcement of the ordinance including prosecution of violations, and penalties for violation of the provisions herein.

Section 13. **AFFECT ON RESTRICTIVE COVENANTS**

This Resolution shall not nullify the more restrictive provisions of covenants, agreements, resolutions, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

Section 14. **DEFINITIONS**

For the purposes of this ordinance, certain terms and words are hereby defined, Words used in the present tense shall include the future; the plural, the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory, and "may" is permissive.

**ACCESSORY BUILDING AND USE** - a building or use on the same lot with, and of a nature customarily incidental and subordinate to the principal building or use.

**BUILDING/ZONING OFFICER** - the official appointed by the Village Board of Woodhull to administer and enforce the Zoning Regulations in the Village of Woodhull.

**ALLEY** - a public way which affords only secondary means of access to abutting properties.

**BASEMENT** - a story having part but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, or other utilities common for the rest of the building. A basement used for these purposes shall not be counted as a story.

**BOARDING HOUSE** - a building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

**BUILDABLE AREA** - the portion of a lot remaining after the yard requirements (rear, side, and front) have been fulfilled.

**BUILDING** - any structure designed or built for the support, enclosure, shelter, or protection of people, animals, chattels, or property of any kind. Any structure with interior areas not normally accessible for human use shall not be considered as buildings.

**BUILDING, HEIGHT OF** - The "height of a building" is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of a flat roof, or to the mean height level between eaves and ridges for gable, hip, or gambrel roofs.

**CHILD CARE CENTER** - a "child care center" is any place, home, or which receives five (5) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation.

**CLINIC** - an establishment where patients who are not lodged overnight are admitted for examination or treatment by physicians, dentists or other practitioners.

**CLUB-PRIVATE** - a building or portion thereof, or premises owned and/or operated by a corporation, association, person 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.

**COUNTY** - The County of Henry, Illinois,

**DISTRICT** - any portion of the Village of Woodhull 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.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND** - any place or premise used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**DWELLING** - any building or portion thereof which is designed for or used for residential purposes.

a. **DWELLING, SINGLE FAMILY** - a detached residential dwelling unit, other than a mobile home, designed for and occupied by one (1) family only.

b. **DWELLING, MOBILE HOME** - a factory-assembled structure equipped with the necessary service connections and assigned so as to be readily movable as a unit or units on their own or auxiliary running

gear and designed to be used as a dwelling with or without a permanent foundation; the phrase without a permanent foundation indicates that the support system is constructed so that the mobile home placed thereon may be moved from time to time at the convenience of the owner. However, such a structure, if placed on a permanent foundation, shall still be considered a mobile home. A travel trailer is not to be considered a mobile home.

**DWELLING, TWO FAMILY** - a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

**DWELLING, MULTIPLE FAMILY** - a residential building designed for or occupied by three (3) or more families with the number of families in residence not exceeding the number of dwelling units provided.

**FAMILY** - a group of one or more persons occupying a dwelling living as a single housekeeping unit, but no unrelated group shall consist of more than five persons, as distinguished from a group occupying a boarding or lodging house or hotel as herein defined.

**FARM** - an area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine, provided that the raising and feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings occupied by the farm owner, operator, or seasonal or year - round hired farm workers.

**FILLING STATION** - buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and incidental repair and maintenance may be obtained. A filling station is not a repair garage or a body shop.

**FRONTAGE** - all the property on one side of a street between two (2) intersecting streets or highways (crossing or terminating) , measured along the line of a street or highway, or abutting one (1) side between an intersecting street or highway and the dead end of the street or highway.

**GARAGE, PRIVATE** - an *accessory* building designed or used for the storage of not more than four (4) motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle of not more than two (2) ton capacity.

**GARAGE, PUBLIC** - a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor - driven vehicles.

**GRADE** - the crown elevation of the adjoining street surface if the structure is within 100 feet of such street. 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 shall be used.

**HOME OCCUPATION** - any occupation or activity incidental or residential use, when (a) carried on in the main building by members of the immediate family residing on the premises; (b) in connection with which there is used no sign other than a non-illuminated name plate not more than four (4) square feet in area, or no display that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling; (c) there is no commodity sold on the premises, except such as is incidental to service performed; (d) no more than 3 persons are employed other than members of the immediate family residing on the premises.

Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional persons, and beauty parlors, insurance and real estate offices.

**HOTEL**- a building in which lodging or meals and lodging are provided for more than twelve (12) persons offered to the public for compensation, 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 or motel which are herein separately defined.

**INSTITUTION** - a building occupied by a non-profit corporation or a non-profit establishment for public or private use.

**LAUNDROMAT** - an establishment providing home-type washing, drying, dry cleaning machines, or ironing machines for hire to be used by customers on the premises.

**LOADING SPACE, OFF-STREET**- space logically and conveniently located for bulk pick-ups and deliveries, in proportion to delivery vehicles when required off- street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**LOT** - a parcel of land deeded and adequate for occupancy or intended for occupancy by a use permitted in this ordinance including one (1) main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance, and having frontage upon a street. A lot in a residential district shall have a minimum frontage of 75 feet and a lot in a commercial district shall have a minimum frontage of 25 feet.

a. LOT, CORNER - a lot abutting upon two (2) or more streets at their intersection.

b. LOT, DOUBLE FRONTAGE - a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

c. LOT, INTERIOR - any lot other than a corner lot with only one (1) frontage street.

#### **LOT MEASUREMENTS -**

a. LOT DEPTH - the depth of a lot which shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.

b. LOT WIDTH - the width of the lot which shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.



**LOT OF RECORD** - a lot which is a part of a subdivision, the map of which has been recorded in the Office of the Recorder of the Deeds of Henry County, Illinois; or a parcel of land, the deed to which was recorded in the Office of the Recorder of Deeds prior to the adoption of this Resolution.

**LOT, ZONING** - a single tract of land located within a single block, which (at the time of filing for a Zoning Certificate), is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may include one (1) or more lots of record.

**MOBILE HOME PARK** - a lot upon which two (2) or more occupied mobile home dwellings are harbored either free of charge or for revenue purposes.

**MOTEL** - a building or group of buildings used primarily for the temporary residence of motorists or travelers.

**NON-CONFORMING USES** - any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto, which does not conform after passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.

**NURSING HOME** - a home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food or shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

**PARKING SPACE, OFF-STREET** - a permanently surfaced area, enclosed in the main building or accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connecting a public street or alley by an improved driveway which affords satisfactory ingress and egress for automobiles. Required off-street parking areas for three (3) or more automobiles shall be such that any automobile may be parked and un-parked without moving another.

**PLACE** - an open, unoccupied space or a public thoroughfare other than a street or alley permanently reserved and officially approved by the proper public agency as the principal means of access to abutting property.

**SALVAGE** - a lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded materials or for the collection, storage, dismantling and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**SANITARY LANDFILL**- the disposal of refuse on land without creating a nuisance or hazard to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary. Any area under sanitary landfill operations within Henry County shall meet the minimum requirements as specified by the State of Illinois, Environmental Protection Agency as adopted and amended at the time of operation.

**SETBACK LINE** - that line denoting the distance required to obtain the minimum front, side and rear yards. In measuring a setback, the minimum horizontal distance between the street line and the building or any projections thereto shall be used.

**SEWAGE SYSTEM, CENTRAL** - a type approved by the Illinois Environmental Protection Agency and/or the Illinois Department of Public Health as properly designed to serve one (1) or more subdivisions. A septic tank is not a central sewage system.

**SEWAGE TREATMENT SYSTEM, INDIVIDUAL**- in the case where public sewer is not available individual treatment facilities shall be installed to comply with specifications established by the Illinois Department of Public Health, the Illinois Environmental Protection Agency, and any other appropriate government agency.

**SIGN** - a publicly displayed notice or device on a building or structure or on a lot advertising a business, service or activity.

**STABLE** - a stable with a capacity for two (2) or more horses or mules.

**STORY** - that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, such basement or cellar shall be considered a story.

**STORY, HALF** - a partial story under a gable, hip, or gambrel roof, the wall plates of which or at least two (2) opposite exterior walls of which are not more than four (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 thoroughfare which affords the principal means of access to abutting property.

**STREET LINE** - the right-of-way line of a street.

**STRUCTURE** - anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, billboards, and poster panels.

**STRUCTURAL ALTERATIONS** - any change other than normal maintenance which would tend to prolong the life of a supporting member of a structure such as a bearing wall, column, beam, girder, or any substantial change in the roof or exterior walls.

**TRAVEL TRAILER** - a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

**VARIANCE** - a relaxation of the terms of this zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a prohibited use shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining district.

**WATER SYSTEM, CENTRAL** - a type of water distribution system approved by the Illinois Environmental Protection Agency as properly designed to serve one (1) or more subdivisions.

**YARD** - a required open space at grade unoccupied and unobstructed by any structure or portion of a structure, other than projections of uncovered steps, uncovered balconies, or uncovered porches; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purpose of determining the width of a side yard, depth of a front or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

a. **YARD, FRONT** - a yard extended across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

b. **YARD, REAR** - a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or unenclosed porches and the rear lot line. On all lots the rear yard shall be at the opposite end of the lot from the front yard.

c. **YARD, SIDE** - a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

**ARTICLE II**  
**MAP, DISTRICTS, AND BOUNDARIES**

**Section 15. MAP -**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Village of Woodhull, Illinois Zoning Map. The boundaries of this map are contiguous with the village limits and shall be amended so as to include any future annexations. The village limits shall comprise the outside boundary.

This map and all of the explanatory material thereon is hereby made an operative part of this ordinance. **(Note: Map is located after page 88.)**

The Zoning Map shall be kept and maintained by the Building/Zoning Officer and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

**Section 16. DISTRICTS -**

For the purpose of this ordinance, the following districts are hereby established for the Village of Woodhull:

Residential Districts

"R" Single Family District

Commercial Districts

"C" Commercial District

**Section 17. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES -**

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

- a. Boundaries shown as following or approximately following railways, streets, highways, or alleys shall be construed to follow the center lines of such railways, streets, highways, or alleys.
- b. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines.
- c. Boundaries shown as following or closely following the limits of the Village of Woodhull shall be construed as following such limits.
- d. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Building/Zoning Officer.

Whenever any street, alley, or other public easement is vacated by official action of the Village of Woodhull or by the Illinois Division of Highways of the State of Illinois, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

**ARTICLE III**  
**AUTOMATIC CLASSIFICATION**

**Section 18.** All unincorporated territory which may hereafter be annexed to the Village of Woodhull shall be automatically in the R District until otherwise changed by ordinance after public hearing. Such hearing shall be held by the Board of Appeals within sixty (60) days after the property becomes a portion of the Village of Woodhull.

**ARTICLE IV**  
**GENERAL DISTRICT REGULATIONS**

**Section 19.** Except as herein provided:

- a. No building shall be erected, converted, enlarged, moved, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- b. No building shall be erected, converted, enlarged, reconstructed, or structurally altered:
  1. to exceed the height or bulk prescribed in this ordinance.
  2. to accommodate or house a greater number of families than prescribed in this ordinance.
  3. to occupy a greater percentage of lot area than prescribed in this ordinance.
- c. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- d. The minimum yards, parking spaces, open spaces, including lot area per family, required by this ordinance, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space requirements for any other building, nor shall any lot area be reduced below the district requirements of this ordinance.
- e. 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 one (1) main building on one (1) lot unless otherwise provided by this ordinance.
- f. Every lot of record shall not be divided into parts without platting and subdivision thereof.

**ARTICLE V**  
**"R" SINGLE FAMILY DWELLING DISTRICT**

**Section 20. GENERAL DESCRIPTION -**

The principal use of land is for single family dwellings and related recreational and religious facilities normally required is to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to residential area. The provisions contained in this section are intended to provide for adequate light, open space, air, and related facilities -

**Section 21. USES PERMITTED –**

Property and buildings in an "R" Single Family Dwelling District shall be used only for the following purposes:

1. Single family dwelling.
2. Two family dwelling.
3. Park or playground.
4. School or public institution.
5. Transportation and utility easements, alleys and rights-of-way.
6. Parking area required to serve the uses permitted
7. Accessory uses or buildings, including a private garage customarily incident to the above uses, but not involving the conduct of a business. When an accessory use or building is located in the rear yard behind the principal use of a building, such accessory use or building shall not be located less than five (5) feet from any rear or side yard lines.

**Section 22. CONDITIONAL USES -** permitted on review pursuant to Sections 51 through 55 of ARTICLE XVII.

The following uses may be permitted on review of the Board of Trustees in accordance with the provisions contained herein:

1. Multiple family dwelling.
2. Church or temple.
3. Home occupation.
4. Child care center.
5. Mobile Home and/or Mobile Home Park.
6. Boarding House.
7. Any other use determined by the Board of Trustees to be of the same character as the foregoing conditional uses, but not including any use that may become noxious or offensive in an "R" District.
8. Parking lot.

**Section 23. AREA REGULATIONS —**

All buildings shall comply with the following yard requirements:

I. Intensity of Use Every lot shall have an area of not less than nine thousand (9,000) square feet and an average width of not less than seventy—five (75) feet, except as provided herein, or such a lot shall be recorded before the adoption date of this ordinance.

2. Front Yard —There shall be a front yard having a depth of not less than thirty (30) feet from the street line. The required front yard shall be provided on both

streets where a lot is located at the intersection of two (2) streets, and where other platted lots front upon the street lines.

3. Side Yard –

(a) For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than ten (10) feet.

(b) For dwellings and accessory buildings located on corner lots there shall be a side yard building line from the intersecting street of not less than fifteen (15) feet. The interior side yard of a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

4. Rear Yard – There shall be a rear yard having a depth of not less than forty (40) feet.

5. Lot Area - Every lot or parcel of land shall have a minimum width at the front building line of seventy—five (75) feet and a minimum area of nine thousand (9,000) square feet for all uses permitted in this section.

6. Lot Coverage - Not more than thirty—five (35) per cent of the area of a lot may be covered by main buildings, structures or accessory buildings.

7. Accessory Buildings - Accessory buildings shall not encroach upon the front yard or side yards.

8. Any separate tract the title of which was of record at the time of the adoption of this ordinance, that does not meet the requirements of this ordinance for yards, courts, or other area of open space may be utilized for single residence purpose provided the requirements for such yard or court (or lot) area, width, depth or open space is within seventy-five per cent of that required by the terms of this ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

**Section 24. BUILDING HEIGHT AND FLOOR AREA**

1. Height Regulations - No building or structure shall exceed three (3) stories or 35 feet in height. Dwelling structures shall have a minimum height of eight (8) feet over a majority of the ground floor area.

2. Floor Area - One (1) story dwellings shall have a total ground floor area of not less than eight hundred twenty-five (825) square feet measured from the exterior faces of exterior walls, including utility rooms but excluding open porches, garages, and terraces. Dwellings having more than one (1) story shall have not less than seven hundred eighty (780) square feet of ground floor area measured as prescribed for one (1) story dwelling.

3. Notwithstanding the foregoing, any multiple dwelling structures shall have a minimum of six hundred (600) square feet of livable floor area per dwelling unit.



**ARTICLE VI**  
**“C” COMMERCIAL DISTRICT**

**Section 25. USE REGULATIONS:** Permitted uses are:

1. Apartments provided they are located above the first floor and above a business use permitted in this district.
2. Agricultural implement sales and service conducted wholly within a completely enclosed building.
3. Air conditioning and heating sales and service.
4. Auction rooms.
5. Auditoriums.
6. Automobile service stations.
7. Automobile sales and service shop conducted wholly within a completely enclosed building and as one integrated business operation, including automobile painting, upholstering, rebuilding, or body and fender work, truck testing.
8. Automobile, agricultural and truck sale establishments including new and used.
9. Banks.
10. Bakeries provided all goods are sold on the premises at retail only.
11. Barber shops and beauty parlors.
12. Battery and tire service stations.
13. Beverage distributors, but not including bottling plants.
14. Billiard and pool rooms, subject to the regulation of other adopted ordinances of the Village.
15. Bowling alleys, subject to the regulations of other adopted ordinances of the Village.
16. Book binding.
17. Business, music, dance, or commercial schools.
18. Clinics.
19. Catering establishments.
20. Coal, retail or wholesale.

21. Department, furniture and home appliance stores.
22. Dressmaking establishments.
23. Dry cleaners employing facilities for not more than one thousand pounds of dry goods per day.
24. Drug stores.
25. Electrical appliance shops and repair.
26. Elevators, grain and grain storage.
27. Food.
28. Frozen food lockers.
29. Florist shops and greenhouses for retail trade only.
30. Garages, public, for storage of private passenger automobiles.
31. Grocer, fruit, or vegetable store.
32. Hardware store.
33. Hotel.
34. Launderettes and Laundromats.
35. Library.
36. Meat market or poultry store, if no slaughter or stripping is involved.
37. Motel.
38. Offices.
39. Pet shop or animal hospitals when conducted wholly within the enclosed building.
40. Painting and decorating shops.
41. Plumbing, heating, and roofing supply and workshop.
42. Printing, publishing, and issuing of newspapers, periodicals, books, and other reading matter.
43. Printing shops.
44. Private Service clubs.
45. Restaurants including drive-ins.
46. Recreation places.
47. Signs relating only to the name and use of the store or premises, subject to the regulation of other adopted ordinances of the Village.

48. Taverns or retail sale of alcoholic liquors, subject to the regulations of other adopted ordinances of the Village.

49. Telephone exchange building.

50. Undertaking establishments.

51. Wholesale establishments, excluding a building the principal use of which is for a storage warehouse.

52. Manufacturing or processing which is clearly incidental to retail use is permitted. Such manufacturing or processing is limited to that which employs not more than ten (10) persons in the manufacturing or processing.

**Section 26. CONDITIONAL USES** - permitted on review pursuant to Section 51 through 55 of ARTICLE XVII -

1. Mobile home parks.

2. Apartments.

3. Manufacturing establishment not incidental to retail use and not employing more than ten (10) persons.

4. Salvage yard.

5. Any use permitted in District "R".

**Section 27. HEIGHT** - No building or structure shall be erected or structurally altered to exceed a height of three (3) stories nor shall it exceed forty-five (45) feet in height.

**Section 28. AREAS** - No front or side yards shall be required except that when a building or group of buildings abuts upon a residential district, a yard shall be provided on the side of the lot abutting the residential district, such yard having a width of not less than (10) feet. There shall be a rear yard with a depth of not less than fifteen (15) feet when abutting upon a publicly dedicated alley or public way and not less than twenty (20) feet when no dedicated alley or public way exists at the rear of the lot. The rear yard may be used for off street parking and loading as provided by ARTICLE VII.

**ARTICLE VII**  
**OFF-STREET PARKING AND LOADING**

**Section 29. OFF-STREET PARKING** - For the purpose of this section, one hundred eighty (180) square feet of lot or floor area, which has a means of ingress or egress from an alley or street, shall be deemed parking space for one vehicle. Such space shall not occupy any part of any required open space for side or rear yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street. Such parking spaces and access driveways, required in residential districts, when used in compliance with the provisions of this ordinance, shall be paved or otherwise surfaced with all-weather, dustproof material. That part of the driveway connecting from the curb line to the property line shall be paved with concrete or asphalt materials.

Parking areas serving nonresidential uses of property shall be surfaced and graded so as to drain off all surface water to storm sewer inlets. When such parking areas or lots abut upon adjacent residential properties, there shall be provided a wall or solid screen planting of appropriate shrubs to a height of not less than four (4) feet, along the entire boundary, common to both the residential and parking areas. Walls or solid screen planting to a height of not less than four feet shall also be placed along the street line where a parking lot abuts upon a street which provides access to adjacent residential properties. Lights used to illuminate such parking lots shall be so arranged as to reflect lighting away from the adjoining premises in the residential district. Such parking spaces shall be reserved for the sole use of the occupants of the building or lots, their customers, and the visitors thereto. Churches, theaters, stadium, auditoriums, and other places of assembly may make arrangements for joint use of parking spaces as hereinafter specified.

In any district, except as noted below, every building built, or structurally altered, enlarged or increased in capacity, and every land used initiated subsequent to the adoption of this section shall be provided with minimum off street parking facilities as follows:

Dwellings: Two parking spaces for each dwelling unit.

Churches, auditoriums, gymnasiums, stadiums, theaters and other places of public or private assembly with fixed seats: One parking space for each five (5) seats or bench seating spaces, based upon maximum seating capacity.

For the purpose of this type of use, parking spaces already provided to meet off street parking requirements for stores, office buildings and industrial establishments, or off street parking facilities provided by the municipality, lying within three hundred (300) feet of the place of public assembly as measured along the lines of public access, and that are not normally in use between the hours of 6:00 P.M. and midnight, and are made available for other parking, may be used to meet up to seventy five (75) per cent of the total requirements of parking space for places of public assembly.

Stores and other retail establishments where such uses are permitted: One parking space for each three hundred (300) square feet of store space, to be provided on the premises or within two hundred (200) feet of the entrance and off of the street, except that restaurants or establishments whose primary use is to serve meals and refreshments to patrons shall provide one parking space for each one hundred (100)

square feet of floor space in the building.

Parking space required under this section may be reduced at a time when the capacity or use of a building is changed in such a manner that a new use or capacity would require less space than before the change. Such reduction may not be below the standards set forth in the section.

Loading or unloading areas shall not be considered as parking areas.

The joint use of parking facilities may be permitted in cases where major parking demands occur on different days of the week or during different hours, provided (1) that parking spaces will be available for each use in accordance with the above standards, and (2) that the owners agree in writing, that any subsequent sale or division of the property or change in use thereof will not interfere with the joint use of the parking facilities.

A plan of parking facilities shall accompany each application for a building permit or certificate of compliance. The completion of the improvements for parking according to such plan shall be a requisite for the validity of the permit or certificate.

The Village Board of Trustees may authorize a special permit to allow a parking lot in a residence zone for the purpose of meeting the requirements of this section, subject to the following limitations;

Public notice must be given and a public hearing held by the Board of Zoning Appeals on the request for a special permit in the same manner in which said notice is given and such hearing is held on a request for a variance.

Notice must be given by certified mail to all owners of property lying within three hundred (300) feet of the land for which the special permit is sought.

A special permit shall not be granted unless the application shows and warrants that in the proposed development of the parking area, that front and side yards will be met and maintained.

**Section 30. OFF-STREET LOADING FACILITIES** - On the same lot with every building or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, or as an accessory use for dwelling purposes, there shall be provided on the lot, adequate space for motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fifteen (15) feet height clearance, and one such space shall be provided for every twenty thousand (20,000) square feet or fraction thereof of floor or lot area used for other than residence purposes.

**ARTICLE VIII**  
**ADDITIONAL PROVISIONS**

**Section 31.** Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

1. Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the main building.
2. An accessory building may not be located nearer than five (5) feet to any interior lot line and not nearer than five (5) feet to the rear lot line.
3. No detached accessory building shall be located closer than ten (10) feet of any main building.

**Section 32.** **SIGNS** - Any publicly displayed sign, symbol or notice on a premises to advertise the business there transacted, or name of person or firm conducting said business on premises or directing to some other locale, shall be regulated as follows;

1. No sign shall in any way interfere or obstruct traffic visibility.
2. In "R" District, the following signs shall be permitted:
  - (a) For each dwelling unit, one name plate not exceeding one square foot in area, indicating name of occupant.
  - (b) For a structure other than a dwelling unit, one identification sign not exceeding ten (10) square feet, except a church bulletin board which shall not exceed eighteen (18) square feet.
  - (c) For purpose of orientation, directional signs when established by village, not exceeding two (2) square feet.
3. In a "C" District, the following signs shall be permitted:
  - (a) Any sign which pertains to a use conducted within main building.
  - (b) Only one attached sign per building for each business occupying that building.
  - (c) Directional signs permitted as in "R" District.

**ARTICLE IX**  
**NON-CONFORMING USES**

**Section 33.** The lawful use of land or buildings existing at the time of the adoption of this ordinance may continue although such use does not conform to the regulations specified by this ordinance for the district which such land or building is located, subject to the following conditions and specifications.

1. Any non-conforming use of land or building which has ceased by discontinuance or abandonment for a period of one (1) year shall thereafter conform to the provisions of this ordinance.
2. Any non-conforming building which has been destroyed or damaged by fire, explosion, act of God, or by a public enemy to the extent of sixty (60) percent or more of its assessed valuation, shall thereafter conform to the provisions of this ordinance. Then if more than forty-one (41) percent of the assessed value of the building remains after such damage, such structure may be restored to the same non-conforming use as existed before such damage.
3. No non-conforming use of a building may be moved to any other part or parcel of land upon which same was conducted at the time of the adoption of the ordinance.
4. No non-conforming building shall be enlarged or structurally altered except to make it a conforming building. A non-conforming use of a building existing at the time of the adoption of this ordinance may be extended throughout the building provided no structural alterations, except those required by ordinance or law are made therein, and provided approval is granted by the Village Board of Trustees.
5. The use of a non-conforming building may be changed only to a use of like or similar character, or to a use conforming to the district in which the property is located.
6. Any non-conforming signs or billboards shall be removed within a period of one (1) year from the adoption of this ordinance.
7. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed by amendment to this ordinance.

**ARTICLE X**  
**ENFORCING OFFICER**

**Section 34.** The Zoning Officer of the Village is designated as the officer to be responsible for enforcing the zoning ordinance. Said Zoning Officer shall have the power and shall exercise the function prescribed by the state law and by terms of all ordinances now in force or hereafter passed.



**ARTICLE XI**  
**BUILDING PERMITS, CERTIFICATE OF**  
**COMPLIANCE, USE PERMITS**

**Section 35. BUILDING PERMIT** - No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the Zoning Officer stating that the building or structure, and use of land comply with the regulations of this ordinance and all building and health laws and ordinances of the Village, State and Federal Governments.

All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Zoning Officer. Such plat shall show only building or structures, the construction of which is to be started within ninety (90) days. Building permits shall become void if construction is not substantially started within ninety (90) days.

No building shall be constructed, and no permit shall be issued for any building, on any premises not served by a sewer system.

**Section 36. CERTIFICATE OF COMPLIANCE** - No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the Zoning Officer. The certificate of compliance shall be issued only after the Zoning Officer makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this ordinance and other health and building laws and in accordance with building permit.

Certificate of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alterations of such buildings shall have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the Zoning Officer and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

**Section 37. USE PERMIT** - No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the Zoning Officer. No such use permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance or amendments thereto hereafter duly enacted.

**Section 38. CONTINUANCE OF EXISTING USES** - Nothing in this article shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property.

**FEES – See schedule on next page.**

**\*See attached Building Permit information.**

**ARTICLE XII**  
**BOARD OF ZONING APPEALS**

**Section 39. BOARD OF ZONING APPEALS ESTABLISHED** - There is hereby established a Board of Zoning Appeals. Said Board shall consist of five (5) members appointed by the President with the approval of the Village Board. On the initial appointment after this ordinance is passed, three (3) of the Board member's terms as designated by the President shall be two (2) years and two (2) members shall serve a term of four (4) years. Thereafter, each member shall serve for a four (4) year term which shall commence on the first day of June of the year of appointment.

The Board of Zoning Appeals shall select one (1) member as its chairman and another to serve as its vice chairman, each for a term of one (1) year and subject to re-election. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses.

The Village Clerk shall be the secretary to keep minutes and maintain the records of the Board of Zoning Appeals.

**Section 40. MEETINGS** - All meetings of the Board of Zoning Appeals and all hearings shall be open to the public. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Meetings may be called at the request of three (3) members of the Board. The Board shall keep minutes of its proceedings showing the vote of each member upon every question decided by it, or if any member is absent and fails to vote, indicating such fact. Statement of the facts found by the Board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as herein provided shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes. The Board shall adopt its own rules of procedure, a copy of which and all amendments thereto shall be filed in the office of the Village Clerk. The minutes of the Board shall be open to public examination at reasonable hours. Expenses incurred by the Board of Appeals are to be itemized and shall be borne by the village.

**Section 41. JURISDICTION** - The Board shall hear and decide appeals from, and review any order, requirement, decision, or determination made by the Zoning Officer charged with the enforcement of this ordinance.

The Board of Zoning Appeals shall also hear all applications for variations to the provisions of this ordinance and shall submit its recommendations to the Board of Trustees, based upon a finding of fact, for enactment in an amended ordinance.

The Board of Trustees shall not have the power to grant a variation until a public hearing has been held by the Board of Zoning Appeals, pursuant to notice and upon receiving the Board's report with a finding of fact.

The Board of Zoning Appeals shall have authority to authorize change in the use of any parcel of property or structure only in pursuant to Section 22. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or decision or determination of the officer from whom an appeal is taken or to decide in favor of the applicant any matter in which said Board is required to pass under the provisions of this ordinance.

**Section 42. APPEALS AND REVIEW** - Any person aggrieved by a ruling of the Zoning Officer, respecting the interpretation of this ordinance or any officer, department,

board or bureau of the Village affected by a ruling of the Zoning Officer concerning the interpretation of the ordinance, may take an appeal to the Board of Zoning Appeals. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rules adopted by it, and shall be taken by filing with the Zoning Officer and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. Such appeal shall be taken upon forms provided by the Board of Zoning Appeals. The Zoning Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

**Section 43. STAY OF PROCEEDINGS** - The appeal shall stay all proceedings and furtherance of the action appealed from unless the Zoning Officer certifies to the Board of Zoning Appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by the court of record on application with notice to the Zoning Officer, and all due causes shown.

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, parties of interest may appear in person or by agent or attorney.

The Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken,

**Section 44. VARIATIONS** - The Village Board of Trustees, by ordinance, may authorize in the manner provided by law variations from the provisions of this ordinance where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land. However, no such variation shall be made, except in a specific case and after a public hearing before the Board of Zoning Appeals, pursuant to notice and after a report with a finding of fact of the Board of Zoning Appeals, as provided by the laws of this state.

**Section 45. RULES GOVERNING VARIATIONS** - No variation shall be allowed.

1. To permit a non-conforming use which will materially interfere with the use of adjoining premises in conformity with the regulations applicable to the use district in which it is located.
2. To permit a billboard to be erected or maintained.
3. To permit a non-conforming use in any residence district excepting that when there are two (2) or more similar non-conforming uses in the same block, a variation may be allowed to alter or remodel a family residence so as to provide for two (2) dwelling units therein.

**Section 46. NOTICE** - Decisions and recommendations of the Board of Zoning Appeals shall be reached only after a public hearing and after notice has been given by certified mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the Village not less than fifteen (15) days nor more than thirty (30) days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the Board is sought, as well as a brief description of the nature of the application.

All applications for a variation shall be accompanied by a seventy-five (\$75.00) dollar fee.

**ARTICLE XIII**  
**INTERPRETATIONS**

**Section 47. PURPOSE AND CONFLICT** - Interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this ordinance to interfere with, abrogate, annul or repeal any ordinance, rules, regulations, previously adopted, and not in conflict with any of the provisions of this ordinance or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that where this ordinance 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 such other ordinances or such easements, covenants or other agreements, the provisions of this ordinance shall control.

**ARTICLE XIV**  
**CONFLICTING ORDINANCES**

Section 48. All ordinances, resolutions, or parts thereof in conflict with this ordinance, are hereby repealed insofar as they conflict with the provisions of this ordinance.

**ARTICLE XV**  
**ENFORCEMENT AND PENALTIES**

**Section 49.** This ordinance shall be administered and enforced by the Zoning Officer appointed by the Village Board of Trustees.

Proper authorities of the Village or any person affected may institute any appropriate action or proceedings against a violator as provided by statute.

The fine for violating any provisions of this Ordinance will be not less than \$200.00 nor more than \$5000.00 or imprisonment for not more than six months, or both, for each offense, and each day a violation continues shall constitute a separate offense.

**ARTICLE XVI**  
**VALIDITY**

**Section 50.** If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.



**ARTICLE XVII**  
**Conditional Uses**

**SECTION 51.**

**INITIATION OF CONDITIONAL USES**

51.01. Any person having a freehold interest in land, or a contractual interest which may become a freehold interest of an exclusive possessor character, may file an application to use such land for one or more of the Conditional Uses provided for in this Resolution in the Zoning District in which the land is located.

51.02. Conditional Uses which are listed as such in this Ordinance may be authorized by the Board of Trustees. No application for Conditional Use Permit shall be acted upon by the Board of Trustees until after the Zoning Board has held a public hearing in the manner prescribed hereinafter, and has submitted its findings of fact and recommendations to the Board as provided herein. An application for a Conditional Use Permit shall be verified and filed in triplicate with the Zoning Enforcing Officer upon such forms and accompanied by such information as shall be required by this Ordinance or by the Zoning Board. The Zoning Enforcing Office shall transmit a copy of the application to the Board of Trustees and the Zoning Board.

51.03. Every application for a Conditional Use Permit shall set forth the following:

- (1) The name and post office address of the applicant;
- (2) If the applicant is a corporation, partnership or other association of individuals, the names and post office addresses of any affiliate of the applicant;
- (3) If the applicant will not be the operator of the Conditional Use, the names and post office addresses of the individual or organization who or which will in turn be the operator;
- (4) The name and post office address of the owner of the property if it is not the same as the applicant;
- (5) Whether a permit or license from any federal, county, municipal or State agency or any other governmental unit is required for the use for which a Conditional Use Permit is sought; if so, the applicant shall submit with the application a copy of such other permit or license;
- (6) Whether any Conditional Use Permits have previously been granted or denied under the provisions of this Ordinance to the applicant or any affiliate of the applicant, and, if so, the date or dates on which such permits were granted or denied;
- (7) The legal description of the property on which the Conditional Use will be conducted;
- (8) The size of the property;
- (9) The number of off street parking spaces the applicant proposes;
- (10) A plan or survey showing the use, height and location of any building or other structures located on or which the applicant proposes to operate the property; such plans or surveys shall be drawn to scale.

51.04. The application for a Special Use Permit shall be accompanied by a fee of Seventy-Five (\$75.00) Dollars.

## **SECTION 52.**

### **HEARING.**

52.01. Upon receipt of an application for Conditional Use, the Board of Zoning Appeals shall hold at least one public hearing on the Conditional Use. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Zoning Appeals shall, by rule, prescribe from time to time.

52.02. Notice of time and place of such hearing shall be published once, not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the Village of Woodhull. Supplemental or additional notices may be published or distributed as the Board of Zoning Appeals may, by rule, prescribe from time to time.

## **SECTION 53.**

### **STANDARDS**

53.00. No Conditional Use shall be recommended to be granted by the Board of Zoning Appeals unless such Board of Zoning Appeals shall find:

53.01. That the establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

53.02. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

53.03. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the District;

53.04. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

53.05. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

53.06. That the Conditional Use shall, in all other respects, conform to the applicable regulations of the District in which it is located, except as such regulations may in each instance, be modified by the Board of Trustees.

## **SECTION 54.**

### **BOARD OF ZONING RECOMMENDATIONS SENT TO TRUSTEES.**

54.01. Within 60 days after the required public hearing shall have been concluded, the Board of Zoning Appeals shall make written findings of fact and submit same together with its recommendations on the application for Conditional Use Permit to the Village Clerk of Woodhull for delivery to the Board of Trustees. The Board of Trustees shall not be required to receive additional evidence and may grant or deny a Conditional Use Permit in whole or in part without being bound by the recommendations of the Board of Zoning Appeals. Provided that the Board of Trustees finds that the standards set forth in Section 53 are met.

## **SECTION 55.**

### **CONDITIONS AND GUARANTEES.**

55.01. Prior to the grant of any Conditional Use, the Board of Trustees shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Conditional Use as is deemed necessary for the protection of the public interest. In all cases in which Conditional Uses are granted, the Board of Trustees shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

55.02. No Application for a Conditional Use that has been denied wholly or in part by the Board of Trustees shall be resubmitted for a period of one (1) year from the date of such order or denial, except on the grounds of new evidence or proof of changes of conditions found to be valid by the Zoning Officer or except at the direction of the Board of Trustees.

55.03. No Conditional Use Permit shall be valid for a period longer than one (1) year from the date of the grant thereof unless the erection of a building or structure is started or the use otherwise commenced within such period.

55.04. The failure to comply with any of the conditions or restrictions imposed on a Conditional Use Permit shall be deemed to be a violation of this Ordinance. Any permit shall be subject to restriction or revocation at any time by the Board of Trustees, on its own motion or on the recommendation of the Board of Zoning Appeals, if it shall appear that the operator of such Conditional Use has failed to comply with any conditions or restrictions imposed on such permit and, after thirty (30) days notice of such failure to comply, has failed to remedy such non-compliance.

55.05. If an Application for a Conditional Use Permit is not acted on finally by the Board of Trustees at the second succeeding monthly meeting of the Board of Trustees after the date upon which the findings and recommendations of the Board of Zoning Appeals are either initially or, if the application is resubmitted to the Board of Zoning Appeals for further consideration subsequently filed with the Board of Trustees, the permit shall be deemed denied unless the applicant shall have consented to extend the period within which the Board of Trustees must act.

55.06. Where a use is classified as a Conditional Use under this Resolution and exists as a Conditional Use or a Permitted Use at the date of the adoption of this Resolution, it shall be considered to be a legal Conditional Use.

**ARTICLE XVIII**  
**EFFECTIVE DATE**

**Section 56.** This ordinance shall take effect and be in full force from and after its adoption and publication as provided by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WOODHULL, ILLINOIS, this 8th day of January, 2018.

