

COUNTY OF MONROE

ORDINANCE NO. 2022-03

**AN ORDINANCE ADOPTING
A REVISED CODE OF ORDINANCES
FOR THE
COUNTY OF MONROE**

**ADOPTED BY THE
COUNTY COMMISSIONERS
OF
MONROE COUNTY**

THIS 19th DAY OF APRIL, 2022

**Published in book form by authority of the County Board of
Monroe County, Illinois this 19th day of April, 2022.**

ORDINANCE NO. 2022-03

AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES FOR THE COUNTY OF MONROE, ILLINOIS.

BE IT ORDAINED BY THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF MONROE, ILLINOIS, THAT:

SECTION 1: Adoption. There is hereby adopted a "Revised Code of Ordinances" for the County of Monroe, Illinois shall be as follows:

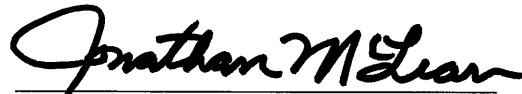
[SEE EXHIBIT "A" FOLLOWING]

SECTION 2: Severability of Provisions. Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 3: Conflicting Ordinances. Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

SECTION 4: Effective. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

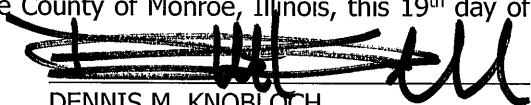
SECTION 5: Passed this 19th day of April, 2022 by the County Board of the County of Monroe, Illinois, and deposited and filed in the office of the County Clerk in said County on that date.




JONATHAN MCLEAN
MONROE COUNTY CLERK

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Dennis M. Knobloch	✓				
George Green	✓				
Vicki Koerber	✓				

Signed by the County Board Chairman of the County of Monroe, Illinois, this 19th day of April, 2022.



DENNIS M. KNOBLOCH
MONROE COUNTY CHAIRMAN

ATTEST: 

JONATHAN MCLEAN
MONROE COUNTY CLERK

(SEAL

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS

)

)

ss. COUNTY CLERK'S OFFICE

COUNTY OF MONROE

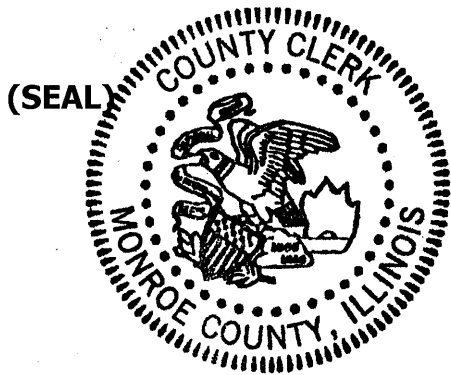
)

I, Jonathan McLean, County Clerk of the County of Monroe, Illinois, do hereby certify that the following Code of the County of Monroe, Illinois, published by authority of the County Board was duly passed by the County Board of the County of Monroe, Illinois, approved by the Chairman, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the Corporate Seal of the County of Monroe, Illinois, this 19th day of April, 2022.



JONATHAN MC LEAN
COUNTY CLERK
MONROE COUNTY, ILLINOIS



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COUNTY OF MONROE

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
79-01	Rezoning: Deer Hill Estates	03/01/79	Special Legislation
79-02	Building Permit Fees	03/19/79	Chapter 6
79-02A	Rezoning - Deer Hill Estates	05/01/79	Special Legislation
79-03	Real Estate Transfer Tax	06/05/79	Chapter 36
79-04	Rezoning - Koerber & Metzger	06/18/79	Special Legislation
79-05	Code of Ordinances - New	08/01/79	New Code
79-06	Final Plat: Wedgewood Lane	11/06/79	Special Legislation
79-07	Rezoning - Stuckmeyer	11/27/79	Special Legislation
80-01	Liquor Code - amended	01/08/80	Chapter 21
80-02	Merit Commission	03/06/80	Repealed
80-03	Vehicle Code	05/06/80	Chapter 24
80-04	Prevailing Wage	06/16/80	Special Legislation
80-05	Final Plat: Country Addition Lou-Del	07/14/80	Special Legislation
80-06	Zoning: Mobile Homes - amended	09/15/80	Chapter 40
80-07	Real Estate Transfer	09/15/80	Special Legislation
81-01	Zoning: Mineral Extraction amended	01/06/81	Chapter 40
81-02	Rezoning - Luhr Brothers	03/16/81	Special Legislation
81-03	Rezoning - Mathes	03/16/81	Special Legislation
81-04	Rezoning - Kern	05/05/81	Special Legislation
81-05	Zoning: Oil Drilling & Tanks amended	09/21/81	Chapter 40
81-06	Rezoning - Glossip	09/21/81	Special Legislation
82-01	Nursing Home Lease amended	01/26/82	Special Legislation
82-02	Tax Levy	02/09/82	Special Legislation
82-03	Rezoning - Foster Pond Industries	04/06/82	Special Legislation
83-01	Cable Television Franchise	02/01/83	Chapter 9
83-02	Cable Television: Amendment	03/03/83	Chapter 9
83-03	Rezoning - Dietz	03/21/83	Special Legislation
83-04	Rezoning - Schueler Brothers	03/21/83	Special Legislation
83-05	Mutual Aid Law Enforcement	06/07/83	Special Legislation
83-06	Nursing Home Lease amended	08/02/83	Special Legislation
83-07	Tax Levy	08/02/83	Special Legislation
83-08	Prevailing Wage	09/06/83	Special Legislation
83-09	Rezoning - Ramsey	09/19/83	Special Legislation
83-10	Rezoning - Brand	10/04/83	Special Legislation
83-11	Rezoning - Braun Milk Hauling	10/04/83	Special Legislation
83-12	Preliminary Plat - Sterritt's Run	10/17/83	Special Legislation
83-13	Final Plat - Sterritt's Run	11/14/83	Special Legislation
83-14	Appropriation	12/06/83	Special Legislation
83-15	Tax Levy	12/06/83	Special Legislation
83-16	Lease of Dog Pound	12/06/83	Special Legislation
84-01	Animals: Dog Fee	01/03/84	Chapter 3
84-02	Nursing Home Lease amended	01/17/84	Special Legislation
84-03	Tax Levy - Lease	01/17/84	Special Legislation
84-04	Rezoning - Wittenauer	04/02/84	Special Legislation
84-05	Zoning Code Amended	05/07/84	Chapter 40

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
84-06	Prevailing Wage	06/18/84	Special Legislation
84-07A	Sanitation Code	06/18/84	Repealed #77-01
84-07B	Health Code	06/18/84	Chapter 18
84-08	Conveyance of Real Estate	07/02/84	Special Legislation
84-09	Jail Facility Lease	07/02/84	Special Legislation
84-10	Tax Levy: Jail Facility	07/02/84	Special Legislation
84-11	Rezoning - Vogt	09/04/84	Special Legislation
84-12	Rezoning - Mund	09/04/84	Special Legislation
84-13	Motor Vehicles: Speed Zone	09/17/84	Chapter 24
84-14	Rezoning - Kaestner	11/05/84	Special Legislation
84-15	Zoning Code amended	11/26/84	Chapter 40
84-16	Rezoning - Burkhardt	12/17/84	Special Legislation
85-01	Animals: Dog Fee	02/04/85	Chapter 3
85-02	Rezoning - Crook	04/01/85	Special Legislation
85-03	Rezoning - Jeffco Meat Co.	04/01/85	Special Legislation
85-04	Rezoning - Vogt	04/01/85	Special Legislation
85-05	Zoning Code Amended	06/03/85	Chapter 40
85-06	Rezoning - Jones	06/03/85	Special Legislation
85-07	Prevailing Wage	06/17/85	Special Legislation
85-08	Rezoning - Lohrberg	08/19/85	Special Legislation
85-09	Planning Commission amended	09/03/85	Chapter 5
85-10	Final Plat: Hawk's Nest Estates	10/07/85	Special Legislation
85-11	Rescind 85-10 - Final Plat: Hawk's Nest	11/18/85	Special Legislation
85-12	Zoning Code Amended	11/18/85	Chapter 40
86-01	Final Plat: Chesapeake on the Bluff	01/06/86	Special Legislation
86-02	Final Plat: Henke's Lake Estates	01/06/86	Special Legislation
86-03	Service Occupation Tax	03/03/86	Chapter 36
86-04	Retailers Occupation Tax	03/03/86	Chapter 36
86-05	Supplementary Use Tax	03/03/86	Chapter 36
86-06	Final Plat: Pine Wood Estates	03/03/86	Special Legislation
86-07	Flood Plain Code	04/21/86	Chapter 11
86-08	Rezoning - Wheat	04/21/86	Special Legislation
86-09	Tax Anticipation Warrant	05/05/86	Special Legislation
86-10	Tax Anticipation Warrant	05/05/86	Special Legislation
86-11	Agreement County & Bldg Comm.	06/16/86	Special Legislation
86-12	Prevailing Wage	06/16/86	Special Legislation
86-13	Health Code: Private Sewer	07/14/86	Chapter 18
86-14	Rezoning - Osterhage	08/04/86	Special Legislation
86-15	Final Plat - Eagle Cliff Estates	09/02/86	Special Legislation
86-16	Emergency Alarm Systems	09/15/86	Deleted
86-17	Emergency Alarm Franchise	09/15/86	Deleted
86-18	Taxation - D.U.I. Fines	10/06/86	Chapter 36
86-19	Final Plat: Grand Terrace	10/06/86	Special Legislation
86-20	Rezoning - Traugher	10/20/86	Special Legislation
86-21	Rezoning - Fieser	11/17/86	Special Legislation
86-22	Final Plat: Country Addition - Lou-Del	12/05/86	Special Legislation
86-23	Final Plat: Eagle Lake Estates	12/15/86	Special Legislation
87-01	Final Plat: Country Lakes	01/21/87	Special Legislation
87-02	Rezoning - Busch	01/21/87	Special Legislation
87-03	Rezoning - Litteken	01/21/87	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
87-04	Taxation - Circuit Clerk - Child Support Fee	01/29/87	Chapter 36
87-05	Landfill Code	03/02/87	Chapter 32
87-06	Final Plat: Carr Creek Estates	04/06/87	Special Legislation
87-07	Prevailing Wage	04/20/87	Special Legislation
87-08	Business - Raffle Code	05/18/87	Chapter 8
87-09	Sanitary Landfill Code	06/15/87	Chapter 32
87-10	Prevailing Wage	06/15/87	Repealed #87-07
87-11	Prevailing Wage	06/15/87	Special Legislation
87-12	Rezoning - DeMint	06/15/87	Special Legislation
87-13	Purchase of Anticipation Warrant	07/06/87	Special Legislation
87-14	Rezoning - Mueller	07/06/87	Special Legislation
87-15	Final Plat - Prairie View Estates	07/06/87	Special Legislation
87-16	Final Plat - Cedar Lake Estates	07/13/87	Special Legislation
87-17	Zoning Code	08/17/87	Chapter 40 (New)
87-18	I.C.I.T. Insurance Trust Agreement	08/25/87	Special Legislation
87-19	Rezoning - Melching	09/08/87	Special Legislation
87-20	Joint Self-Insurance Bonds	10/05/87	Special Legislation
87-21	Final Plat - Maple Leaf Lake 2nd Addition	11/16/87	Special Legislation
87-22	Final Plat - Cedar Lake	12/07/87	Special Legislation
87-23	Final Plat: Hilltop Estates	12/21/87	Special Legislation
88-01	Flood Plain Code	01/04/88	Chapter 11
88-02	Rezoning - Brinkman	01/19/88	Special Legislation
88-03	Final Plat - Eagle Lake Estates	01/19/88	Special Legislation
88-04	Tax Abatement	01/25/88	Special Legislation
88-05	Rezoning - Reichert	02/16/88	Special Legislation
88-06	Zoning: Mobile Homes	03/21/88	Chapter 40
88-07	Final Plat - Country Oak Estates	04/18/88	Special Legislation
88-08	Final Plat - Tarathan Oaks	04/18/88	Special Legislation
88-09	Grand Terrace Subd. Amended	05/02/88	Special Legislation
88-10	Health-Sewage System	05/02/88	Chapter 18
88-11	Flood Plain Code Amendment	05/16/88	Chapter 11
88-12	Liquor Code	06/06/88	Chapter 21
88-13	Prevailing Wage	06/20/88	Special Legislation
88-14	Cemetery: Palmier Hill	07/05/88	Chapter 9
88-15	Rezoning - Francescon	08/15/88	Special Legislation
88-16	E.S.D.A. Code	09/06/88	Repealed
88-17	Zoning - Bed & Breakfast	09/06/88	Chapter 40
88-18	Health - Bed & Breakfast	09/06/88	Chapter 40
88-19	Final Plat - Hawthorne Estates	10/17/88	Special Legislation
88-20	Rezoning - Poole	11/21/88	Special Legislation
88-21	Tax Levy	11/30/88	Special Legislation
88-22	Rezoning - Siegel	12/19/88	Special Legislation
89-01	Rezoning - Shull	01/17/89	Special Legislation
89-02	Tax Levy Abatement	03/13/89	Special Legislation
89-03	Court House Hours Closed	04/03/89	Chapter 1
89-04	Health Code	04/03/89	Chapter 18
89-05	Final Plat - Stoney Creek	04/03/89	Special Legislation
89-06	Prevailing Wage	06/05/89	Special Legislation
89-07	Mapping & Platting	06/05/89	Chapter 23
89-08	Motor Vehicles: Inoperable	06/05/89	Chapter 24
89-09	Rezoning - Reichman	06/19/89	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
89-10	Health Code: Food Sanitation	08/07/89	Chapter 18
89-11	Taxation: 9-1-1 Surcharge	08/07/89	Chapter 36
89-12	Zoning Code: Area/Bulk Regulations	08/21/89	Chapter 40
89-13	Subdivision Code	08/21/89	Chapter 34
89-14	Mapping and Platting	09/18/89	Chapter 23
89-15	Final Plat: Pieper's Subdivision	09/18/89	Special Legislation
89-16	Final Plat: Schultheis Road	11/06/89	Special Legislation
89-17	Subdivision Code	11/06/89	Chapter 34
89-18	Tax Levy	12/06/89	Special Legislation
89-19	Taxation: 9-1-1 Surcharge	12/18/89	Chapter 36
89-20	Final Plat: Lakewood Place	12/18/89	Chapter 34
90-01	Mapping & Platting	01/02/90	Chapter 23
90-02	9-1-1 Telephone System Board	01/02/90	Chapter 5
90-03	Rezoning--Hoefft	02/05/90	Special Legislation
90-04	Reduction of Jail Rental Payments	03/05/90	Special Legislation
90-05	Rezoning--Village of Maestown	03/19/90	Special Legislation
90-06	Final Plat--Bluestem Farm	04/16/90	Special Legislation
90-07	Prevailing Wage	05/21/90	Special Legislation
90-08	Final Plat--Hickory Lakes	05/21/90	Special Legislation
90-09	Final Plat--Northwoods Estates	07/09/90	Special Legislation
90-10	Final Plat--Hickory Lakes: Amended	07/09/90	Special Legislation
90-11	Final Plat--Deer Run Estates	09/17/90	Special Legislation
90-12	Rezoning--Hartman	10/15/90	Special Legislation
91-01	Final Plat--Eagle Lakes 1st Addition	02/04/91	Special Legislation
91-02	Subdivision Code: Amended	02/04/91	Secs. 34-3-2, 34-3-11, 34-3-15, 34-5-16, 34-6- 2, 34-6-19.3
91-03	Fees & Petty Cash Funds Reporting	03/04/91	Sec. 36-4-6
91-04	Rezoning--Mueller	04/15/91	Special Legislation
91-05	County Road Name Change	05/20/91	Special Legislation
91-06	Fund Self-Insurance Bonds	05/20/91	Special Legislation
91-07	Abatement Tax Levy	05/20/91	Special Legislation
91-08	Liquor Code: Revision	05/20/91	Chapter 21
91-09	Liquor Code: Revision	06/03/91	Chapter 21
91-10	Rezoning--Poole	06/17/91	Special Legislation
91-11	Motor Vehicle: Speed Zone Lou-Del Subd.	07/01/91	Sec. 24-4-2 "C"
91-12	Rezoning--Wooters	07/08/91	Special Legislation
91-13	Rezoning--Lang	07/08/91	Special Legislation
91-14	9-1-1: Address Numbers Displayed	08/05/91	Sec. 33-6-1
91-15	Zoning Code	08/05/91	Sec. 40-2-10
91-16	Zoning: Billboard Restrictions	08/05/91	Sec. 40-6-13(H)
91-17	Subdivision Code Revision	08/05/91	Sec. 34-5-17
91-18	Revised Code Adopted	08/05/91	New Code
91-19	Appropriation	12/09/91	Special Legislation
91-20	Tax Levy	12/09/91	Special Legislation
92-01	Rezoning--Vogt	02/03/92	Special Legislation
92-02	G.O. Self-Insurance Bonds	05/04/92	Special Legislation
92-03	Subdivision Code Revision	05/18/92	Sec. 34-1-7
92-04	Rezoning--Waldrop	06/15/92	Special Legislation
92-05	Flood Plain Code - Variances	10/05/92	Secs. 11-2-1 etc. Repealed

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
92-06	Rezoning--Glessner	10/19/92	Special Legislation
92-07	Rezoning--Brand	10/19/92	Special Legislation
92-08	Appropriation	11/30/92	Special Legislation
92-09	Tax Levy	11/30/92	Special Legislation
92-10	Zoning Code Revision	11/30/92	Chapter 40
92-11	Zoning Code Revision	11/30/92	Repealed
92-12	G.O. Self-Insurance Bonds	12/21/92	Special Legislation
93-01	Taxation--Fees Vital Records	01/19/93	Chapter 36
93-01A	Health Code Revisions	03/15/93	Ch. 18-2-2, 18-4-2, 38-5-2
93-02	Zoning Code Revisions	04/05/92	Secs. 40-4-11.2, 40-4-11.3, 40-4-11.4, 40-2-53, 40-2-59
93-03	Final Plat--Grand View Acres	04/05/93	Special Legislation
93-04	Rezoning--Dannehold	04/19/93	Special Legislation
93-05	Rezoning--Goldsmith	05/03/93	Special Legislation
93-06	Acquisition of Road R-O-W Columbia	05/17/93	Special Legislation
93-07	Rezoning--Schillinger	06/21/93	Special Legislation
93-08	Zoning Code: Content Revision	08/16/93	Sec. 40-4-11
93-09	Rezoning--Wright	09/20/93	Special Legislation
93-10	Flood Plain Code - Replacement Cost	10/18/93	(Expired 12/31/93)
93-11	Rezoning--Roever/Stemler	11/02/93	Special Legislation
93-12	Rezoning--Burnett	11/02/93	Special Legislation
93-13	Flood Relief Anticipation Note	11/15/93	Special Legislation
93-14	Appropriation	12/06/93	Special Legislation
93-15	Tax Levy	12/06/93	Special Legislation
93-16	Final Plat: Country Manor Meadows	12/06/93	Special Legislation
93-17	Nursing Home Appropriation	12/20/93	Special Legislation
94-01	Tax Levy for Rental Payment	01/18/94	Special Legislation
94-02	Tax Levy: Jail Lease	01/18/94	Special Legislation
94-03	Motor Vehicle: Speed Limit - Hanover Rd.	02/07/94	Sec. 24-4-2; Schd. "C"
94-04	Motor Vehicle: Speed Limit - Gilmore Rd.	02/07/94	Sec. 24-4-2; Schd. "C"
94-05	Flood Plain Code: Replacement Cost	02/07/94	Sec. 11-1-20
94-06	Final Plat: Hills Castle Estates	03/07/94	Special Legislation
94-07	Rezoning--Hoffmann	04/18/94	Special Legislation
94-08	Rezoning--Carrico	05/16/94	Special Legislation
94-09	Rezoning: Street Graphics	05/16/94	Ch. 40; Art. VI
94-10	Prevailing Wage	06/06/94	Special Legislation
94-11	Rezoning - Schaeperkotter	09/06/94	Special Legislation
94-12	Rezoning - Mississippi River Transmission	09/19/94	Special Legislation
94-13	Rezoning - Roma Pizza & Heberer Equip.	10/03/94	Special Legislation
94-14	Fountain Water District Agreement	11/07/94	Special Legislation
94-15	Tax Levy: Court House Lease	11/21/94	Special Legislation
94-16	Conveyance of Real Est: Dog Pound Facility	11/21/94	Special Legislation
94-17	Non-Extension of Taxes for Jail Lease	11/21/94	Special Legislation
94-18	Extension of Tax for Self-Ins. Bonds	11/21/94	Special Legislation
94-19	Health Code: Food Sanitation	11/21/94	Chapter 18
94-20	Health Code: Private Sewage	11/21/94	Chapter 18
94-21	Rezoning - Triumph Motors	12/19/94	Special Legislation
95-01	Health Code: Individual Water Supply	02/06/95	Chapter 18
95-02	Health Code: Private Sewage	02/06/95	Chapter 18

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
95-03	Health Code: Food Sanitation	02/06/95	Chapter 18
95-04	Final Plat - Rolling Meadows Plat 1	03/06/95	Special Legislation
95-05	Building Code	06/05/95	Chapter 6
95-06	Final Plat - Phase 1 Lake of the Woods	06/05/95	Special Legislation
95-07	Health Code: Private Sewage Code	06/19/95	Chapter 18
95-08	Zoning Code & Maps Revised	07/03/95	Chapter 40
95-09	Subdivision Code Revision	07/03/95	Chapter 34
95-10	Rezoning - Cotton	08/07/95	Special Legislation
95-11	Motor Vehicles: Speed Limit Konarcik Rd.	08/21/95	Chapter 24
95-12	Tax Levy for Rental Payment	09/18/95	Special Legislation
95-13	Taxation: Circuit Clerk Fees	10/02/95	Chapter 36
95-14	Final Plat - Prairie Lake Meadows	10/02/95	Special Legislation
95-15	Final Plat - Willow Lake Estates	10/02/95	Special Legislation
95-16	Final Plat - Clancey's Creek	11/06/95	Special Legislation
95-17	Final Plat - Lakewood Place 1st Addition	11/06/95	Special Legislation
95-18	Cencom to Charter Comm. (Cable TV)	12/04/95	Chapter 8
95-19	Budget Appropriation	12/04/95	Special Legislation
95-20	Tax Levy	12/04/95	Special Legislation
95-21	Rezoning - Goldsmith	12/18/95	Special Legislation
95-22	Rezoning - Steingruby	12/18/95	Special Legislation
95-23	Zoning Code: Amended	12/18/95	Chapter 40
95-24	Building Code Fees	12/18/95	Chapter 6
95-25	Jail Rental Abatement	12/18/95	Special Legislation
95-26	Self-Insurance Bonds Abatement	12/18/95	Special Legislation
95-27	Rental Annex Building Abatement	12/18/95	Special Legislation
96-01	FEMA Buyout Program Agreement	01/16/96	Special Legislation
96-02	Rezoning - Donjon	02/05/96	Special Legislation
96-03	Final Plat - Steingrubey Park	02/20/96	Special Legislation
96-04	Not Used	-----	-----
96-05	Building Code	03/04/96	Chapter 6
96-06	Highway Improvements Proposed	03/18/96	Special Legislation
96-07	Road Name Change: Garleb Rd.	04/15/96	Special Legislation
96-08	Business: Peddlers	04/15/96	Chapter 8
96-09	Rezoning - Leber	05/20/96	Special Legislation
96-10	Prevailing Wage	06/03/96	Special Legislation
96-11	Zoning Code Revision	06/17/96	Chapter 40
96-12	Rezoning - Brockway	06/17/96	Special Legislation
96-13	Rezoning - Roider	06/17/96	Special Legislation
96-14	Subdivision Code Revision	06/17/96	Chapter 34
96-15	Final Plat - Country Acres	06/17/96	Special Legislation
96-16	Final Plat - Rolling Meadows Phase II	08/19/96	Special Legislation
96-17	Final Plat - Delmer Meadows Phase I	11/18/96	Special Legislation
96-18	Health: Food Sanitation	11/18/96	Chapter 18
96-19	Annual Budget	12/02/96	Special Legislation
96-20	Tax Levy	12/02/96	Special Legislation
96-21	Appropriation: Mental Health	12/02/96	Special Legislation
96-22	Rezoning - Brigance & Hartman	12/16/96	Special Legislation
96-23	Tax Levy	12/16/96	Special Legislation
97-01	Cable Television: Charter Communications	02/03/97	Chapter 9
97-02	Building Code & Fee Schedule	02/03/97	Chapter 6
97-03	Rezoning - Nobbe	02/18/97	Special Legislation

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97-04	Jail Rental Abatement	03/03/97	Special Legislation
97-05	Courthouse Annex Abatement	03/03/97	Special Legislation
97-06	Bonds Abated	03/03/97	Special Legislation
97-07	Building Code: New Construction	03/03/97	Chapter 6
97-08	Rezoning - Hutchings	04/21/97	Special Legislation
97-09	Rezoning - Schewe	06/16/97	Special Legislation
97-10	Rezoning - Knoke	06/16/97	Special Legislation
97-11	Final Plat - Country Lots	06/16/97	Special Legislation
97-12	Auto Renting Use Tax	08/04/97	Chapter 36
97-13	Auto Renting Occupation Tax	08/04/97	Chapter 36
97-14	Replacement Vehicle Tax	08/04/97	Chapter 36
97-15	Revised Code Adopted	09/15/97	New Code
97-16	Rezoning - Amann	10/20/97	Special Legislation
97-17	9-1-1 Board Amended	10/20/97	Chapter 5
97-18	Final Plat - Chantilly Village Phase I	11/03/97	Special Legislation
97-19	Health Code: Private Sewage	11/03/97	Chapter 18
97-20	Health Code: Food Sanitation	11/03/97	Chapter 18
97-21	Rezoning - STS Custom Homes, Inc.	11/17/97	Special Legislation
97-22	Rezoning - Pautler & Christian Church	11/17/97	Special Legislation
97-23	Rezoning - Cowell Farms	11/17/97	Special Legislation
97-24	Revised Subdivision Code	11/17/97	Chapter 34
97-25	Minor Subdivision Plat - Lake Lucille	12/01/97	Special Legislation
97-26	Final Plat - Knoke's Addition	12/01/97	Special Legislation
97-27	Budget Appropriation	12/01/97	Special Legislation
97-28	Tax Levy	12/01/97	Special Legislation
97-29	Appropriation for Mental Health	12/01/97	Special Legislation
97-30	Tax Levy for Mental Health	12/01/97	Special Legislation
97-31	Rezoning - Brinkman	12/15/97	Special Legislation
98-01	Final Plat - Bethany Acres	02/02/98	Special Legislation
98-02	Minor Subdivision Plat - Amann Acres	02/17/98	Special Legislation
98-03	Rezoning - Krueger	03/02/98	Special Legislation
98-04	Final Plat - Lake of the Woods II	03/16/98	Special Legislation
98-05	Final Plat - Rolling Meadows III	03/16/98	Special Legislation
98-06	Final Plat - Prairie Lake Meadows I	03/16/98	Special Legislation
98-07	Rezoning - H.R.T. Inc.	04/20/98	Special Legislation
98-08	Communication Support Structures & Antennas	04/20/98	Chapter 41
98-09	Zoning Code Revision	04/20/98	Chapter 40
98-10	Final Plat - Aspen Hills	04/20/98	Special Legislation
98-11	Jail Rental Abatement	05/04/98	Special Legislation
98-12	Final Plat - Delmer Meadows	06/01/98	Special Legislation
98-13	Annex Rental Abatement	06/01/98	Special Legislation
98-14	Courthouse Rental Abatement	06/01/98	Special Legislation
98-15	Communication Tower Approved	06/15/98	Special Legislation
98-16	Cable Television: Charter Comm	06/15/98	Chapter 9
98-17	Final Plat - Co-Op Center	07/06/98	Special Legislation
98-18	Subdivision Code Amended	07/06/98	Chapter 34
98-19	Revised Code Adopted	08/03/98	New Code
98-20	Rezoning: Van de Riet	08/17/98	Special Legislation
98-21	Final Plat - Hanover Pointe	09/08/98	Special Legislation
98-22	Cable TV Franchise - Transfer	10/05/98	Ch. 9; Addendum A
98-23	Budget Appropriation	11/30/98	Special Legislation

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98-24	Tax Levy	11/30/98	Special Legislation
98-25	Final Plat – SRBIJA	12/07/98	Special Legislation
98-26	Appropriation for Mental Health	12/07/98	Special Legislation
98-27	Tax Levy for Mental Health	12/07/98	Special Legislation
98-28	Rezoning – Huebner	12/21/98	Special Legislation
99-01	Final Plat – Oak Wood	02/01/99	Special Legislation
99-02	Minor Sub – Bushy Prairie Est	04/05/99	Special Legislation
99-03	Motor Vehicle: 3-Way Stop	04/19/99	Chapter 24
99-04	Rezoning – Meier	04/19/99	Special Legislation
99-05	Business: Coin-Operated Machines	05/03/99	Chapter 8
99-06	Rezoning – Hawn	06/07/99	Special Legislation
99-07	Motor Vehicle: Speed Zone	07/06/99	Chapter 24
99-08	Administration: Gift Ban	07/12/99	Sec. 1-6-5
99-09	Rezoning – Whelan	08/02/99	Special Legislation
99-10	Coin-Operated Machines Amended	08/02/99	Chapter 8
99-11	Rezoning TIG Trust #1	08/16/99	Special Legislation
99-12	Final Plat – Rosewood Korner	09/07/99	Special Legislation
99-13	Minor Sub – Kohler Estates	09/07/99	Special Legislation
99-14	Zoning Code Revisions	10/04/99	Chapter 40
99-15	Zoning Code	10/18/99	Ord. No. 99-14 Repealed
99-16	Business: Adult Entertainment	10/18/99	Chapter 8
99-17	Zoning Code Content Revisions	10/18/99	Chapter 40
99-18	Stormwater & Erosion Control Code	10/18/99	Chapter 40
99-19	Zoning Code Revisions	10/18/99	Chapter 40
99-20	Rezoning – Sondag	10/18/99	Special Legislation
99-21	Sales Tax Bond	11/01/99	Special Legislation
99-22	Rezoning – Steingrubby & Elliot	11/15/99	Special Legislation
99-23	Animals: Registration Fee	11/15/99	Chapter 3
99-24	Budget Appropriation	12/06/99	Special Legislation
99-25	Tax Levy	12/06/99	Special Legislation
99-26	Appropriation for Mental Health	12/06/99	Special Legislation
99-27	Tax Levy for Mental Health	12/06/99	Special Legislation
00-01	Revised Code of Ordinances	01/03/00	New Code
00-02	Final Plat: Christopher Lake Estates	01/03/00	Special Legislation
00-03	Self Insurance Limited Bonds	01/18/00	Special Legislation
00-04	Rezoning: Mon Co Electric Co-op		Special Legislation
00-05	Final Plat: Country Manor Meadows 1 st Addition	02/22/00	Special Legislation
00-06	Final Plat: Rolling Hills Estates	02/22/00	Special Legislation
00-07	Taxation: Hotel Room Tax	03/20/00	Ch. 36; Art. X
00-08	Motor Vehicles: No Parking Zone	03/20/00	Chapter 24
00-09	Rezoning: Nobbe	04/17/00	Special Legislation
00-10	Rezoning: Lucido – Stonehenge Subd	05/15/00	Special Legislation
00-11	Final Plat: 1 st Addition Rose Wood Korner	05/15/00	Special Legislation
00-12	Final Plat: Schmidt Acres	05/15/00	Special Legislation
00-13	Proposed Tax Levy for Park & Recreation	06/05/00	Special Legislation
00-14	Rezoning: Kelly	07/17/00	Special Legislation
00-15	Rezoning: J.W. Best trustee	07/17/00	Special Legislation
00-16	Rezoning: Cross	07/17/00	Special Legislation
00-17	Motor Vehicles: Bicycle Registration	07/17/00	Chapter 24-8-10

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00-18	Proposed Tax Levy for Nursing Home	07/17/00	Special Legislation
00-19	Subdivision Code	08/07/00	Ch. 34-3-9; 34-5-3; 34-5-4; 34-6-3; 34-6-19; 34-6-20
00-20	Final Lot 2 Steingrubey Park	10/16/00	Special Legislation
00-21	Rezoning: Erickson & Chandler	12/04/00	Special Legislation
00-22	Budget Appropriation	12/04/00	Special Legislation
00-23	Building Code	12/04/00	Chapter 6
00-24	Tax Levy	12/18/00	Special Legislation
00-25	Appropriation for Mental Health	12/18/00	Special Legislation
00-26	Tax Levy for Mental Health	12/18/00	Special Legislation
00-27	Rezoning: May	12/18/00	Special Legislation
01-01	Rezoning: Martinez	03/19/01	Special Legislation
01-02	Rezoning: Village of Maeystown	04/16/01	Special Legislation
01-03	Rezoning: Kurz	07/16/01	Special Legislation
01-04	Rezoning: Dillard	09/17/01	Special Legislation
01-05	Final Plat: Pheasant Run	10/15/01	Special Legislation
01-06	Appropriation Mental Health	12/17/01	Special Legislation
01-07	Tax Levy for Mental Health	12/17/01	Special Legislation
01-08	Budget Appropriation	12/17/01	Special Legislation
01-09	Tax Levy	12/17/01	Special Legislation
01-10	Final Plat: Lemen Settlement	12/17/01	Special Legislation
01-11	Rezoning: Hesterberg	12/17/01	Special Legislation
01-12	Rezoning: Kolmer	12/17/01	Special Legislation
02-01	Rezoning: Cowell	01/07/02	Special Legislation
02-02	Rezoning: Garrett	01/07/02	Special Legislation
02-03	Motor Fuel Tax Bonds	02/04/02	Special Legislation
02-04	Subdivision Code	03/04/02	Chapter 34-6-3
02-05	Final Plat: Country Manor Meadows	03/18/02	Special Legislation
02-06	Final Plat: Hanover Road Tracts	03/18/02	Special Legislation
02-07	Fee Structure Recorder's Office	04/01/02	Chapter 36
02-08	Fee Structure Clerk's Office	04/01/02	Chapter 36
02-09	Fee Structure Sheriff's Office	04/01/02	Chapter 36
02-10	Motor Fuel Tax Bonds	04/01/02	Special Legislation
02-11	Rezoning: Frierdich	04/15/02	Special Legislation
02-12	Offenses: Discharge of Firearms	05/20/02	Chapter 27-4-8
02-13	Rezoning: Posey	05/20/02	Special Legislation
02-14	Vacation Plat: Eagle Lake	05/20/02	Special Legislation
02-15	Access Control: Rogers Street	05/20/02	Special Legislation
02-16	Final Plat: Maeystown Creek Estates	06/03/02	Special Legislation
02-17	Rezoning: Post	06/17/02	Special Legislation
02-18	Vacated Easement: Country Manor Meadows	09/03/02	Special Legislation
02-19	Final Plat: Chantilly Village	09/16/02	Special Legislation
02-20	Approval of N. Market St. Plat	10/07/02	Special Legislation
02-21	Rezoning: Schewe	10/07/02	Special Legislation
02-22	Rezoning: Our Lady of Good Council Church	10/07/02	Special Legislation
02-23	Minor Subd Plat: Cowell Estates	10/21/02	Special Legislation
02-24	Final Plat: Briarwood Estates	11/18/02	Special Legislation
02-25	Budget Appropriation	11/27/02	Special Legislation

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02-26	Tax Levy	11/27/02	Special Legislation
02-27	Appropriation for Mental Health	11/27/02	Special Legislation
02-28	Tax Levy for Mental Health	11/27/02	Special Legislation
02-29	Minor Subd Plat: Outpost Farm	12/16/02	Special Legislation
03-01	Right-of-Way Acquisition	02/03/03	Special Legislation
03-02	Minor Subd Plat: Waters Edge	02/18/03	Special Legislation
03-03	Floodplain Code	03/03/03	Chapter 11
03-04	Zoning Code	03/17/03	Ch. 40-1-9; 40-2-7; 40-2-39; 40-2-53; 40-2-78; 40-2-79; 40-2-80; 40-4-7.1; 40-5-3
03-05	Subdivision Code	03/17/03	Ch. 34-3-21; 34-4-4
03-06	Mon-Randolph Transit District	04/21/03	Ch. 5; Art. VII
03-07	Building Code	04/21/03	Chapter 6-1-2
03-08	Minor Subd Plat: Twin Lakes	06/16/03	Special Legislation
03-09	Rezoning: Brinkmann	07/21/03	Special Legislation
03-10	Subd Plat: Garrett Subdivision	09/15/03	Special Legislation
03-11	Rezoning: Dillenberger	09/15/03	Special Legislation
03-12	Rezoning: Schultheis	11/17/03	Special Legislation
03-13	Rezoning: Baker	11/17/03	Special Legislation
03-14	Budget Appropriation	11/27/03	Special Legislation
03-15	Tax Levy	11/27/03	Special Legislation
03-16	Appropriation Mental Health	12/01/03	Special Legislation
03-17	Tax Levy Mental Health	12/01/03	Special Legislation
03-18	Rezoning: Gasser	12/15/03	Special Legislation
03-19	Rezoning: Carr	12/15/03	Special Legislation
04-01	Motor Vehicles: Speed Zone	01/05/04	Ch. 24; Schd. "C"
04-02	Rezoning: Pisoni, McAlister, Ranley	01/20/04	Special Legislation
04-03	Nursing Home Refunding	02/17/04	Special Legislation
04-04	Subd Plat: Iron Eagle	02/17/04	Special Legislation
04-05	Subd Plat: J-D Business Park	02/17/04	Special Legislation
04-06	Final Subd Plat: Country Manor 1 st Add	03/15/04	Special Legislation
04-07	Final Subd Plat: MS Business Park	04/05/04	Special Legislation
04-08	Final Subd Plat: Hoffmann Homestead	05/03/04	Special Legislation
04-09	Rezoning: Offermann	05/03/04	Special Legislation
04-10	Rezoning: Hawn	05/03/04	Special Legislation
04-11	Administration: Ethics Act	05/17/04	Ch. 1; Art. VII
04-12	Issuance Nursing Home Bonds	05/21/04	Special Legislation
04-13	Final Subd Plat: New Design Plaza	07/06/04	Special Legislation
04-14	Rezoning: Apet Development	07/06/04	Special Legislation
04-15	Rezoning: Huebner	07/19/04	Special Legislation
04-16	Final Subd Plat: Stonehenge Estates	08/02/04	Special Legislation
04-17	Rezoning: Stumpf	08/16/04	Special Legislation
04-18	Issuance of Debt Certificates	08/16/04	Special Legislation
04-19	Rezoning: Morley	10/04/04	Special Legislation
04-20	Budget Appropriation	11/29/04	Special Legislation
04-21	Tax Levy for Co Budget	11/29/04	Special Legislation
04-22	Preliminary Plat Co-Op Business Park	12/06/04	Special Legislation
04-23	Appropriation for Mental Health	12/06/04	Special Legislation
04-24	Tax Levy for Mental Health	12/06/04	Special Legislation
04-25	Building Code	12/20/04	Chapter 6-1-2

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05-01	Private Sewage Disposal System Code	01/03/05	Ch. 18; Art. IV
05-02	Animal Control	03/07/05	Chapter 3
05-03	Final Amended Subd Plat: New Design Plaza	03/21/05	Special Legislation
05-04	Issuance of Debt Certificates	03/21/05	Special Legislation
05-05	Not Used		
05-06	Rezoning: Hawkins	04/18/05	Special Legislation
05-07	Rezoning: Schlotman	05/02/05	Special Legislation
05-08	Public Safety: Mutual Aid Box Alarm Sys	05/16/05	Chapter 30
05-09	Business: Peddlers	07/05/05	Ch. 8; Art. II
05-10	Final Subd Plat: Hanover Estates	07/18/05	Special Legislation
05-11	Vacation of Lots: Eagle Lake Estates	08/01/05	Special Legislation
05-12	Rezoning: Sparwasser	08/15/05	Special Legislation
05-13	Final Plat: St Joe Crossing	08/15/05	Special Legislation
05-14	Final Plat: Oak Valley	10/03/05	Special Legislation
05-15	Final Plat: Schulya Meadows	10/03/05	Special Legislation
05-16	Motor Vehicles: Speed Zone	10/17/05	Ch. 24; Schd. "C"
05-17	Subdivision Code	11/07/05	Ch. 34-3-21; 34-4-4; 34-4-5; 34-5-2; 34-5-3; 34-5-6; 34-5-15; 34-6-3; 34-6-12
05-18	Budget Appropriation	12/05/05	Special Legislation
05-19	Tax Levy	12/05/05	Special Legislation
05-20	Jail Inmate Medical Reimbursements	12/05/05	Special Legislation
05-21	Appropriation Mental Health	12/19/05	Special Legislation
05-22	Tax Levy Mental Health	12/19/05	Special Legislation
06-01	Transfer of Real Estate	02/21/06	Special Legislation
06-02	Animal Control: Administration	03/20/06	Ch. 3; Art. II
06-03	Zoning Map Amendment	04/17/06	Special Legislation
06-04	Zoning	04/17/06	Chapter 40
06-05	Building Regulations: Electrical Standards	05/01/06	Ch. 6; Art. II
06-06	Zoning Map Amendment	07/17/06	Special Legislation
06-07	Acceptance and Approval of Final Plat	09/18/06	Special Legislation
06-08	Subdivision Code	10/02/06	Chapter 34
06-09	Budget	11/30/06	Special Legislation
06-10	Tax Levy	11/30/06	Special Legislation
06-11	Appropriation	12/18/06	Special Legislation
06-12	Tax Levy	12/18/06	Special Legislation
06-13	Acceptance and Approval of Final Plat	12/18/06	Special Legislation
07-01	Building Regulations: Electrical Standards	01/16/07	Ch. 6; Art. II
07-02	Motor Vehicle Code	01/16/07	Chapter 24
07-03	Building Regulations: Building Code	02/05/07	Ch. 6; Art. I
07-04	Zoning Map Amendment	03/19/07	Special Legislation
07-05	Zoning Map Amendment	03/19/07	Special Legislation
07-06	Health Code: Food Sanitation Code	04/16/07	Ch. 18; Art. II
07-07	Health Code: Private Sewage Disposal	04/16/07	Ch. 18; Art. IV
07-08	Zoning Map Amendment	05/07/07	Special Legislation
07-09	Emergency Appropriation	05/07/07	Special Legislation
07-10	Motor Vehicle Code	08/06/07	Chapter 24
07-11	Zoning Map Amendment	08/20/07	Special Legislation
07-12	Acceptance and Approval of Final Plat	11/05/07	Special Legislation
07-14	Tax Levy	11/19/07	Special Legislation

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07-15	Subdivision Code	11/19/07	Chapter 34
07-16	Budget	2007	Special Legislation
07-17	Tax Levy	2007	Special Legislation
07-18	Health Code: Food Sanitation Code	12/17/07	Ch. 18; Art. II
08-01	Zoning Code	04/21/08	Chapter 40
08-02	Public Transportation Grant Application	07/21/08	Special Legislation
08-03	Taxation: Flood Prevention Taxes	09/02/08	Ch. 36; Art. XI
08-04	Zoning Map Amendment	09/15/08	Special Legislation
08-05	Zoning Map Amendment	09/15/08	Special Legislation
08-06	Budget	11/26/08	Special Legislation
08-07	Tax Levy	11/26/08	Special Legislation
08-08	Appropriation	11/26/08	Special Legislation
08-09	Appropriation	12/01/08	Special Legislation
08-10	Tax Levy	12/01/08	Special Legislation
09-01	Offenses: Truancy and Curfew	02/02/09	Ch. 27; Art. V
09-02	Public Transportation Grant Application	06/15/09	Special Legislation
09-03	Mandated Policies: Identity Theft	07/06/09	Chapter 22
09-04	Zoning Map Amendment	07/20/09	Special Legislation
09-05	Bond	08/17/09	Special Legislation
09-06	Bond	08/17/09	Special Legislation
09-07	Budget	11/30/09	Special Legislation
09-08	Tax Levy	11/30/09	Special Legislation
09-09	Appropriation	11/30/09	Special Legislation
10-01	Appropriation	02/16/10	Special Legislation
10-02	Public Transportation Grant Application	04/19/10	Special Legislation
10-03	Motor Vehicle Code	06/21/10	Chapter 24
10-04	Motor Vehicle Code	06/21/10	Chapter 24
10-05	Motor Vehicle Code	06/21/10	Chapter 24
10-06	Motor Vehicle Code	08/16/10	Chapter 24
10-07	Bond	10/04/10	Special Legislation
10-08	Intergovernmental Agreement	10/04/10	Special Legislation
10-09	Appropriation	11/30/10	Special Legislation
10-10	Tax Levy	11/30/10	Special Legislation
11-01	Zoning Map Amendment	03/07/11	Special Legislation
11-02	Zoning Code	03/07/11	Chapter 40
11-03	Public Transportation Grant Application	06/06/11	Special Legislation
11-04	Redistricting of Precincts with County; Precincts and Wards in Waterloos and Columbia	06/28/11	Special Legislation
11-05	Authorization to Execute Lawsuit Documents	07/05/11	Special Legislation
11-06	Zoning Map Amendment	07/18/11	Special Legislation
11-07	Zoning Map Amendment	09/06/11	Special Legislation
11-08	Appropriation	11/29/11	Special Legislation
11-09	Tax Levy	11/29/11	Special Legislation
11-10	Appropriation	12/19/11	Special Legislation
11-11	Tax Levy	12/19/11	Special Legislation
12-01	Zoning Code	02/21/12	Chapter 40
12-02	Zoning Map Amendment	04/16/12	Special Legislation
12-03	Acceptance and Approval of Partial Vacation of Plat	05/07/12	Special Legislation

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12-04	Public Transportation Grant Application	08/06/12	Special Legislation
12-05	Public Safety: Emergency Management Agency	08/06/12	Chapter 30
12-06	Motor Vehicle Code	08/20/12	Chapter 24
12-07	Zoning Code	08/20/12	Chapter 40
12-08	Zoning Map Amendment	10/01/12	Special Legislation
12-09	Building Regulations: Electrical Standards	10/15/12	Ch. 6; Art. II
12-10	Zoning Code	11/05/12	Chapter 40
12-11	Zoning Code	11/19/12	Chapter 40
12-12	Appropriation	11/30/12	Special Legislation
12-13	Tax Levy	11/30/12	Special Legislation
12-14	Appropriation	11/30/12	Special Legislation
12-15	Tax Levy	11/30/12	Special Legislation
12-16	Business: Coin-Operated Machines	12/17/12	Ch. 7; Art. V
12-17	Liquor: Regulations	12/17/12	Ch. 21; Art. III
13-01	Public Transportation Grant Application	05/06/13	Special Legislation
13-02	Zoning Map Amendment	06/17/13	Special Legislation
13-03	Taxation: Circuit Clerk Fees	09/03/13	Ch. 36; Art. IV; Div. II
13-04	Bond	10/07/13	Special Legislation
13-05	Appropriation	11/18/13	Special Legislation
13-06	Tax Levy	11/18/13	Special Legislation
13-07	Bond	11/19/13	Special Legislation
14-01	Zoning Map Amendment	02/18/14	Special Legislation
14-02	Zoning Map Amendment	02/18/14	Special Legislation
14-03	Prevailing Wage	06/02/14	Special Legislation
14-04	Liquor: Licenses	09/02/14	Ch. 21; Art. II
14-05	Boards & Commissions: Public Comment	09/15/14	Ch. 5; Art. VIII
14-06	Zoning Map Amendment	10/20/14	Special Legislation
14-07	Appropriation	11/26/14	Special Legislation
14-08	Tax Levy	11/26/14	Special Legislation
14-09	Appropriation	11/26/14	Special Legislation
14-10	Tax Levy	11/26/14	Special Legislation
15-01	Public Safety: Emergency Management Agency	03/02/15	Ch. 30; Art. I
15-02	Approval of Amended Plat	05/04/15	Special Legislation
15-03	Zoning Map Amendment	06/01/15	Special Legislation
15-04	Zoning Map Amendment	06/01/15	Special Legislation
15-05	Prevailing Wage	08/17/15	Special Legislation
15-06	Taxation: Circuit Clerk Fees	09/08/15	Ch. 36; Art. IV; Div. II
15-07	Bond	09/08/15	Special Legislation
15-08	Appropriation	12/07/15	Special Legislation
15-09	Tax Levy	12/07/15	Special Legislation
15-10	MABAS Agreement	12/07/15	Special Legislation
15-11	Appropriation	12/07/15	Special Legislation
15-12	Tax Levy	12/07/15	Special Legislation
16-01	Plat Approval	03/21/16	Special Legislation
16-02	Motor Vehicle Code	05/16/16	Chapter 24
16-03	Prevailing Wage	06/06/16	Special Legislation
16-04	Building Regulations: Electrical Guidelines	06/20/16	Ch. 6; Art. II
16-05	Zoning Map Amendment	07/18/16	Special Legislation
16-06	Health Code	08/15/16	Chapter 18

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
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16-08	Zoning Map Amendment	10/17/16	Special Legislation
16-09	Appropriation	12/02/16	Special Legislation
16-10	Tax Levy	12/02/16	Special Legislation
16-11	Zoning Map Amendment	12/05/16	Special Legislation
16-12	Appropriation	12/05/16	Special Legislation
16-13	Tax Levy	12/05/16	Special Legislation
16-14	Administration: Expense Reimbursement	12/19/16	Ch. 1; Art. IX
17-01	Motor Vehicle Code: Speed Zone	04/17/17	Chapter 24
17-02	Prevailing Wage	06/05/17	Special Legislation
17-03	Offenses: Cannabis and Drug Paraphernalia	10/02/17	Ch. 27; Art. VI
17-04	Plat Approval	10/02/17	Special Legislation
17-05	Zoning Map Amendment	10/02/17	Special Legislation
17-06	Appropriation	11/20/17	Special Legislation
17-07	Tax Levy	11/20/17	Special Legislation
17-08	Tax Levy	12/04/17	Special Legislation
17-09	Tax Levy	12/04/17	Special Legislation
17-10	Administration: Expense Reimbursement	12/18/17	Ch. 1; Art. IX
17-11	Mandated Policies: Sexual Harassment	12/18/17	Chapter 22
17-12	Taxation: Miscellaneous Fees	12/18/17	Ch. 36; Art. IV
18-01	Taxation: County Clerk's Fees	01/02/18	Chapter 36
18-02	Taxation: Recorder Fees	01/02/18	Chapter 36
18-03	Mandated Policies: Social Security Disclosure	01/16/18	Chapter 22
18-04	Motor Vehicle Code: Speed Zone	02/05/18	Chapter 24
18-05	Zoning: Solar Energy Conversion	02/05/18	Chapter 40
18-06	Zoning Code	02/05/18	Chapter 40
18-07	Taxation: Court Security Fees	02/20/18	Chapter 36
18-08	Zoning: Rezoning	06/04/18	Special Legislation
18-09	Prevailing Wage	06/18/18	Special Legislation
18-10	Approval of Plat	11/05/18	Special Legislation
18-11	Taxation: Recorder's Fees	11/19/18	Chapter 36
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18-13	Tax Levy	11/30/18	Special Legislation
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19-02	Motor Vehicle Code: Speed Zones	07/01/19	Chapter 24
19-03	Taxation: Circuit Clerk Fees	07/01/19	Chapter 36
19-04	Zoning: Wind Energy Moratorium	08/19/19	Chapter 40
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20-01	Zoning: Special Uses	01/21/20	Secs. 40-2-10(II); 40-2-74(R)
20-02	Administration: Salaries	05/18/20	Section 1-8-1
20-03	Tax Levy Reduction	07/06/20	Special Legislation
20-04	Budget/Appropriation	11/24/20	Special Legislation
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20-06	Tax Levy: Mental Health	11/24/20	Special Legislation

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21-02	Zoning: Solar Energy	01/19/21	Secs. 40-4-111 – 40-4-114
21-03	Precincts #22 - #23	06/21/21	Special Legislation
21-04	Zoning Map: Parcel #11-08-300-009	07/05/21	Special Legislation
21-05	Taxation: Cannabis Tax	07/19/21	Secs. 36-11-1 et seq.
21-06	Tax Levy: Reduce Nursing Home	08/02/21	Special Legislation
21-07	Motor Vehicles: Speed Zone	10/04/21	Ch. 24; Schd. "C"
21-08	Motor Vehicles: Speed Zone	10/04/21	Ch. 24; Schd. "C"
21-09	Zoning: Amended	10/04/21	Special Legislation
21-10	Annual Budget	12/03/21	Special Legislation
21-11	Tax Levy	12/03/21	Special Legislation
21-12	Tax Levy: Mental Health	12/03/21	Special Legislation
21-13	Tax Levy: Ambulance	12/03/21	Special Legislation
21-14	Creating New Precincts	2021	Special Legislation
22-01	Zoning: Amend R-1 – R-2	01/18/22	Special Legislation

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EXHIBIT "A"

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL PROVISIONS

DIVISION I - TITLE

1-1-1 **TITLE.** Upon the adoption by the County Board of Commissioners, this County Code is hereby declared to be and shall hereafter constitute the official "**Revised Code of Ordinances of Monroe County**". The Revised Code of Ordinances shall be known and cited as the "**County Code**", and it is hereby published by authority of the County Board and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the State's Attorney, acting for the County Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the section itself when reference is made to this County Code by title in any legal document. **(See 55 ILCS 5/5-29003)**

1-1-2 **ACCEPTANCE.** The County Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the County of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8**. **(See 55 ILCS 5/5-29002)**

1-1-3 **AMENDMENTS.** Any ordinance amending this County Code shall set forth the article, 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 County Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this County Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the County Code on an annual basis.

1-1-4 **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such 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 County Board. The Administrative Assistant to the County Commissioners shall see that the replacement pages are properly inserted in the official copies maintained in the office of the County Commissioners.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the County Commissioners. The Code books, while in actual possession of officials and other interested persons shall be and remain the property of the County of Monroe and shall be returned to the office of the County Commissioners upon termination of office or separation of duties. **(See 55 ILCS 5/5-29008)**

1-1-5 **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the County. Provisions of this Code shall apply to acts performed outside the corporate limits of municipalities and up to the limits prescribed by law and where the law confers power on the County to regulate such particular acts inside the corporate limits of any municipality.

1-1-6 - 1-1-7 **RESERVED.**

DIVISION II - SAVING CLAUSE

1-1-8 **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the County passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal **[subject to the saving clauses contained in the following sections]**, from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the County; and all Special Ordinances. **(See 55 ILCS 5/5-29009)**

1-1-9 **PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-1-10 **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such 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 in any way whatsoever to affect any claim arising under the former ordinance or in any way whatsoever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so 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 such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced 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 subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the County 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 Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any ordinance or provision thereof in force at the time of the adoption of this Code.

1-1-11 SEVERABILITY OF PROVISIONS. Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

1-1-12 COUNTY CLERK'S CERTIFICATE. The County Clerk's Certificate shall be substantially in the following form:

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
)
COUNTY OF MONROE) **ss. COUNTY CLERK'S OFFICE**

I, Jonathan McLean, County Clerk of the **County of Monroe**, do hereby certify that the following **Revised Ordinances of the County of Monroe, State of Illinois of 2022**, published by authority of the County Board of Commissioners were published by the County Board of Commissioners of the **County of Monroe**, approved by the Monroe County Board of Commissioners, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **County of Monroe**, this **19th day of April, 2022**.

**JONATHAN MCLEAN, COUNTY CLERK
COUNTY OF MONROE, ILLINOIS**

(SEAL)

(See 55 ILCS 5/5-29006)

1-1-13 - 1-1-14 RESERVED.

DIVISION III - DEFINITIONS

1-1-15 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT", as used in this Code shall mean a person acting on behalf of another.

"CODE" OR "THIS CODE" shall mean the **"Revised Code of Ordinances of the County of Monroe"**.

"COUNTY", The words "county", or "the county" mean Monroe County, in the State of Illinois.

The words "in the county" or "within the county" mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its powers or other regulatory powers.

"COUNTY BOARD", The words "County Board" or "The County Board of Commissioners" mean the County Board of Commissioners of Monroe County, Illinois.

"COUNTY CHAIRMAN" as used in this Code shall mean the Chairman of the Board of Commissioners of Monroe County.

"FEE" OR "FEES" as used in this Code shall mean a sum of money charged by the County for carrying on of a business, profession or occupation.

"FISCAL YEAR". The "fiscal year" for the County shall begin on **December 1st of each year and end on November 30th of the following year.**

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the County Board annually.

"LICENSE" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAY". The word "may" is permissive.

"MISDEMEANOR" as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the County or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a County Officer or employee by title only, this shall be construed as though followed by the words "of the County" and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated.

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

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of County business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the County shall be set and run at the official time prescribed by this paragraph.

"OPERATOR" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"PLAN COMMISSION" shall mean the Monroe County Planning Commission. **(See Article VI in Chapter 5).**

"RETAILER" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"ROAD DISTRICT". The term "road district" means any road district within the County.

"SHALL". The word "shall" is mandatory and not discretionary.

"STATE" OR "THIS STATE" unless otherwise indicated shall mean the "State of Illinois".

"STREET" shall include roads, alleys, lanes, courts, boulevards, 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 building or land, whether alone or with others.

"WHOLESALE" AND "WHOLESALE DEALER" as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" AND "IN WRITING" 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 such person, or in case he is unable to write, by his proper mark.

1-1-17 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-18 - 1-1-19 RESERVED.

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **One Thousand Dollars (\$1,000.00)** for any **one (1) offense**.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** nor more than **One Thousand Dollars (\$1,000.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

(C) Whoever commits an offense against the County or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the County, is punishable as a principal.

(E) All County ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated.

(See 55 ILCS 5/5-1113)

1-1-21 APPLICATION.

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

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than **one (1) recovery** shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this County Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ARTICLE II - ADMINISTRATION

DIVISION I - COUNTY BOARD RULES

1-2-1 **RULES OF THE BOARD.** The following rules of order and procedures shall govern the deliberations and meetings of the County Board.

(A) **Order of Business.** The order of business shall be as follows:

- (1) Call to order by the Chairman of the Board.
- (2) Roll Call.
- (3) Reading of the minutes of the previous meeting or meetings. (Minutes may be approved upon recommendation of the Board. All corrections to the minutes must be made before approval.) Minutes are to contain motions, reports, and other pertinent information.
- (4) Visitors and Public Comments.*
- (5) Consent agenda.
- (6) Reports and communications for the Chairman and elected and appointed officials of the County.
- (7) Reports of all standing committees (to be in writing and signed by all members who attended the committee meeting).
- (8) Reports of special committees (should be in writing).
- (9) Disposition of bills to be paid.
- (10) Other communications, petitions, resolutions and reports.
- (11) Unfinished business.
- (12) Miscellaneous business.
- (13) New business.
- (14) Vote for adjournment to a certain fixed date, by roll call vote.

* **(See Secs. 1-2-35 and 1-2-36)**

All questions relating to the priority of business shall be decided by the Chair with debate, subject to appeal.

1-2-2 **DUTIES OF PRESIDING OFFICER.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order, subject to appeal. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the meeting room to be cleared. All resolutions or ordinances originating outside of the County Board, shall be directed by the Chairman of the Board.

1-2-3 **DUTIES OF MEMBERS.** While the presiding officer is putting the question, no member shall walk across or out of the meeting room. Every member, shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any member's argument or vote.

1-2-4 **DEBATE.** No member shall speak more than once on the same question, except by consent of the Chairman, and then only after all other members desiring to speak have done so; provided, however, that the proponent of the matter under consideration, shall have the right to open and close debate. No member shall speak longer than **ten (10) minutes** at one time, except by consent of the Board, and in closing debate on any question, as above provided, the speaker shall be limited to **five (5) minutes**, except by special consent of the Chairman.

While a member is speaking, no member shall hold any private discussion.

1-2-5 **PERMISSION TO LEAVE MEETING.** A member wishing to absent himself from the balance of a meeting while the meeting is in session, shall first obtain consent from the Chairman of the Board.

1-2-6 **VISITORS.** No person other than a member of the Board may be given the floor to address the Board after the public comment period unless the Chairman grants that person permission to speak.

1-2-7 **PRESENTATION OF NEW BUSINESS.** When a member wishes to present a communication, petition, resolution, ordinance or other original matter, he shall send it to the desk of the County Board Chairman, who shall read such matter when reached in its proper order on the agenda.

1-2-8 **CALL OF MEMBER TO ORDER.** A member, when called to order, by the Chair, shall thereupon discontinue speaking and the order and ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.

1-2-9 **APPEALS FROM DECISION OF THE CHAIR.** Any member may appeal to the Board for a ruling of the Chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?". If a majority of the members present and voting, vote "No", the decision of the Chair shall be overruled; otherwise it shall be sustained.

1-2-10 **QUESTION OF PERSONAL PRIVILEGE.** The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

1-2-11 **SPECIAL ORDER OF BUSINESS.** Any matter before the Board may be set down as a special order of business at the time certain, if **two-thirds (2/3)** of the members present and voting, vote in the affirmative, but not otherwise.

1-2-12 **VOTING.** Every member who shall be present when a question is stated from the Chair shall vote thereon, unless excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote, except as otherwise provided by law.

1-2-13 **SECONDING OF MOTIONS REQUIRED; WRITTEN MOTIONS.** No motion shall be put or debated in the Board or in the committee unless it be seconded. 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 proposer of the motion shall be entitled to the floor.

1-2-14 **WITHDRAWAL OF MOTIONS.** After a motion or resolution is stated by the Chairman, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before the vote on the motion is announced by the Chairman, by the mover with consent of his second.

1-2-15 **DIVISION OF QUESTIONS.** If any question under consideration contains several distinct propositions, the Board, by a majority of those present and voting, may divide such questions.

1-2-16 **RECORD OF MOTIONS.** In all cases where a resolution or motion is entered in the minutes, the name of the member moving the same shall be entered also.

1-2-17 **TAKING AND ENTERING THE VOTES - EXPLANATIONS OF VOTES NOT PERMITTED.** If any member requires it, the "Yeas" and "Nays" upon any question shall be taken and entered in the minutes, but the yeas and nays shall not be taken unless called for prior to any vote on the questions. When the Clerk has commenced to call the roll for the taking of a vote of yeas and nays, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by answering of yea or nay, as the case may be.

1-2-18 **ANNOUNCEMENT OF CHANGES OF VOTES.** The result of all votes of yeas and nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement, and no vote shall be changed after the vote has been announced by the Chairman.

1-2-19 **PRECEDENCE OF MOTIONS.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order as listed:

- (1) To adjourn or dismiss to a certain day.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous questions.
- (6) To refer or commit.
- (7) To amend.
- (8) To defer or postpone to a certain time.
- (9) To defer or postpone without reference to time.
- (10) To defer or postpone indefinitely.

Numbers 2, 4, and 5 to be decided without debate.

1-2-20 **MOTION TO ADJOURN.** Motion to adjourn the Board meeting shall always be in order, except:

- (1) When a member is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When adjournment was the last preceding motion.
- (4) When the members are voting.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

1-2-21 **PREVIOUS QUESTION.** When the previous question is moved on the main question and seconded, it shall be put in this form: "Shall the main question now be put?". If such motion be carried on further amendment, all further motions and debates shall be excluded, and the question put without delay upon the pending amendments in proper order, and then upon the main question.

1-2-22 **MOTIONS TO LAY ON THE TABLE AND TO TAKE FROM THE TABLE.** A motion to simply lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other conditions, shall be subject to amendment and debate. A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion

or proposition was laid on the table, provided **two-thirds (2/3)** of the members present and voting, vote therefor. A motion to lay any particular motion or proposition on the table, shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table, and neither the main motion nor such other pending question shall be affected thereby.

1-2-23 **INDEFINITE POSTPONEMENT; MOTION TO DEFER OR POSTPONE WITHOUT ANY REFERENCE TO TIME.** When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting. A motion to postpone indefinitely shall not open the main question to debate. A motion to defer or postpone without any reference to time, shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a certain time.

1-2-24 **MOTION TO REFER.** A motion to refer to a certain committee shall take precedence over a similar motion to refer to a special committee.

1-2-25 **MOTION TO AMEND.** A motion to amend shall be in order, but one to amend an amendment to an amendment shall not be entertained. An amendment modifying the intention of a motion shall be in order, but an amendment relating to another subject shall not be in order. On an amendment to strike out and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read. An amendment to the main question or other pending question may be referred to a committee, and neither the main question, nor such other pending question shall be affected thereby.

1-2-26 **FILLING OF BLANKS.** When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

1-2-27 **MOTION TO SUBSTITUTE.** A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that at such time, further amendment is admissible, and, if accepted by the Board by a vote, shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

1-2-28 **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, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by members 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 a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes are required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

1-2-29 **ADOPTION OF ROBERT'S "RULES OF ORDER REVISED".** The Rules of Parliamentary Practice comprised in the latest published edition of "Robert's Rules of Order Revised" shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board.

1-2-30 **TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES.** These rules may be temporarily suspended by a roll call vote of **two-thirds (2/3)** of the members of the Board present and voting.

1-2-31 **AGENDA.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and same shall be mailed to the members.

1-2-32 **ALTERATIONS TO THE RULES OF THE BOARD.** No alterations shall be made in any of the rules of the Board during the year without consent of **two-thirds (2/3)** of the members of the Board by roll call vote.

Any proposed change in the rules shall be mailed to the Board members, at least **three (3) days** before the meeting at which it is to be presented. All rules shall remain in effect until such time as new rules are adopted by the Board.

1-2-33 **STATE'S ATTORNEY.** The State's Attorney shall be the attorney and legal advisor of the Board in all matters pertaining to the official business of the Board, and he shall consult with and advise the County Board on matters relating to its duties, powers, deliberations and jurisdiction, as provided by law.

1-2-34 **COUNTY CLERK.** The County Clerk shall be the Secretary of the County Board.
(See 55 ILCS 5/3-2013)

1-2-35 **ADDRESSING THE COUNTY BOARD OR ITS COMMITTEES.** Meetings of the County Board shall be conducted in a manner that preserves order and decorum and which allows for the efficient and effective operation of County Board business. As presiding officer, the Chairman of the County Board shall enforce the rules of the County Board and exercise his or her powers and discretions in accordance therewith, with the Revised Code of Ordinances for Monroe County and Illinois law.

(A) Members of the public may address the County Board on matters relevant to topics or issues identified for discussion in a specified County Board meeting's Agenda. Discussion or comment on topics or issues not satisfying said relevancy requirement shall not be permitted.

(B) In order to conserve time and avoid unnecessary delay to the efficient operation of the County Board business, while ensuring that other members of the public are provided an opportunity to address the County Board, each person will be limited to a total of **three (3) minutes** during which to orally present public comments during a County Board meeting. Upon demonstration of necessity, the Chairman of the County Board, in his or her sole and final discretion, may grant supplemental time to address the County Board. A person may only address the County Board one time during each meeting. It is within the sole and final discretion of the Chairman of the County Board to discontinue the person's commentary if it is, or becomes, irrelevant or repetitious.

(C) Persons addressing the Board, will refrain from using profane or obscene words or gestures and from making personal, impertinent or slanderous remarks. It is within the sole and final discretion of the Chairman of the County Board to discontinue the person's commentary if it is, or becomes, profane, obscene, personal, impertinent, slanderous or generally disruptive.

(D) Persons may submit further comments or questions in writing or through electronic submission to the County Board.

(E) The same rules and procedures as set forth in paragraphs (A) through (D) above, shall apply to the meetings of any committee of the County Board, with the powers and discretions of the Chairman of the County Board being vested in the Chairman of each County Board committee, respectively.

1-2-36 **AUXILIARY AID OR SERVICE.** The County shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

(A) The County shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the County.

(B) Auxiliary aids and services shall be provided in a timely manner.

(C) Individuals shall notify the County Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "C", Request for Auxiliary Aid(s) and/or Services)**

1-2-37 **SERGEANT AT ARMS.** The Sheriff or his authorized designee shall be the Sergeant at Arms at the Board meetings. He or she shall carry out all orders and instructions of the Chairman for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[5 ILCS 120/2.06]**

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ARTICLE III - COUNTY BOARD

1-3-1 COUNTY BOARD MEMBERS. The County Board of Commissioners shall be composed of **three (3) Board Members** pursuant to the law and hereinafter shall be referred to as the "County Board." In the event of any vacancy caused by death, resignation, removal or for any other cause, such vacancy shall be filled according to the Statute in such case made and provided. **(55 ILCS 5/2-4006)**

1-3-2 VACANCY. If a vacancy occurs on the County Board, the Chairman of the County Board, with the advice and consent of the County Board, shall, within **sixty (60) days** of the date the vacancy occurs, appoint some person, possessing the qualifications of a Board Member, to serve until the next election of County Board members in the County at which time an election shall be held to fill the vacancy for the unexpired term. **(See 55 ILCS 5/2-3009)**

1-3-3 REGULAR MEETINGS. The Board of County Commissioners shall hold regular sessions for the transaction of the business of the County each year on the **first (1st)** and the **third (3rd) Mondays** of each month; and at such other times as may be provided by law. They may hold special sessions on the call of the Chairman, or any **two (2) members** of the Board, whenever the business of the County requires it. If the meeting falls on a holiday, then meeting shall be held on the next secular day. **(See 55 ILCS 5/2-4002)**

1-3-4 SPECIAL MEETINGS. Special meetings of the Board shall be held only when requested by at least **one-third (1/3)** of the members of the Board or by the Chairman of the County Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception of which the Clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the Board. The Clerk shall also cause notice of such meeting to be published in some newspaper printed in the County and presented to the Clerk of the Board at least **four (4) days** prior to the date of said meeting. **(See 55 ILCS 5/2-1001 and 55 ILCS 5/2-1002)**

1-3-5 ELECTION OF COUNTY BOARD CHAIRMAN. The County Board Chairman shall be elected annually at the **first (1st) December meeting.** **(See 55 ILCS 5/2-4003)**

1-3-6 PRESIDING OFFICER. The Chairman shall preside at all meetings of the Board; in case of absence on his part, the Board shall elect a temporary Chairman by a majority vote of members present.

1-3-7 QUORUM; MAJORITY VOTE. A majority of the County Board members shall constitute a quorum for the transaction of business at any regular or any duly called special meeting, and all questions which shall arise at meetings shall be determined by the vote of the majority of the County Board members present, except as otherwise provided. **(55 ILCS 5/2-4004) (See Section 1-9-3 regarding remote meeting attendance and disaster declarations.)**

1-3-8 APPOINTED OFFICIALS. It is preferred that all persons appointed by the Chairman of the County Board or hired as a Department Head by some other Board be residents of the County and approved by the County Board. All persons appointed by the Chairman or hired as a department head by some other Board shall be approved by the County Board.

1-3-9 **RECORDS.** The County Clerk shall keep and maintain on file all resolution, ordinances, policies and other records adopted by the Board in his office or the Board office.

1-3-10 **EXECUTIVE SECRETARY.** The Chairman, subject to the approval of the Board, may appoint an Executive Secretary to assist him in the handling of the affairs of the County. Compensation shall be as determined by the Board.

1-3-11 **ORDINANCES AND RESOLUTIONS.**

(A) **Ordinances.** The style of all ordinances shall be: "BE IT ORDAINED by the County Board of Commissioners of Monroe County....".

(B) **Resolutions.** The style of all resolutions shall be: "BE IT RESOLVED by the County Board of Commissioners of Monroe County....".

(C) **"Yea" and "Nay" Vote.** The yeas and nays shall be taken upon the passage of all ordinances and resolutions to create any liability against the County, or for the expenditure or appropriation of its money, and in all other cases, at the request of any Commissioner; and such vote shall be entered on the journal of the proceedings, as is provided by statute.

(D) **Distribution.** All ordinances and resolutions amending this "Revised Code of Ordinances" shall be distributed to the Commissioners at least **forty-eight (48) hours** prior to the meeting at which they are to be considered.

(E) **Reading - Approval.** All ordinances and/or resolutions shall be read **one (1) time** at the Board meeting. They shall be considered, unless otherwise provided for, approved by a majority vote of the County Commissioners.

(F) **Record of Ordinances/Resolutions.** The County Clerk shall keep a record of all ordinances and resolutions passed in appropriate books for such purpose.

(G) **Publication.** All ordinances imposing any penalty for a violation thereof or making any appropriation shall be published in pamphlet form and displayed for a reasonable period in the County Clerk's office in the Court House.

1-3-12 **DESIGNATED REPRESENTATIVE OF COUNTY.** The Chairman of the County Board of Commissioners shall be designated as the representative of the County Board at any convention or any out-of-County meeting. The Chairman may select any County official or employee and/or members of the County Board to assist him in the transaction of official County business at such convention or meeting.

Any Board members attending meetings of any association as a representative of the County is to obtain authorization from the County Board, if the Board member expects to have his expense paid by the County.

1-3-13 **RESIDENCY REQUIRED.** No person shall be eligible to hold office of County Board Commissioner unless he or she is a legal voter and has been a resident of the count for at least **one (1) year** next preceding the election. **(55 ILCS 5/2-4010)**

1-3-14 **ADMINISTERING OATHS.** The Chairman or any member of the Board of Commissioners may administer oaths to persons, concerning any matters submitted to the Board or connected with their powers or duties. **(55 ILCS 5/2-4005)**

1-3-15 **OATH OF COUNTY COMMISSIONERS.** Each member of the Board of County Commissioners shall be commissioned by the Governor, and shall, before entering upon the duties of his office, take and subscribe the following oath, which shall be filed in the office of the County Clerk:

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of county commissioner of Monroe County, according to the best of my ability.

(55 ILCS 5/2-4001)

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ARTICLE IV - GENERALLY

1-4-1 DEPOSITORIES FOR COUNTY FUNDS. The following banks are designated as depositories for all public monies of Monroe County:

Associated Bank 238 N Main Street Columbia, Illinois 62236	First National Bank of Waterloo 228 S Main Street Waterloo, Illinois 62298	FCB Banks 700 Columbia Centre Columbia, IL 62236
Dieterich Bank 115 W Market Street Red Bud, IL 62278	Midlands State Bank 812 N Market Waterloo, IL 62298	Buena Vista National Bank 1309 Swanwick Street Chester, IL 62233
First Bank 218 N Main Street Columbia, IL 62236	Regions Bank 100 Columbia Centre Columbia, IL 62236	Central Bank of St. Louis 285 Southwoods Center Columbia, IL 62236
State Bank of Waterloo 885 N Illinois Rt 3 Waterloo, IL 62298	Reliance Bank 180 Admiral Trost Road Columbia, IL 62236	Illinois Funds PO Box 2088 Springfield, IL 62705
Illinois National Bank 322 E Capitol Avenue Springfield, IL 62701	North County Savings Bank 411 West Market Red Bud, IL 62278	

(Resolution No. 19-146; 12-02-19)

1-4-2 FLAG ADOPTED. The flag as is on file with the County Clerk is hereby designated as the official County Flag.

1-4-3 COUNTY SEAL. The Seal provided by the County Board, shall be circular in form with the words “**County of Monroe Illinois**” in the outer circle, and a picture of a horse-drawn plow in the center.

(55 ILCS 5/3-2008)

1-4-4 APPOINTMENTS BY COUNTY COMMISSIONERS. The terms of employment of the following appointed superintendents of county administrative departments and the services of members of the following boards, commissions, and authorities shall be fixed as follows:

(A)	<u>Boards or Commissions</u>	<u>Term</u>	<u>No. of Members</u>
	9-1-1 Emergency Telephone System Board	4 years	9
	Zoning Board of Appeals	5 years	7
	Baum-Salem Cemetery Trustees	3 years	5
	Board of Health	3 years	4
	Insurance Privacy Officer		
	Public Building Commission	5 years	5
	708 Mental Health Funding Board	4 years	7
	Miles Cemetery	3 years	5
	Nursing Home Advisory Board	2 years	5
	Nursing Home Endowment Association	4 years	7
	Palmier Hill Cemetery Trustees	3 years	5
	Red Cross Advisory Board	N/A	1

ADMINISTRATION 1-4-5

Regional Planning Commission	3 years	22
Road District Commissioners	4 years	10
Road District Clerks	4 years	10
Saint Louis 2004 Board	N/A	1
Southwestern IL Law Enforcement	N/A	3
Southwestern Regional Planning Commission	1 year	3
Southwestern Resource Conservation Council	1 year	2
Water Quality Management	2 years	1
Western Egyptian Economic	N/A	2

(B)	<u>County Officials</u>	<u>Term</u>
	Ambulance Coordinator	1 year
	Animal Control Administrator	1 year
	Emergency Management Agency Coordinator	N/A
	Supervisor of General Assistance	2 years
	County Highway Engineer	6 years
	Mapping and Platting Administrator	1 year
	9-1-1 Emergency Telephone System Coordinator	1 year
	Medical Director of Monroe County Nursing Home	1 year
	Monroe County Nursing Home Administrator	1 year
	Recycling Coordinator	3 years
	Weed Commissioner	N/A
	Zoning Administrator	1 year

(C)	<u>Committees (Special)</u>	<u>Term</u>	<u>No. of Members</u>
	4-H Education Foundation	N/A	1
	Agricultural Area Committee	N/A	5
	East-West Gateway	2 and 4 years	2
	Farmland Assessment Review	3 years	5
	Fire District Trustees	3 years	14
	Fountain Water District	5 years	7
	Greenway Metro-East Plan Rep.	N/A	1
	I.C.I.T. Insurance Rep.	1 year	1
	Levee and Drainage Districts	3 years	15
	Local Emergency Planning Committee	3 years	18
	Lou-Del Lighting and Sanitary District	3 years	3
	Noxious Weed Committee	N/A	12
	Private Industry Council	4 years	1
	Watershed Planning Committee	2 years	8

1-4-5 RESERVED.

1-4-6 BIDDING AND CONTRACT PROCEDURES.

(A) **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Thirty Thousand Dollars (\$30,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Board Members then holding office.

(C) **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the County. The County shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Courthouse.

(D) **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

(E) **Bid Deposits.** When deemed necessary by the County Board bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the County Board. A successful bidder shall forfeit any bid deposit required by the Board upon failure on his part to enter into a contract within **ten (10) days** after the award.

(F) **Bid Opening Procedure.**

(1) **Sealed.** Bids shall be submitted sealed to the County and shall be identified as bids on the envelope.

(2) **Opening.** Bids shall be opened in public at the time and place stated in the public notice.

(3) **Tabulation.** A tabulation of all bids received shall be made by the Board or by a County employee, in which event, a tabulation of the bids shall be furnished to the County Board at its next regular meeting.

(G) **Rejection of Bids.** The County Board shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) **Bidders in Default to County Board.** The County Board shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the County.

(I) **Award of Contract.**

(1) **Authority in County.** The Board shall have the authority to award contracts within the purview of this Section.

(2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the County to accept. In awarding the contract, in addition to price, the Board shall consider:

(a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(d) The quality of the performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(i) The number and scope of conditions attached to the bid.

(3) **Performance Bonds.** The County Board shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the County.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Thirty Thousand Dollars (\$30,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in

normal bidding procedures, may be entered into by the County without observing the bidding procedures prescribed by this Section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the County Board shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) **Cooperative Purchasing.** The County shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the County would be served thereby.

(55 ILCS 5/5-1022)

1-4-7 INTEREST IN CONTRACTS PROHIBITED.

(A) No person holding any office, either by election or appointment under the laws or constitution of this State, may be interested in any manner, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor if they meet the exemption requirements provided in the **Illinois Compiled Statutes, Chapter 50, Paragraph 105/3, et seq.**

1-4-8 CLAIMS.

(A) **Presentation.** All claims against the County for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance must be presented at least **three (3) business days** prior to the County Board meeting. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the County Board from passing on any claims not previously presented to the Board, if, in the opinion of the Board, justice to the claimant requires it.

1-4-9 INSURANCE. The County Board shall have the power to purchase liability insurance covering and insuring all County officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the County officer, employee or elected official may incur. When the insurance has been purchased, the County shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the County officer, employee or elected official.

1-4-10 INDEMNIFICATION. If the County Board elects not to purchase liability insurance covering and insuring County officers, elected officials and employees as provided in **Section 1-4-8** of this Chapter, then the County shall indemnify and cause to defend County officers, elected officials and employees from any claim filed by an individual, partnership or corporation when the elected officials or employees while in the performance of their official duties, except the County shall not indemnify, but shall defend any officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the officer, elected official or employee acted intentionally, maliciously or wantonly and further, shall not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Compiled Statutes**, and the County shall not indemnify any officer, elected official or employee from any claim made by an officer, elected official or employee.

Notwithstanding any other provision of this Code, the County shall not indemnify or cause to defend any officers, elected officials or employees if the officers, elected officials or employees have liability insurance insuring the officers, elected officials or employees from the alleged claim; however, the County shall indemnify the officer, elected official or employee the personal deductible limits of their personal policy.

1-4-11 **ILLINOIS MUNICIPAL RETIREMENT FUND.**
(A) The County does hereby elect to participate in the **Illinois Municipal Retirement Fund.**

(B) **Special Tax.** The County includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the County's cost of participating in the Retirement Fund and appropriate funds therefrom to pay the cost of participation.

1-4-12 **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**
(A) **Eligible employees** shall mean all employees of the County, eligible under the Federal Act.

(B) Withholdings from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations.

1-4-13 **SMOKING PROHIBITED IN COURTHOUSE.** The Monroe County Courthouse Campus, including the parking lots, are hereby declared a tobacco-free property.

1-4-14 **SOLICITORS PROHIBITED.**
(A) It shall be unlawful for any solicitor or canvasser as defined in paragraph (B) of this Section to engage in such business within all County owned buildings, including the courthouse.

(B) A solicitor or canvasser is defined as any individual taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject for such sale or whether he is collecting advance payments on such sales or not.

(C) The Sheriff shall post at each entrance to the buildings a sign stating "No Solicitors or Canvassers". The failure of the Sheriff to post such signs or the absence of such a sign on any occasion shall not affect the validity of this Section.

(D) It shall be the duty of the Sheriff to enforce the provisions of this Section against any person found to be violating the same.

1-4-15 **COURTHOUSE CLOSED; HOURS.** The Monroe County Courthouse and all grounds adjacent thereto, located at 100 South Main Street, Waterloo, Monroe County, Illinois, are closed to the public and entry thereon is prohibited between the hours of **6:00 P.M.** and **6:00 A.M.** each day except for the attendance of governmental or social functions specifically approved by the Monroe County Board of Commissioners or the Monroe County Sheriff.

1-4-16 **DISPOSAL OF COUNTY PROPERTY.** Any county official or department head who wishes to dispose of County property shall submit a list of such items to the County Board for approval.

ARTICLE V - COUNTY OFFICERS

DIVISION I - ZONING ADMINISTRATOR

1-5-1 ZONING ADMINISTRATOR APPOINTED. The County Board of Commissioners shall annually appoint a Zoning Administrator at the December meeting.

1-5-2 DUTIES. The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect in accordance with the powers and duties therein set forth, and in furtherance of such authority, he shall:

(A) Issue all permanent zoning certificates and maintain records thereof.
(B) Issue Zoning certificates of occupancy and make and maintain records thereof.
(C) Issue "**Temporary Certificates of Zoning Compliance**" as authorized by the Zoning Code.

(D) Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and the Flood Plain Code and to notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.

(E) Order the discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to insure compliance with or to prevent violation of the provisions.

(F) Maintain permanent and current records of the Zoning Code, including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances, appeals, and applications therefor.

(G) Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.

(H) Receive, file and forward to the Plan Commission all matters upon which the Plan Commission is required to act upon the Zoning Code. **(See Chapter 5; Article VI)**

(I) Receive, file and forward to the Zoning Board of Appeals all applications for variance, appeals and other matters on which the Board is required to act upon under the Zoning Code.

(J) Keep the County Board advised of zoning activities by written report semi-annually, including statements of permits and certificates issued and orders promulgated.

(K) The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Sheriff in enforcing orders, of the States Attorney in prosecuting violators, and of other County officials and officers.

(L) The Zoning Administrator shall perform such other duties as prescribed by Codes and Laws of the County and as may be specifically assigned to him by the County Board.

1-5-3 DETERMINATION OF FLOOD DANGER. The Zoning Administrator shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.

1-5-4 CONSTRUCTION REQUIREMENTS. The Zoning Administrator, in reviewing all applications for construction in flood hazard locations within the County shall require that any such proposed construction must:

(A) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

(B) Use construction materials and utility equipment that are resistant to flood damage.

- (C) Use construction methods and practices that will minimize flood damage.
- (D) Provide adequate drainage in order to reduce exposure to flood hazards.
- (E) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

1-5-5 RESERVED.

DIVISION II – PUBLIC SAFETY COORDINATOR

1-5-6 EMERGENCY MANAGEMENT AGENCY.

- (A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, a Public Safety Coordinator who shall manage the E.M.A.
- (B) **Salary.** The Coordinator shall receive a salary as established in the annual budget.
- (C) **Duties.** The Coordinator’s duties shall be as are specified in **Chapter 30.**

DIVISION III – ADMINISTRATOR ANIMAL CONTROL

1-5-7 ANIMAL CONTROL ADMINISTRATOR.

- (A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, an Animal Control Administrator.
- (B) **Duties.** The duties are specified in **Chapter 3.**

1-5-8 RESERVED.

DIVISION IV – INSURANCE PRIVACY OFFICER

1-5-9 HEALTH INSURANCE – PRIVACY OFFICIAL APPOINTED. Pursuant to the provisions of the federal law Health Insurance Portability and Accountability Act, the County Board does hereby establish the executive position of Privacy Official to be determined by the County Board.

1-5-10 PURPOSE OF THE POSITION. The Privacy Official shall be responsible for the implementation and development of the required County’s policies and procedures regarding health information privacy.

1-5-11 KNOWLEDGE AND CRITERIA REQUIRED FOR POSITION OF PRIVACY OFFICIAL. The experience and knowledge required of the Privacy Official shall be as follows:

- (A) Fundamental knowledge and understanding of the County’s organizational structure and operations as a unit of government.
- (B) Familiarity with the administration of the County’s Group health benefit plans including vendor relationships.
- (C) Substantive training and experience in law, employee benefits, compliance, administration, health, and/or information technology disciplines.
- (D) Ability to communicate effectively with management, employees, retirees, participants, internal departments, business associates, and other governmental agencies.

(E) Understanding of health information privacy laws and health insurance industry practices.

1-5-12 DUTIES AND RESPONSIBILITIES OF POSITION. The appointed Privacy Official shall be responsible for ensuring that the County’s Group Health Plan is in compliance with the federal law. Those responsibilities shall be as follows:

(A) Periodic health information privacy risk and compliance assessments. These assessments will be conducted annually each April under the direction of the Privacy Official.

(B) Updates and implementation of privacy policies and procedures in response to changing operational, systems, or legal requirements.

(C) Monitoring the County’s overall compliance with its privacy policies and procedures.

(D) Review of systems and methodology for accounting for disclosures of personal health insurance (other than treatment payment and health care operations).

(E) Coordinate the review of health information privacy-related issues with the County’s legal counsel.

(F) Review of business associates and their agreements on an annual basis to be conducted each April.

(G) Oversight of training programs – detailed and overview training. This includes increasing awareness of employees and retirees regarding efforts to preserve the privacy of individuals health information.

(H) Representation of County’s information privacy interest before the appropriate external parties (state or local government, etc.)

(I) Administration of procedures for compliance with the rights of individuals under Health Insurance Portability and Accountability Act.

(J) Annual review and updating of notices for compliance with Health Insurance Portability and Accountability Act and the County’s health information privacy policies and procedures.

(K) Monitoring uses and disclosures of personal health insurance within the County for compliance.

(L) Monitoring the adequacy and effectiveness of privacy protections and safeguards in light of technological advances.

(M) Review procedural practices designed to appropriately limit access and disclosure of personal health insurance to the minimum necessary amount needed to accomplish the intended purposes.

(N) Develop sanctions and mitigation policies for breaches of privacy policies and procedures.

(O) Assessing and administering consistent sanctions for failures to comply with privacy policies and procedures by staff and business associates.

(P) Monitoring changes in laws and regulations that may necessitate changes in notices, policies and procedures.

(Q) Coordination of communications with U.S. Department of Health and Human Services or other governmental officials and agencies in compliance reviews or investigations.

1-5-13 DEPUTY PRIVACY OFFICIAL. The County Board Chairman may appoint a Deputy Privacy Official, upon the recommendation of the Privacy Official for a term of **one (1) year**. The powers and duties herein described shall be executed by such Deputy only in absence of the Privacy Official and only when either oral or written direction has been given by the Privacy Official to the Deputy to exercise such power or the County Board Chairman or his Administrator has determined that the Privacy Official is temporarily or permanently incapacitated to perform such functions.

(A) The person so appointed shall be a member of the County’s Personnel and Fringe Benefits staff, who is intimately involved and knowledgeable about the County’s benefit plans.

1-5-14 **ANCILLARY DUTIES OF THE PRIVACY OFFICIAL.** The other duties of the Privacy Official may be delegated to the department's support staff under the direct supervision and authority of the Privacy Official and who remains ultimately responsible.

1-5-15 **FUNDING FOR POSITION.** Financially the additional duties of the Privacy Official shall be funded, if necessary, from the Personnel and Fringe Benefits Department's budget.

1-5-16 **CONSULTANTS.** The Privacy Official shall continue to have access to third-party consultants and legal assistance to provide certain additional expertise when needed.

1-5-17 **EXCEPTIONS TO THIS SECTION.** The Health Insurance Portability and Accountability Act compliance for on-site clinics sponsored by the County Health Department or Mental Health Department, shall be the responsibility of those departments independent of the County Employee Health Plan. Accordingly, it shall be the responsibility of those departments and their boards to appoint Privacy Officials for their departments.

1-5-18 **RESERVED.**

DIVISION V – GENERAL ASSISTANCE SUPERVISOR

1-5-19 **SUPERVISOR OF GENERAL ASSISTANCE.** The County Supervisor of General Assistance shall be filed by an appointment by the Chairman of the Board of Commissioners with the advice and consent of the County Board.

(A) The term of the position of County Supervisor of General Assistance shall be **one (1) year.**

(B) The Supervisor of General Assistance shall be the Department Manager and shall be responsible for maintaining the office of County General Assistance as required by the Illinois Public Aid Code and, as applicable, the regulations of the Illinois Department of Public Aid.

(C) In addition to those responsibilities referenced above, the Supervisor of General Assistance shall submit an annual budget, maintain adequate staff and make all decisions regarding policy within the County Office of General Assistance, subject to review by County Board.

(D) The salary of the Supervisor of General Assistance shall be set by the County Board and reviewed annually.

(E) The appointed Supervisor of General Assistance shall be removed during his term of the position only in accordance with the Illinois Public Aid Code, Ch. 23, Sec. 12-21.10; provided, however, the Chairman of the County Board, with the advice and consent of the County Board, shall have sole discretion to determine whether the Supervisor of General Assistance shall be reappointed to any subsequent term. Notice of either reappointment or intent to appoint someone other than the incumbent shall be provided to the incumbent Supervisor of General Assistance no later than **thirty (30) days** prior to the expiration of the incumbent's term.

ARTICLE VI - FISCAL POLICIES

1-6-1 **DEPOSIT OF FEES.** All fees and other revenue collected by any officer of the County shall be recorded and paid over the County Treasurer, for deposit in the County corporate fund, on a weekly basis.

The County Treasurer shall deposit all fees and revenues in an appropriate financial institution on a daily basis.

1-6-2 **MONTHLY REPORT BY TREASURER.** The County Treasurer's monthly report shall include amounts billed, collected and receivables in the following instances:

- (A) Liquor licenses.
- (B) Highway office billings.
- (C) Zoning fees.
- (D) Housing of prisoners.
- (E) Subdivision fees.
- (F) All other fees.

1-6-3 **MONTHLY REPORT BY CLERK.** The County Clerk shall make accounting monthly to the County Board of all special funds maintained by him in the discharge of his duties.

(A) All funds collected by the County Clerk shall be supported by pre-numbered receipts. All receipts shall be accounted for as either deposited, voided or not used.

(B) The County Clerk shall make accounting monthly to the County Board of all funds collected and all receipts issued.

(C) The County Clerk shall make accounting monthly to the County Board of the number of copies made for individuals, organizations and corporations, including the amounts billed, amounts collected and amounts outstanding.

(Ord. No. 92-03; 03-04-91)

ARTICLE VII – EXPENSE REIMBURSEMENT

1-7-1 DEFINITIONS.

- (A) **"Entertainment"** includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place or public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
- (B) **"Public Business"** means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the County of Monroe, Illinois, to carry out the responsibilities of the County of Monroe, Illinois, business.
- (C) **"Travel"** means any expenditure directly incident to official travel by employees and officers of the County of Monroe, Illinois, or by wards or charges of the County of Monroe, Illinois, involving reimbursements to travelers or direct payment to private agencies providing transportation or related services.

1-7-2 PERMITTED EXPENSES. The County shall only reimburse the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

- (A) **Transportation.** The maximum allowable expense for transportation in a personal automobile shall be the current mileage reimbursement rate recommended by the Internal Revenue Service (IRS) on the date of travel for the total number of miles driven. Alternative forms of transportation, including, but not limited to, transportation by air, train, bus, or rental car, may be utilized, but reimbursement shall not exceed the equivalent of transportation in a personal automobile as set forth in this Section. All receipts evidencing alternative forms for transportation utilized shall be itemized.
- (B) **Meals.** The maximum allowable expense for meals incurred, including any taxes and tips expended, shall be **Fifty-Five Dollars (\$55.00)** per diem – with limits as follows – no more than **Ten Dollars (\$10.00)** for breakfast, no more than **Twenty Dollars (\$20.00)** for lunch, and no more than **Twenty-Five Dollars (\$25.00)** for dinner. All receipts evidencing meals incurred shall be itemized, including the date and time incurred. Any expense incurred for meals above the allowable expense shall be at the expense of the employee, unless previously authorized by the County Board of Commissioners.
- (C) Employees will not be reimbursed for any meals that are provided as part of the seminar, training session or conference.
- (D) Employees shall not be reimbursed for meals related to seminars, training sessions or conferences that do not require an overnight stay.
- (E) **Lodging.** The maximum allowable expense for lodging incurred, including any taxes and tips expended, shall be **One Hundred Fifty Dollars (\$150.00)** per diem, and not to exceed a total of **Seven Hundred Fifty Dollars (\$750.00)**. All receipts evidencing lodging incurred shall be itemized.
- (F) Alcohol is specifically excluded from reimbursement.

1-7-3 COMPLETION OF FORM. No reimbursement of travel, meal or lodging expenses incurred by a County employee or officer shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form", attached hereto and made a part hereof, has been submitted and approved by either the applicable Department Head or a member of the County Board. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (**5 ILCS 140/1 et seq.**).

1-7-4 REQUEST FOR EXCESSIVE EXPENSES. Expenses for travel, meals, and lodging of (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under **Section 1-7-2** of this Article or (2) any member of the Board of

Commissioners of the County, may only be approved by roll call vote at an open meeting of the Board of Commissioners. However, in the event of an emergency or other extraordinary circumstances, the Board of Commissioners, may approve more than the maximum allowable expenses set forth above.

1-7-5 ENTERTAINMENT EXPENSE POLICY. The County shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purposes of the program or event, may be reimbursed in accordance with the provisions of this Article.

(Ord. No. 17-10; 12-18-17)

ARTICLE VIII – SALARIES GENERALLY

1-8-1 COUNTY OFFICIALS’ SALARIES. The annual salaries and other terms of compensation for the following County elected officials are established and are to be effective on **December 1st** of each indicated year as follows:

(A) **Elected Officials.**

	12/1/20 – 11/30/21	12/1/21 - 11/30/22	12/1/22 - 11/30/23	12/1/23 - 11/30/24	12/1/24 - 11/30/25	12/1/25 - 11/30/26
Sheriff	\$83,297 Inc. 2%	\$84,963 Inc. 2%				
County Treasurer	77,137 Inc. 2%	78,680 Inc. 2%				
County Clerk/Recorder	77,137 Inc. 2%	78,680 Inc. 2%				
Circuit Clerk	77,137	78,680	\$78,680 Salary Adjusted by C.P.I.	Previous Year Salary Adjusted by C.P.I.	Not Determined	Not Determined
Coroner	34,839	37,339	40,000	40,000+ Salary Adjusted by C.P.I.	Not Determined	Not Determined
County Commissioner	30,294 Inc. 1%	30,597 Inc. 1%	30,903 Inc. 1%	31,212 Inc. 1%		
Supervisor of Assessments	77,137 Inc. 2%	78,680 Inc. 2%				
State’s Attorney						

(B) In addition to the salaries as set forth above, each office holder enumerated above in paragraph (A) shall receive the following benefits from the County during the fiscal years as set forth above:

- (1) Health insurance coverage for the individual office holder only.

The CPI to be used for the annual adjustments effective on *12/1/2022, 12/1/2023, 12/2/2024, and 12/1/2025* are defined as: the CPI (as documented to Monroe County by the Illinois Department of Revenue in January of the relevant year to determine the maximum extension under the Property Tax Extension Limitation Law), except that if the CPI is negative, the salary shall be adjusted by 0%, and if the CPI exceeds 3%, the salary increase shall be capped at 2.99%.

(Ord. No. 2020-02; 05-18-20)

(See 50 ILCS 145/2; 55/ILCS 5/2-3008)

ARTICLE IX – RECORDING CLOSED MEETINGS

1-9-1 RECORDING CLOSED SESSIONS. The County shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the County or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

1-9-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The County Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the County Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the County Board. Each subsidiary public body of the County shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the County Clerk with a copy of such recording. The County Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the County and all subsidiary public bodies of the County.

1-9-3 CLOSED SESSION MINUTES. In addition to the recordings of the closed and executive session as addressed in this Division, the County will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

1-9-4 PROCEDURE FOR RECORDING. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

1-9-5 BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION. The County shall maintain sufficient tapes, batteries and equipment for the County to comply with this Division. The County Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

1-9-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS. At one meeting at least every **six (6) months**, the agenda shall include the item: “Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released.” Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the County find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the “need for confidentiality still exists” as to those minutes. Minutes of closed sessions shall be kept indefinitely.

1-9-7 MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES. The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the County Board. Members of the corporate authorities may listen to the closed session recordings in the presence of the County Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the County Board.

1-9-8 PROCEDURE FOR DESTRUCTION OF RECORDINGS. The County Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (A) The corporate authorities of the County have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (B) More than **eighteen (18) months** have elapsed since the date of the closed session;
- (C) There is no court order requiring the preservation of such recording; and
- (D) The corporate authorities of the County have not passed a motion requiring the preservation of the verbatim recording of that meeting.

ARTICLE X – REMOTE ATTENDANCE POLICY

1-10-1 **PURPOSE.** The purpose of this policy is to allow members of County Board of Commissioners to attend and participate in any open or closed meeting of the Board of Commissioners by audio or video conference as permitted by the Illinois Open Meetings Act, **5 ILCS 120/7**, subject to the rules as set forth in this policy.

1-10-2 **DEFINITIONS.**
 (A) **"Act"** means the Illinois Open Meeting Act, **5 ILCS 120/1 et seq.**
 (B) **"Meeting"** means any open or closed meeting of Monroe County Board of Commissioners subject to the Act.
 (C) **"Qualifying Event"** means: (1) personal illness or disability; (2) employment purposes or business of Randolph County Board of Commissioners; or (3) family or other emergency.
 (D) **"Remote Means"** means video or audio conference.

1-10-3 **RULES FOR REMOTE ATTENDANCE.** A member of the County Board of Commissioners may attend a meeting by remote means if he or she is prevented from physically attending the Meeting due to a Qualifying Event, provided there is compliance with each of the following rules:

- (A) A quorum is physically present at the Meeting;
- (B) The member of the County Board of Commissioners seeking to attend the meeting by remote means has provided written notice to the Clerk that he or she intends to attend the meeting by remote means due to a qualifying event at least **forty-eight (48) hours** in advance of the meeting;
- (C) The members of the County Board of Commissioners physically present at the meeting vote to approve the member’s attendance by remote means;
- (D) The remote means used for attendance is fully functional, so that both the member attending by remote means, the board physically present at the meeting and those in attendance at the meeting can clearly hear all communications;
- (E) The minutes shall reflect the attendance of the member by remote means;
- (F) Every member of the County Board of Commissioners shall identify himself/herself before speaking at meeting where a member is attending by remote means;
- (G) The member attending by remote means shall be permitted to fully participate in the meeting as though he or she were physically present;
- (H) The member attending by remote means shall announce if he or she leaves the meeting and/or returns to the meeting;
- (I) The member attending by remote means shall advise the Board if any other persons are within hearing range of the audio or video conference; and
- (J) The member attending by remote means shall ensure that during closed sessions no unauthorized persons are within hearing range of audio or video conference.
- (K) The remote policies are hereby specified in **Addendums "A" and "B"**.

1-10-4 **APPLICABILITY.** If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

ADDENDUM "A"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

(See also Section 1-10-1)

(A) **Policy Statement.** It is the policy of the County that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the County shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets that following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the County; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

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

(F) **Suspension of Limitations.** During any period that the conditions in **5 ILCS 120/7** requiring or relating to in-person attendance by members of a public body are suspended, whether by legislative action or by executive order, then the conditions of this policy are similarly suspended during said period, including the requirement that a quorum must be physically present. No roll call vote need be taken to approve remote attendance.

ADDENDUM "B"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY
DURING A DISASTER DECLARATION

(A) **Policy Statement.** It is the policy of the County that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection during a disaster declaration, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Conditions.** An open or closed meeting subject to the Open Meetings Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met:

- (1) the Governor of the State of Illinois or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the County is covered by the disaster area;
- (2) the County Board Chairman determines that an in-person meeting or a meeting conducted under this policy is not practical or prudent because of the disaster;
- (3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;
- (4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the County must make alternative arrangements and provide notice pursuant to the policy of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;
- (5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and
- (6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(C) **Notice.** Except in the event of a bona fide emergency, **forty-eight (48) hours'** notice shall be given of a meeting to be held pursuant to this policy. Notice shall be given to all members of the Covered Group, shall be posted on the website of the County, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of the Open Meetings Act. If the County declares a bona fide emergency:

- (1) Notice shall be given pursuant to subsection (a) of Section 2.02 of the Open Meetings Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting;
- (2) The County must comply with the verbatim recording requirements set forth in Section 2.06 of the Open Meetings Act.

(D) **Quorum.** Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this policy is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(E) **Record.** A Covered Group holding open meetings under this policy must also keep a verbatim record of all its meetings in the form of an audio or video recording. Verbatim records made under this paragraph shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06 of the Open Meetings Act.

(F) **Costs.** The County shall bear all costs associated with compliance with this policy.

ADDENDUM "C"

REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: _____

DATE: _____ SIGNED: _____

ADDENDUM "D"

TRAVEL, MEAL, AND LODGING EXPENSE REIMBURSEMENT REQUEST FORM

Before an expense for travel, meals, or lodging may be approved under County of Monroe, Illinois, Ordinance No. _____, the following minimum documentation must first be submitted, in writing, to the Board of Commissioners of the County of Monroe, Illinois:

- 1. The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or office.

Name of the Employee or Officer

Job Title/Office

- 2. The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended. Please attach supporting documentation describing the nature of the official business event or program.

Name of Event or Program

Date(s) of Event or Program

Location of Event or Program

Purpose of Event or Program

- 3. An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred. Please attach either (a) a document explaining the basis for your estimate if expenses have not yet been incurred or (b) receipts if the expenses have already been incurred.

You may also provide such other documentation as would assist the Board of Commissioners of the County of Monroe, Illinois, in considering your request for reimbursement. In the discretion of the Board of Commissioners of the County of Monroe, Illinois, additional documentation relevant to the request for reimbursement may be required prior to action by the Board of Commissioners of the County of Monroe, Illinois, with respect to the reimbursement request.

Employee/Officer Signature

Date

ANIMAL CONTROL

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CHAPTER 3

ANIMAL CONTROL

ARTICLE I – GENERAL PROVISIONS

3-1-1 **SHORT TITLE.** This Chapter shall be known and may be cited as the Animal Control Code. **(See 510 ILCS 5/1)**

3-1-2 **DEFINITIONS.** For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Administrator. "Administrator" means a veterinarian licensed by the State and appointed to direct the County Animal Control Department and to carry out the provisions of this Chapter and State statutes appertaining hereto. **(See 510 ILCS 5/2.10)**

Animal. "Animal" means any non-human, animate being which is endowed with the power of voluntary motion, especially those animals whose females nurse their young (mammals). **(See 510 ILCS 5/2.02)**

Animal Control Warden. "Animal Control Warden" means any person employed by the County and approved by the Board to perform duties as assigned by the Administrator or Sheriff to effectuate this Chapter. **(See 510 ILCS 5/2.03)**

Board. "Board" means the County Board of Monroe County. **(See 510 ILCS 5/2.04)**

Cat. "Cat" means all members of the family Feline.

Confined. "Confined" means the restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. **(See 510 ILCS 5/2.05)**

Confined Under the Observation of a Licensed Veterinarian. Confined to an escape proof building or other enclosure away from other animals and the public and observed daily by the Administrator or another licensed veterinarian.

Dangerous Dog. "Dangerous dog" means any individual dog 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. **(See 510 ILCS 5/15(2))**

Department. "Department" means the Department of Agriculture of the State. **(See 510 ILCS 5/2.06)**

Deputy Administrator. A veterinarian licensed by the State, appointed by the Administrator, and approved by the Board.

Director. "Director" means the Director of the Department of Agriculture of the State, or his duly appointed representative. **(See 510 ILCS 5/2.08)**

Division. The Division of Animal Industries of the State Department of Agriculture.

Dog. "Dog" means all members of the family Canidae. **(See 510 ILCS 5/2.11)**

Domesticated Animals. Those animals that are tame and who live in or near the habitations of man or by habit or special training in association with man.

Escape Proof Building or Other Enclosure. A building or other enclosure of such strength and structure to keep a confined animal away from other animals and the public.

Fur Bearing Animals. Any of the following species: badger, beaver, bobcat, coyote, gray fox, mink, muskrat, opossum, raccoon, red fox, river otter, striped skunk, weasel, woodchuck, wolf, or any other wild animals for which the rabies incubation period is unknown.

Has Been Bitten. "Has been bitten" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(See 510 ILCS 5/2.12)**

Humanely Dispatched. The painless administration of a lethal dose of an agent which shall cause the death of an animal as prescribed in the Journal of the American Veterinary Medical Association, July 1, 1978. Said method shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

In Heat. Showing signs of estrus – a regularly occurring period of sexual excitability in female members of the Canidae and Feline families.

Inoculation Against Rabies. "Inoculation against rabies" means the injection of an anti-rabies vaccine approved by the Department. **(See 510 ILCS 5/2.13)**

Leash. "Leash" means a cord, rope, strap, or chain which shall be of sufficient strength to keep such dog or other animal under control. **(See 510 ILCS 5/2.14)**

Licensed Veterinarian. "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(See 510 ILCS 5/2.15)**

Non-Domestic Animals. (Including but not limited to) lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, hyena or coyote, bear, wolf or any poisonous reptile or constrictors.

Official Health Certificate. A legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, and issued by a licensed veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the U.S. Armed Services, which shows that the dog(s) or cat(s) listed thereon meet the health requirements of the State. The official health certificate shall contain the name and address of the consignor; the name and address of the consignee; an accurate description or identification including age, sex and breed of the dog(s) involved; and shall also indicate the health status of the dog(s), including the date(s) of vaccination(s), type of vaccine, name of manufacturer, serial number, and amount of vaccine administered.

Officially Vaccinated. The inoculation of a dog or cat with a vaccine, administered by a licensed veterinarian by the route and in the amount recommended by the producer of the vaccine and for which a county rabies vaccination tag has been issued and properly recorded on a certificate as prescribed by the Board.

Owner. "Owner" means any person having the right of property in a dog, cat or other animal, or who keeps or harbors a dog, cat or other animal, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog, cat or other domestic animal to remain on or about any premise occupied by him or her. **(See 510 ILCS 5/2.16)**

Person. "Person" means any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. **(See 510 ILCS 5/2.17)**

Pound. "Pound" means any facility approved by the Administrator for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs, cats or other animals. **(See 510 ILCS 5/2.18)**

Program. The Animal Control Program of the County.

Recognized Laboratory. A laboratory operated by the state Department of Agriculture, the state Department of Public Health, any land grant university, or other laboratories approved by the Department of Public Health.

Registration Certificate. "Registration Certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. **(See 510 ILCS 5/2.19)**

Stray. An animal, usually domesticated, for which there is not an owner or apparent owner.

Straying. A dog, cat, or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods.

Wild Animal. An animal which still retains its wild nature and whose habitat is generally the woods and which is untamed and undomesticated, including, but not limited to, a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog, including fur-bearing mammals.

3-1-3 **ANIMAL CONTROL PROGRAM.** The County Board and the Administrator shall create an Animal Control Program pursuant to the Illinois Animal Control Act, **510 ILCS 5/1 et seq.**

ARTICLE II - ADMINISTRATION

3-2-1 ADMINISTRATOR.

(A) **Appointment of Administrator; Removal.** The County Board shall appoint, at its first regular meeting in December of each year, an Animal Control Administrator, who shall be a licensed Illinois veterinarian. The Administrator's duties shall include those prescribed by statutes, this Code, and the Rules and Regulations relating to the Animal Control Act as have been or may hereafter be adopted by the Department of Agriculture of the State of Illinois pursuant to **Illinois Compiled Statutes, Chapter 510, Section 5/1**. The Administrator's salary and expenses shall be established annually by the County Board in the annual budget prior to the appointment. The Administrator may be removed from office by the County Board Chairperson with the advice and consent of the County Board.

(B) **Sheriff Designated as Supervisor of Animal Control Wardens.** The County Board designates the Monroe County Sheriff as supervisor of the Monroe County Animal Control Warden(s) as county employees, the Sheriff is to coordinate with the Administrator to provide Animal Control functions and services as required. The Sheriff shall plan, coordinate and direct Monroe County Employees (animal control wardens) to include but not limited to all the interrelated work activities of employees, evaluate employees, investigate complaints and administer discipline.

3-2-2 PERSONNEL AND FACILITIES. The Board shall provide necessary personnel, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board may enter into contracts or agreements with persons to assist in the operation of the program.

3-2-3 FUNDING. The Board shall be authorized to utilize monies from the County's General Corporate Fund and the Animal Control Fund to carry out the provisions and the intent of this Code. **(See 510 ILCS 5/3)**

3-2-4 AUTHORIZATION FOR REQUIRING REGISTRATION. The Board is authorized by ordinance to require the registration of dogs and may impose an individual animal and litter registration fee. All persons selling dogs or keeping registries of dogs shall cooperate and provide information as required by the Board, including sales, number of litters, and ownership of dogs.

3-2-5 DUTIES.

(A) **Enforcement of Chapter.** The Administrator and the Administrator's deputies and agents and employees of the County Animal Control Department shall enforce and abide by all provisions of this Code.

(B) **Enforcement of State Animal Control Laws.** The Administrator and the Administrator's deputies and agents or employees of the County Animal Control Department shall enforce and abide by all section of the Illinois Animal Control Act and the Illinois Humane Care for Animals Act, including the rules and regulations relating to the same as duly promulgated by the State Department of Agriculture.

(C) **Control and Prevention of Rabies.** It shall be the duty of the Administrator, through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies in the County.

3-2-6 POLICE POWER; COOPERATION OF POLICE DEPARTMENT.

(A) **Police Power.** The Administrator, Deputy Administrators, and Animal Control Wardens are, for the purpose of enforcing this Chapter, clothed with power of police officers in the County and with the County are peace officers in the enforcement of this Chapter, and of the similar

provisions of the State statutes relating to animals and rabies, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or warrants for violations of this Chapter and to execute and serve all warrants and processes issued by any Circuit Court; however, such officers are prohibited from carrying concealed weapons.

(B) **Cooperation of Police Department.** The Sheriff and his deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of this Chapter and the State statutes.

3-2-7 CAUSES FOR REMOVAL OF ADMINISTRATOR FROM OFFICE.

(A) **Notification.** Upon cause, the Administrator shall be informed by the Board as to the reason or reasons which would constitute a basis for removing the Administrator.

(B) **Removal by Board Chairperson.** The Administrator may be removed by the County Board Chairperson with the advice and consent of the County Board after being informed as to the causes which would constitute a basis for his/her removal.

(C) **Appointment of Replacement.** Upon the expiration of his/her term as Administrator, the County Board Chairperson may appoint another person as Administrator or may reappoint the current Administrator for a new term, according to law.

3-2-8 INSPECTIONS; ENTRY. For the purpose of carrying out the provisions of this Chapter and the State Animal Control Act and the State Humane Care for Animals Act, and making inspections hereunder, the Administrator, or his authorized representatives, agents or deputies, or any officer of the law, may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, a vicious dog, or a dog or other animal thought to be infected with rabies. If after request therefore, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Chapter and of the State Animal Control Act.

3-2-9 RESERVED. (Ord. No. 06-02; 03-20-06)

ARTICLE III - IMPOUNDMENT

3-3-1 IMPOUNDMENT OF DOGS RUNNING AT LARGE.

(A) Any dog found running at large, contrary to the provisions of this Chapter, shall be apprehended and impounded by the Animal Control Administrator or his designee. For this purpose, the Administrator may utilize any existing or available public pounds.

(B) Any dog running at large within the County on any public way or public place, or upon the private premises of any person other than those of the keeper of the dog, shall be considered a stray and shall be considered to have been found running at large contrary to the provisions of this Chapter, whenever:

- (1) the dog is not on the premises of its owner or keeper and is not under control by leash or other recognized control methods; or
- (2) the dog does not bear a current rabies inoculation tag as required by this Chapter.

(C) When dogs are apprehended and impounded by the Animal Control Administrator, or his deputies, wardens or agents, he shall give notice to the owner, if known.

(D) The owner shall be entitled to resume possession of any impounded dog on compliance with the provisions of this Chapter, if not already in compliance therewith, and the payment of boarding fees and other charges as determined by the Administrator.

3-3-2 REGISTRATION OF IMPOUNDED DOGS AND CATS. The County Animal Control Department, upon receiving any dog or cat, shall immediately make a complete registry thereof. Such registry should include the sex, breed and color of the animal; the tag number, if available; a notation as to whether the animal is registered; and the owner's name and last known address.

3-3-3 NOTICE OF IMPOUNDMENT.

(A) When dogs are apprehended and impounded by the Administrator, he shall give notice of not less than **seven (7) days** to the owner, if known. Where the owner is unknown, the dog may be humanely dispatched or offered for humane dispatch after **five (5) days**.

(B) Notice shall be mailed to the last known address of the owner. An affidavit or testimony of the Administrator, or his authorized agent, who mails the notice shall be prima facie evidence of the receipt of the notice by the owner of the dog.

3-3-4 REDEMPTION OF IMPOUNDED DOG; CONDITIONS FOR REDEMPTION.

(A) In case the owner of any impounded dog desires to make redemption thereof, he or she may do so on the following conditions:

- (1) Present proof of current rabies inoculation, and registration, if applicable, or
- (2) Pay for the rabies inoculation of the dog, and registration, if applicable, and
- (3) Pay the pound for the board of the dog for the period it was impounded, and
- (4) Pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.

(B) This shall be in addition to any other penalties invoked under state law or statutes and this Chapter.

3-3-5 DOGS NOT REDEEMED. When not redeemed by the owner, a dog which has been impounded for failure to be inoculated and/or registered, in accordance with the provisions of this Chapter or the state Animal Control Act, shall be humanely dispatched, offered for sale or ownership, or otherwise disposed of by the pound as a stray dog in accordance with the laws or ordinance that exist or may hereafter exist.

3-3-6 RELEASE WITHOUT SPAYING OR NEUTERING PROHIBITED. An animal pound or animal shelter shall not release any dog or cat when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering, or the person wishing to gain ownership of an animal prior to the surgical procedures having been performed, shall have executed a written agreement promising to have such service performed within a specified period of time. Failure to fulfill the terms of the agreement shall result in seizure by the Administrator, or the agents thereof, and impoundment of the animal, and any monies which have been deposited shall be forfeited.

3-3-7 HUMANE SOCIETIES EXEMPT. This Chapter shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Chapter and other existing state statutes.

3-3-8 PAYMENT FOR RABIES INOCULATION. Any person purchasing or gaining ownership of an impounded dog, with or without charge or donation, must pay for the rabies inoculation of the dog and registration if applicable.

3-3-9 NOTICE OF PICKING UP OR CONFINING STRAYS TO POUND.
(A) In order to prevent the destruction of lost pets and to provide owners with a central facility through which to locate stray pets, the public pound shall be notified within **twenty-four (24) hours** by any agency, organization or individual picking up or confining a stray animal.
(B) A private organization or individual confining a stray animal may turn the animal over to the public pound or hold the animal for claiming by its owners, but no private individual or organization shall dispose of stray animals by simple killing.
(C) This Section shall not prevent farmers from exercising any right they may have to destroy animals attacking their livestock or poultry.

3-3-10 DOGS AND CATS IN HEAT. The owner of any female dog or cat which is in heat shall not keep, harbor, or otherwise maintain such dog or cat in the unincorporated parts of the County unless the dog or cat is confined in a secure enclosure during the entire period the dog or cat is in heat, except that it shall be lawful for a dog or cat in heat to be walked if the dog or cat remains on a leash and is not permitted to run at large. Any dog or cat in heat which is not so confined will be declared to be a public nuisance and may be apprehended by the County Animal Control Department and the Administrator or his deputies or agents.

ARTICLE IV - REPORTING AND CONFINEMENT AFTER BITING

3-4-1 CONFINEMENT OF ANIMAL AFTER REPORTED BITE. When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator or his authorized representative, shall have that dog or other animal confined under the observation of a licensed veterinarian for a period of **ten (10) days**. The Department may, by regulation, permit the confinement to be reduced to a period of less than **ten (10) days**.

3-4-2 VETERINARIAN TO EXAMINE AND REPORT TO ADMINISTRATOR.

(A) The veterinarian shall report the clinical condition of the dog or other animal immediately with confirmation in writing to the Administrator within **twenty-four (24) hours** after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of the dog or other animal, on appropriate forms approved by the Department.

(B) The Administrator shall notify the attending physician or responsible health agency.

(C) At the end of the confinement period, the veterinarian shall submit a written report to the Administrator advising him of the final disposition of the dog or other animal on appropriate forms approved by the Department.

3-4-3 CONFINEMENT IN OWNER'S HOUSE.

(A) When evidence is presented that the dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of **ten (10) days**, if the Administrator, or other licensed veterinarian, adjudges such confinement satisfactory.

(B) The Department may, by regulation, permit such confinement to be reduced to a period of less than **ten (10) days**.

3-4-4 POST-CONFINEMENT EXAMINATION. At the end of the confinement period, the dog or other animal shall be examined by the Administrator, or another licensed veterinarian.

3-4-5 NONCOMPLIANCE; VIOLATIONS.

(A) **Mandatory Notification.** It is a violation of this Article, as well as state law, for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly.

(B) **Unlawful Acts.** It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator, or his authorized representative.

(C) **Mandatory Compliance with Instructions.** It is a violation of this Article and state law for the owner of the dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of the dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of the dog or other animal was notified of his responsibilities.

(D) **Incurred Expenses.** Any expense incurred in the handling of any dog or other animal under this subchapter shall be borne by the owner.

3-4-6 CONFINEMENT PERIOD FOR ANIMAL WHICH HAS BITTEN A PERSON.

(A) This subchapter provides that, when approved by the Administrator or his authorized representative, the confinement period for an animal which has bitten a person may be reduced to less than **ten (10) days** following a bite when:

- (1) It is deemed advisable for humane reasons, i.e., injury or disease conditions; or
- (2) The animal inflicting the bite had been maintained in a controlled environment in a research institution for a period of at least **six (6) months**, or for the life of the animal; or
- (3) A physician indicates in writing the post-exposure anti-rabies treatments may endanger the life of the person bitten; or
- (4) Written permission is obtained from the owner of the biting animal; or
- (5) The animal is deemed to be a stray by the Administrator.

(B) When the animal is confined for a period of less than **ten (10) days**, it shall be euthanized at the end of the confinement period and the brain submitted direct to a recognized laboratory for rabies examination. It shall be the responsibility of the person requesting the reduced confinement period to assure that the brain is transported without delay, to a recognized laboratory so it will arrive in a satisfactory condition for rabies examination.

3-4-7 BITE REPORTING AND INVESTIGATION.

(A) It shall be a violation of this subchapter for any medical or law enforcement personnel, or any other person knowing that a person has been bitten by an animal or having reason to believe that the wet saliva has come into direct contact with fresh, open, or raw preexistent abrasions or mucous membranes, to refuse or fail to notify the County Animal Control Department immediately. For the purposes of this Section, "immediately" means by telephone, in person, or by other than use of the mail.

(B) Upon receiving a bite report, the County Animal Control Department shall record all pertinent information on a standardized form. Records should show that after a bite report is received, it has been investigated and, if possible, the biting animal confined. Investigation may include contact with the person bitten, the parent or guardian of a minor, the attending physician, the veterinarian, and any other appropriate source in order to coordinate information, refer patients and recommend treatment.

(C) The County Animal Control Department will, upon request, take appropriate measures to assist municipalities in the apprehension of biting animals.

ARTICLE V – VICIOUS AND DANGEROUS DOGS

3-5-1 ENFORCEMENT AND AUTHORIZATION.

- (A) The County Board, the Administrator and their agents, employees and assigns shall comply with and enforce all provisions of the state Animal Control Act and the applicable regulations duly promulgated by the state Department of Agriculture as pertaining to vicious dogs or other animals.
- (B) The State’s Attorney of the County is specifically authorized by the County Board to file a complaint to enjoin all persons from maintaining or protecting dangerous dogs or animals and the State’s Attorney is specifically directed to abate the same and to enjoin the owner of a dangerous dog or other animal to prevent the animal from leaving the premises of its owner pursuant to law and the aforesaid statute.

3-5-2 DANGEROUS DOGS.

- (A) A *dangerous dog* shall mean a dog as defined in **510 ILCS 5/15(a)(2)**.
- (B) It is unlawful for any person to maintain a public nuisance by permitting any dog or other animal declared dangerous to leave the premises of its owner when not under control by a recognized control method as provided in this Chapter.
- (C) The Administrator is specifically authorized to order the owner of any dog or other animal declared dangerous to comply with one or more of the following as deemed appropriate under the circumstances for the protection of the public:
 - (1) Evaluation of the dog by a certified applied behaviorist, a board-certified veterinary behaviorist, or other recognized expert in the field and completion of training or other such treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subdivision.
 - (2) Direct supervision by a competent adult **eighteen (18) years** of age or older and physically capable of controlling the animal whenever it is on public premises.
 - (3) Neutering or spaying the animal.

3-5-3 CONTROL METHODS FOR DANGEROUS DOGS. The following shall be accepted as recognized control methods for dangerous dogs: Placing an animal within an enclosed automobile, truck, or other vehicle not being used as a public conveyance of humans; or

- (A) Shipping an animal on a public conveyance that is properly confined in a shipping container conspicuously labeled “Dangerous Animal” and constructed of materials in such a manner to prevent the animal from biting other animals or the public; or
- (B) Properly muzzling an animal and placing it on a leash of not more than **three (3) feet** in length and of sufficient strength to keep the animal under control, and held by a competent person capable of controlling the animal; or
- (C) Confining the animal on the premises of the owner in such a manner as to prevent its coming in contact with other animals or the public.

3-5-4 VICIOUS DOGS.

- (A) A *Vicious Dog* shall mean a dog as defined in ***510 ILCS 5/15(a)(1)**. Vicious dog includes any such animal so declared by the animal control administrator of another jurisdiction.
- (B) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are if it is necessary for the owner or keeper to obtain veterinary care for the dog or to comply with the order of a court of competent jurisdiction.
- (C) *Enclosure* means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious

dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

(D) It shall be unlawful for the owner of any animal declared vicious in any jurisdiction to bring such an animal into Monroe County for any purpose other than veterinary care, delivery to Animal Control authorities, humane dispatch, or to comply with the order of a court of competent jurisdiction.

(E) When a vicious dog is outside of an enclosure, it must be securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog. The owner or keeper must be a competent adult **eighteen (18) years** of age or older who is physically capable of controlling the dog.

(F) The Administrator is specifically authorized to order the owner of any dog or other animal declared vicious to have said animal be spayed or neutered within **thirty (30) days** of being so designated.

3-5-5 MICROCHIP IDENTIFICATION OF DANGEROUS AND VICIOUS DOGS.

(A) Any dog, or other animal that has been declared dangerous or vicious by the Administrator shall have a microchip approved by the Administrator implanted. The microchip number shall be registered with the Administrator. The microchip shall be implanted within **thirty (30) days** of the animals designation as dangerous or vicious.

(B) It shall be unlawful for the owner of any dog or other animal declared to be dangerous or vicious to fail to comply with paragraph (A) of this Section.

3-5-6 APPEALS. The owner of a dog that has been declared by the Administrator to be vicious or dangerous may appeal said designation within the statutory time limit to the Circuit Court pursuant to Article III of the Illinois Code of Civil Procedure, **735 ILCS 5/3-101 et seq.**

3-5-7 EXEMPTIONS.

(A) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from the restrictions contained in **Section 3-5-2, 3-5-3 and 3-5-4**, provided the following provisions are met:

- (1) The attack or injury occurred while the dog was performing duties as expected; and
- (2) The dog was and continues to be inoculated against rabies in accordance with the Illinois Animal Control Act and Monroe County Ordinances requiring same.

(B) The owner of any dog exempted under paragraph (A) shall provide the Administrator with a description of the dog, its breed, its name, and any other identifying characteristics requested by the Administrator, and shall further notify the Administrator of any change of address.

(C) The owner of any sentry or guard dog exempted under paragraph (A) shall keep the Administrator advised of the location where the dog will be stationed.

(D) Any dog exempted under paragraph (A), when not under direct control by leash and muzzle or other recognized control methods, shall be confined in such a manner as to prevent it from attacking or injuring any person who is peacefully conducting himself where he lawfully may be.

ARTICLE VI – LIABILITY

3-6-1 LIABILITY OF OWNER OF DOG ATTACKING OR INJURING A PERSON. If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of the dog or other animal is liable in damages to such person for the full amount of the injury sustained.

3-6-2 KILLING OF DOG SEEN TO INJURE, WOUND, OR KILL DOMESTIC ANIMALS. Any owner seeing his sheep, goats, cattle, horses, mules, swine, or poultry being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue and kill the dog.

3-6-3 LIABILITY OF OWNER OF DOG CAUSING DAMAGE TO DOMESTIC ANIMALS. The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or killing any sheep, goats, cattle, horses, mules, poultry or swine belonging to that person.

3-6-4 EXEMPTION FROM LIABILITY. The County Animal Control Department, its agents, representatives, or other persons authorized to enforce the provisions of this Chapter, shall not be held liable for the injury, death, or diseased condition of any dog, cat, or other animal as a consequence of the enforcement of the provisions of this Chapter.

ARTICLE VII – CLAIMS AND REIMBURSEMENT

3-7-1 REIMBURSEMENT PROCEDURE FOR OWNERS OF DOMESTIC ANIMALS KILLED OR INJURED BY DOG.

(A) Any owner having sheep, goats, cattle, horses, mules, swine, or poultry killed or injured by a dog shall, according to the provisions of the state Animal Control Act and upon filing claim and making proper proof, be entitled to receive reimbursement for such losses from the County Animal Control Fund; provided he or she is a resident of this State and such injury or killing is reported to the Administrator within **twenty-four (24) hours** after the injury or killing occurs, and he or she shall have appeared before a member of the County Board and made affidavit stating the number of animals or poultry killed or injured, the amount of damages and the owner of the dog causing the killing or injury, if known. Members of the County Board are authorized to administer oaths in such cases.

(B) The damages referred to in this Section shall be substantiated by the Administrator through prompt investigation and by not less than **two (2)** witnesses who shall be owners or life tenants of real property in the County. The member of the Board shall determine whether the provisions of this Section have been met and shall keep a record in each case of the names of the owners of the animals or poultry, the damages proven, and the number of animals or poultry killed or injured.

(C) The member of the Board shall file a written report with the County Treasurer as to the right of an owner of sheep, goats, cattle, horses, mules, swine, or poultry to be paid out of the Animal Control Fund, and the amount of such damages claimed.

3-7-2 REIMBURSEMENT AMOUNTS.

(A) The County Treasurer shall, on the first Monday in March of each calendar year, pay to the owner of the animals or poultry the amount of damages to which he is entitled. Unless the County Board, by ordinance, establishes a schedule for damages allowed for grade animals or poultry shall not exceed the following amounts:

- (1) For goats killed or injured, **Thirty Dollars (\$30.00)** per head;
- (2) For cattle killed or injured, **Three Hundred Dollars (\$300.00)** per head;
- (3) For horses or mules killed or injured, **Two Hundred Dollars (\$200.00)** per head;
- (4) For swine killed or injured, **Fifty Dollars (\$50.00)** per head;
- (5) For turkeys killed or injured, **Five Dollars (\$5.00)** per head;
- (6) For sheep killed or injured, **Thirty Dollars (\$30.00)** per head; and
- (7) For all poultry other than turkeys, **One Dollar (\$1.00)** per head.

(B) The maximum amounts hereinabove set forth may be increased **three percent (3%)** for animals for which the owner can present a certificate of registry of the appropriate breed association or organization. However, if there is not sufficient money in the portion of the fund set aside to pay all claims for damages in full, then the County Treasurer shall pay to such owner of animals or poultry his pro rata share of the money available.

3-7-3 CLAIMS FOR LOSS OF ANIMALS KILLED OR INJURED BY DOGS.

(A) An owner making claim for loss of animals or poultry killed or injured by dogs shall report the loss to the Administrator within **twenty-four (24) hours** after the loss occurs, shall have not less than **two (2)** witnesses who are freeholders of the County substantiate the loss within **forty-eight (48) hours** after the loss occurs, and shall appear before a member of the County Board within **seven (7) days** after the loss to make affidavit.

(B) The Administrator or the person designated by him shall make an investigation, shall observe the animals in question, and shall visit the site where the animals were killed or injured. If the investigator is not a veterinarian and cannot validate the claim then the Administrator shall examine the animals or poultry and make written report to be filed with the County Treasurer as to the cause of death. If the report does not substantiate loss caused by dogs, the claim shall be denied by the Board.

(C) Applications used in making claims for damages for animals or poultry killed or injured by dogs shall be on forms as prescribed by the Department. Such forms shall include the amount of claim, the amount paid for each claim, the number and kind of animals or poultry killed or injured by dogs, and whether the animals were grade, or crossbred, hybrid, inbred, and purebred animals registered with an appropriate breed association or organization. In the case of animals registered with an appropriate breed association or organization, the owner shall surrender the certificate of registry to the County. A copy of the certificate shall be maintained in the County records and the original certificate of registry shall be immediately forwarded to the appropriate breed association or organization for cancellation. Claim forms shall be available from the Administrator, County Treasurer, Board members, and other county officials designated by the Board.

(D) All costs for the **two (2)** witnesses to substantiate claims for loss of animals or poultry shall be paid by the owner of the animals or poultry. The Administrator or veterinarian requested by the Administrator to examine animals or poultry for which a claim has been made shall be paid from the Animal Control Fund if the loss is determined to be caused by dogs. If the veterinarian determines that the loss is due to some other cause, the cost of his services shall be borne by the claimant.

(E) The County Treasurer shall annually provide the Department an itemized list of claims showing the number and kind of animals or poultry killed or injured by dogs, whether the animals were grade, or crossbred, hybrid, inbred or purebred animals registered with an appropriate breed association or organization, the amount of claim, and the amount paid for each claim. This report shall be submitted not later than **April 1** of each year.

(F) For the purposes of this Chapter, *poultry* means chickens, ducks, and geese, and shall not include domestic rabbits, guinea fowl, peafowl, pigeons, pheasants, quail, and waterfowl covered by the state or federal game codes. Also, for the purpose of this Chapter, animals other than goats, cattle, horses, mules, swine, sheep, and poultry as defined in this Article, even though kept in captivity, are not eligible for payment under this Article.

3-7-4 PAYMENT TO OWNER NOT A BAR TO ACTION FOR DAMAGES. The payment to any owner of sheep, goats, cattle, horses, mules, swine, or poultry of monies out of the Animal Control Fund for damages resulting from loss or injury to any of these animals, shall not be a bar to action by the owner against the owner of the dog committing such injury or causing the loss for the recovery of damages therefore. The Court or jury, before which the action is tried, shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in the action by the County Treasurer, and in case the plaintiff in the action recovers damages, the Court shall enter judgment against the defendant, in the name of the plaintiff for the use of the County, for the amount which the plaintiff has received on account of the damages from the County Treasurer, and the residue of the recovery, if any there be, shall be entered in the name of the plaintiff in the action to his own use. If the amount of the recovery in the action shall not equal the amount previously paid the plaintiff on account of damages by the County Treasurer, then the judgment shall be entered as heretofore stated for the use of the Animal Control Fund, for the full amount of the recovery. The judgment shall show on its face what portion of the judgment is to be paid to the Animal Control Fund, and what portion is to be paid to the plaintiff in the action, and the judgment when collected shall be paid over to the parties entitled thereto in their proper proportions.

ARTICLE VIII - RABIES AND RABIES VACCINATIONS**3-8-1 GENERAL GOVERNMENT POWERS IN PREVENTION OF SPREAD OF RABIES.**

(A) Whenever a case of rabies has occurred in the locality, or when the proper officials of a government unit are apprehensive of the spread of rabies, the State Department of Agriculture and the County Animal Control Department shall act to prevent its spread among dogs and other animals. The Department of Agriculture may order:

- (1) that all dogs or other animals in the locality be:
 - (a) kept confined within an enclosure, or
 - (b) kept muzzled and restrained by a leash.
- (2) that all owners or keepers of dogs or other animals take prophylactic measures as it deems necessary to prevent the spread of rabies. The Administrator and the County Animal Control Department shall assist in the implementation and enforcement of the aforesaid orders.
- (3) other measures as may be necessary to control the spread of rabies.

(B) The County Animal Control Department or the Administrator may also determine the area of the locality in which, and the period of time during which, such orders shall be effective.

3-8-2 INOCULATION AGAINST RABIES REQUIRED ANNUALLY, TAGS TO BE ISSUED. Every owner of a dog **four (4)** or more months of age shall cause the dog to be inoculated against rabies by a licensed veterinarian each year. New state residents owning or keeping a dog **four (4)** or more months of age shall register the dog within **thirty (30) days** after establishing residence in the County. Evidence of the rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog or cat inoculated against rabies.

3-8-3 SALE AND DISTRIBUTION OF VACCINE. Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Department.

3-8-4 VACCINATION TAGS PROVIDED BY COUNTY; RESPONSIBILITY FOR EACH TAG ISSUED.

(A) Rabies vaccination tags for dogs shall be furnished by the County. The Administrator or other county official designated by the Board shall record the name and address of each person to whom rabies vaccination tags are issued and the serial numbers of the tags issued. The person receiving the tags shall be held accountable for each tag, and shall return all unused tags upon their expiration. If that person fails to account for each tag, or refuses to return unused tags, the County may withhold issuance of additional tags to that person.

(B) The rabies vaccination tag shall be attached to a collar or harness and worn at all times by the dog for which the certificate and tag have been issued, except when such dog is confined.

3-8-5 VACCINATION TAGS HONORED IN ALL COUNTIES.

(A) A rabies vaccination tag and certificate shall be honored until expiration when ownership of a dog is transferred into the County while the dog is in transit, or if the owner has established residence in another county.

(B) Dogs inoculated against rabies prior to entry into the State shall be recognized as officially vaccinated if the Administrator is presented evidence that such inoculation was administered by a licensed veterinarian. The evidence shall include the date(s) of vaccination(s), type of vaccine, name of manufacturer, serial number, and amount of vaccine administered.

3-8-6 RECOGNIZED IMMUNITY PERIOD. The provisions of the State Animal Control Act as to the recognized immunity period of animal rabies vaccines, as well as the sections concerning rabid animal procedures for revaccination, confinement or destruction shall be the same and are hereby declared to be made part of this Chapter by reference and the Administrator shall enforce the statute, as well as the rules and regulations of the State Department of Agriculture appertaining thereto.

3-8-7 DOGS EXHIBITING SIGNS OF RABIES. The owner of any dog or other animal which exhibits clinical signs or rabies, whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator, and shall promptly confine the dog or other animal, or have it confined, under suitable observation, for a period of at least **ten (10) days**, unless officially authorized by the Administrator, in writing, to release it sooner. Any dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the Administrator.

3-8-8 UNVACCINATED IMPOUNDED DOG. Pursuant to **510 ILCS 5/10(b)**, an owner redeeming an unvaccinated impounded dog **four (4)** or more months of age, or any person taking ownership of such a dog as provided under **510 ILCS 5/11**, shall cause that dog to be officially vaccinated against rabies within **five (5) days** after the dog is removed from the pound.

3-8-9 BITING ANIMAL CONSIDERED OFFICIALLY VACCINATED. A biting animal shall, for confinement purposes as set forth in **510 ILCS 5/13** and this Chapter, be considered officially vaccinated against rabies if:

(A) the initial rabies vaccination was completed at least **thirty (30) days** prior to the biting incident; or

(B) the biting animal shall have been previously immunized against rabies and the biting incident occurred within the recognized immunization period for the vaccine used.

3-8-10 BRAINS OF SUSPECT ANIMALS TO BE SUBMITTED FOR EXAMINATION. The brains of all dogs or other animals which are suspected of having rabies or the brains from animals which have bitten a person or other animal and die during the period of observation shall be promptly and properly submitted to a recognized laboratory for rabies examination. It shall be the responsibility of the person who has the biting animal confined under his observation to see that the brain is properly submitted to the laboratory without delay. There is no observation period for wild animals so their brains shall be submitted immediately for rabies examination.

3-8-11 BITING ANIMAL NOT INOCULATED AGAINST RABIES. If an owner of a dog **four (4)** or more months of age cannot furnish evidence that the dog is currently inoculated against rabies, and the dog has bitten any person, this shall constitute prima facie evidence that the owner is in violation of this Chapter.

3-8-12 WILD ANIMALS. The efficacy of rabies vaccine for fur-bearing mammals and wild animals has not been established. Therefore, there is no observation period with regard to these

animals. When a fur-bearing mammal or wild animal bites a person, dog, cat, or other animal, it should be immediately and humanely dispatched and its brain shall be submitted to the Administrator, his agents, or a recognized laboratory for rabies examination.

3-8-13 **NON-DOMESTIC ANIMALS.** No person, business, association or corporation shall keep a non-domestic animal in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

ARTICLE IX – DISPOSAL/DESTRUCTION FOR HUMANE REASONS

3-9-1

DESTRUCTION OF ANIMALS FOR HUMANE REASONS.

(A)
determined:

When, in the judgment of the Administrator or his authorized representative, it is

- (1) that an animal, at the scene of an accident, is obviously injured beyond medical help; or
- (2) that an animal presented to the County animal control shelter is:
 - (a) obviously injured beyond medical help; or
 - (b) carries an infectious disease which would threaten the lives of other animals housed therein; or
 - (c) is in a state of cachexia from obvious incurable malignancy; such animal may immediately humanely dispatched without regard to any time limitations otherwise established herein.

(B) A report should be made by the Administrator after any such action. A copy of the report should be kept on file for a reasonable period of time thereafter.

3-9-2

DISPOSAL OF UNWANTED ANIMALS.

Any owner may relinquish his/her animal to the Rabies Control Pound for humane dispatch or the granting of ownership to another by a recognized humane society. The Board may establish a fee for such disposal.

ARTICLE X – CRUELTY TO ANIMALS

3-10-1 ANIMAL TREATMENT.

(A) No person shall cruelly treat, inhumanely kill or cause to be cruelly treated or inhumanely killed or knowingly allow to be cruelly treated or inhumanely killed, any animal by beating, torturing, mutilating, starving or overworking either his own dog, cat or other animal, or an animal belonging to another person.

(B) No person shall unnecessarily fail to provide any animal in his charge, or custody as owner or otherwise, with:

- (1) sufficient quantity of reasonable good quality, wholesome food and water;
- (2) shelter sufficient for the animal to maintain its body heat and functions without drawing upon the necessary constituents of its own body and adequate shelter that minimizes the potential for overheating;
- (3) veterinary care when reasonably needed to prevent suffering; and
- (4) humane care and treatment.

(C) No person or owner may beat, cruelly treat, torment, starve, overwork, or otherwise abuse any animal. No person may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure. The County Board, the Administrator, and their agents, employees and assigns shall comply with and enforce all provisions of the state Humane Care for Animals Act. **(510 ILCS 70/1 et seq.)**

(D) The State's Attorney of the County is specifically authorized by the County Board to file a complaint to enjoin all persons from inhumanely or cruelly treating animals and is specifically directed to abate the same and to enjoin the owner from continuing to perpetrate such treatment by the owner, pursuant to law and the aforesaid statute.

3-10-2 ANIMAL FIGHTING.

(A) No person may own, operate, manage, maintain, charge admission to or be present at any place used for the purpose of fighting or attempting to fight any bull, dog, cock or other animal.

(B) Upon receiving a complaint of suspected violation of these provisions, the Administrator or his agents and deputies may, for the purpose of investigating the allegations of the complaint, enter during normal business hours, upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or Court order. Institutions operating under federal license to conduct laboratory experimentation, utilizing animals for research or medical purposes are, however, exempt from the provisions of this Section. The State's Attorney and law enforcement officials shall provide assistance as may be required in the conduct of investigations.

3-10-3 NONCOMPLIANCE.

(A) If an investigation under this Article discloses that a violation of this Article has been committed, the Administrator or his agents or deputies shall furnish the violator, if known, with a notice of apparent violation, and state what action is necessary to come into compliance with this Article, and that a maximum of **forty-eight (48) hours** may be granted in which to take corrective action for compliance. If the violator is still unknown after an attempt to identify ownership or if a review of facts gathered by the Administrator indicates a violation of this Article has occurred, and the violator, if known, has failed or refused to take corrective action, the animal or animals may be impounded by the Administrator provided that a notice of impoundment be given to the owner, in person, or sent by certified mail. The notice of impoundment shall include the following:

- (1) an animal report number;
- (2) a listing of deficiencies noted;
- (3) an accurate description of the animal or animals involved;

- (4) the date on which the animal or animals were impounded;
- (5) the signature of the Rabies Control Department representative; and
- (6) a statement that "the violator may request a hearing to appeal the impoundment".

(B) A person desiring a hearing shall contact the County Animal Control Department within **seven (7) days** from the date of impoundment, and the County Animal Control Department will hold an administrative hearing within **seven (7) days** after receiving a request to appeal the impoundment. If the hearing cannot be held prior to the expiration of the **seven (7) day** impoundment period, the County Animal Control Department cannot sell, offer for ownership or dispose of the animal or animals until a final decision is rendered and all of the appeal processes have expired.

(C) Any expense incurred in such impoundment becomes a lien on the animal and must be discharged before the animal is released from the County Animal Control Department.

ARTICLE XI – FEES AND THE ANIMAL CONTROL FUND

3-11-1 **AUTHORITY TO REQUIRE FEES.** The County Board, pursuant to the authority granted to it by **510 ILCS 5/1 et seq.**, may require a fee for the registration of dogs and other domesticated animals, as they may decide in the future. The Administrator, his agents, deputies and wardens, as well as the employees of the County Animal Control Department, shall carry out the provisions of this Chapter requiring registration of dogs and other domesticated animals and the imposition of the registration fees ordained by resolution of the County Board, as well as any other fees authorized by the State Animal Control Act and Humane Care of Animals Act and implemented by the County Board.

3-11-2 **REMITTANCE OF FEES INTO ANIMAL CONTROL FUND.** All registration fees collected shall be remitted to the County Treasurer, who shall place the monies in an Animal Control Fund. This fund shall be set up by the Treasurer for the purpose of paying costs of the Animal Control Program. All fees collected shall be used for the purpose of paying claims for loss of livestock or poultry as set forth in this Chapter and for the following purposes as established by ordinance of the County Board; funds may be utilized by local health departments or county nurse’s offices for the purchase of human anti-rabies serum, human vaccine, the cost for administration of serum or vaccine, minor medical care, and for paying the cost of stray dog control, impoundment, education on animal control and rabies, and other costs incurred in carrying out the provisions of this Chapter or any county or municipal ordinance concurred in by the Department relating to animal control, except as set forth in this Chapter.

3-11-3 **PENALTIES AND VIOLATIONS.**

(A) Any person violating or aiding in or abetting the violation of any provision of either the State Animal Control Act or this Chapter, or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Chapter, or resisting, obstructing, or impeding the Administrator or any authorized officer in enforcing this Chapter, or refusing to produce for inoculation any dog in his possession not confined at all times to an enclosed area, or who removed a tag from a dog for purposes of destroying or concealing its identity, is guilty of a petty offense for a first or second offense and shall be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Dollars (\$200.00)**. For a third and any subsequent offense, the State’s Attorney shall prosecute the violations as misdemeanor offenses against state statutes, being a Class C misdemeanor.

(B) Each day a person fails to comply constitutes a separate offense. The State’s Attorney to whom the Administrator reports any violation of this Chapter or the State Animal Control Act shall cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner provided by law.

- (C) If the owner of a dog subject to enclosure:
- (1) fails to maintain or keep the dog in an enclosure; and
 - (2) the dog inflicts great bodily harm, permanent disfigurement, permanent physical disability upon any other person or causes the death of another person; and
 - (3) the attack is unprovoked in a place where the person is peaceably conducting himself and where the person may lawfully be;

the owner shall be guilty of a violation of this Chapter, as well as a Class A misdemeanor. However, if the owner knowingly allowed the dog to run at large or failed to take steps to keep the dog in an enclosure, then, in that case, the owner shall be guilty of a Class 4 felony. The penalty provided in this Section shall be in addition to any other criminal or civil sanction provided by law.

(Ord. No. 05-02; 01-18-05)

BOARDS - COMMISSIONS

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CHAPTER 5

BOARDS AND COMMISSIONS

ARTICLE I – 9-1-1 BOARD

5-1-1 BOARD ESTABLISHED. An Emergency Telephone System Board is hereby established in accordance with statute and shall be known as the Monroe County Emergency Telephone System Board, hereinafter to be referred to as the "Board". **(See 50 ILCS 750/15.3)**

5-1-2 APPOINTMENT OF BOARD. The Board shall consist of **eleven (11) members** appointed by the Monroe County Board, with the advice and consent of the Emergency Telephone System Board. The members of the Board shall be representative of the whole County, both rural and urban areas located within Monroe County. **One (1)** of whom may be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, **one (1)** of whom may be a member of the County Board, and at least **nine (9)** of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical service providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Members of the Board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. **(See 50 ILCS 750/15.4)**

5-1-3 TERMS OF OFFICE. All terms of office shall be for a period of **four (4) years**. All terms shall be measured from the **first (1st) day of December** of the year of appointment. Vacancies shall be filled for the unexpired term in a similar manner as original appointments.

5-1-4 POWERS AND DUTIES. The Board shall have the power and duty to perform the following functions:

- (A) Planning of an enhanced 9-1-1 System;
- (B) Coordinating and supervising the implementation, upgrading or maintenance of the System, including the establishment of equipment specifications and coding system;
- (C) Receiving money from the surcharge imposed under **50 ILCS 750/15.3**, Emergency Telephone System Act, and from any other source, for deposit into the Emergency Telephone System Fund;
- (D) Authorizing all disbursements from the Emergency Telephone System Fund;
- (E) Hiring any staff necessary for the implementation or upgrade of the system;
- (F) To adopt rules providing for its procedures, organization, and officers;
- (G) In accordance with **50 ILCS 750/15.4**, Emergency Telephone System Act, the Treasurer of Monroe County shall create an Emergency Telephone System Fund in a separate interest bearing account which all money received by the surcharge imposed shall be deposited. No expenditure may be paid from the said Emergency Telephone System Fund except upon the direction of the Board present. Expenditures to be made from the Emergency Telephone System Fund, and the interest accrued thereon, may be made only to be paid for the cost associated with the following:

- (1) The design of the Emergency Telephone System;
- (2) The coding of an initial Master Street Address Guide database, and update and maintenance thereof;
- (3) The repayment of any money advanced for the implementation of the system;
- (4) The charges for automatic number identification and automatic location identification, and maintenance, replacement and update thereof;
- (5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges;

- (6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the Emergency Telephone System and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.
- (7) Other products and services necessary for the implementation, upgrading and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any building or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an Emergency Telephone System do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call. **(See 55 ILCS 5/5-1056 and 50 ILCS 750/15.4 and 15.3)**

5-1-5 MEETINGS OF BOARD. The Board shall prescribe the time and place of the regularly schedule Board meetings and the manner of which special Board meetings may be called. It shall conduct these meetings in accordance with the Illinois Open Meetings Act, and shall keep a journal of its proceedings which shall be made available for public inspection.

5-1-6 REMOVAL OF MEMBER. A member of the Board may be removed by the Monroe County Board, with the advice and consent of the Emergency Telephone System Board, for neglect of duty, for not attending a Board meeting on at least **three (3)** consecutive occasions in any **one (1)** fiscal year (**December 1 through November 30**) without an excused absence, for misconduct and misfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon.

5-1-7 CONFIDENTIAL NATURE OF DOCUMENTS. Any information or data contained in documents furnished by telecommunication carriers to the Board shall be held completely confidential by the members of the Board and its agents or employees.

5-1-8 ANNUAL REPORT. The Board shall annually prepare and submit to the County Board an annual report detailing the income received and disbursements made in the Emergency Telephone System Fund during the fiscal year. The annual report must be published within **thirty (30) days** of the close of the fiscal year and shall be made available for public inspection.

(See 50 ILCS 750/0.01 et seq.)

[See Chapter 33 for Display of Address Numbers]

ARTICLE II - BOARD OF HEALTH

5-2-1 **PURPOSE.** This Board of Health was appointed and operates under the provisions of "An Act in Relation to the Establishment and Maintenance of County and Multiple-County Public Health Departments", also known as the **County Health Department Law**, to oversee the provision of public health services in the county of Monroe in the State of Illinois through the Monroe County Health Department. **(See 55 ILCS 5/5-25001)**

5-2-2 **MEMBERS.** There shall be **eight (8) members** appointed to the Board of Health by the Monroe County Board of Commissioners. Subsequent appointments shall be made for a term of **three (3) years**, excepting the members from the County Board of Commissioners who shall serve for a **one (1) year** term as appointed by the Chairman of the County Board of Commissioners.

5-2-3 **OFFICERS.**

(A) The officers of the Board of Health shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer, and shall be elected annually by the members of the Board of Health.

(B) The duties of the officers of the Board of Health shall be those which are customary for such officers, (See Robert's Rules of Order), and any other duties as shall be set forth in this instrument.

(C) Officers shall be elected for the ensuing year at a Board of Health meeting which shall be held prior to **July 1st** of each year.

(D) Signature authority for all checks shall be vested in the Treasurer and the Public Health Administrator with the Chairman having signature authority as an alternate for either of two mentioned above. All checks shall contain **two (2)** authorized signatures.

5-2-4 **MEETINGS.** The Board of Health:

(A) Shall hold meetings at least quarterly.

(B) May hold special meetings upon written request signed by **two (2) members** of the Board of Health and filed with the Secretary, or on request of the Public Health Administrator.

(C) Members of the Board of Health are required to attend regular meetings of the Board. Absence from **three (3)** consecutive meetings without an excused absence will result in resignation. Members should notify either the Chairman or the Secretary-Treasurer of intended absence. In the event of a member's resignation, the Board of Commissioners from that member's count of residence will appoint a new member to the Board, maintaining the membership composition described in **Article II.**

(D) Notification of all meetings of the Board of Health will be made public in compliance with the "Illinois Open Meetings Act".

5-2-5 **VOTING.** All questions before the Board of Health shall be decided by a majority vote of all members present; however, no meeting shall be accounted as official unless a quorum of the members is present. A quorum is understood to be **five (5) members.**

5-2-6 **DUTIES OF THE BOARD OF HEALTH.** The Board of Health:

(A) Will assure that the Health Department's programs include at least those designated by the Illinois Department of Public Health (IDPH) as 'required' and meet the criteria for approval as set forth in the "Standards for Local Health Departments" issued by the Illinois Department of Public Health.

(B) Will direct the Public Health Administrator to maintain the services of the Home Health Agency in Monroe and Randolph Counties and request certification as such to be continued according to the provisions of the Medicare Act.

(C) Shall employ a staff adequately qualified to carry out the Health Department programs and which, in accordance with established Rules and Regulations, shall meet "The Minimum Qualifications for Personnel Employed by Local Health Departments as Established by the Illinois Department of Public Health", and shall adopt personnel policies which shall be kept in writing and made available to employees.

(D) Shall provide for, or request, adequate financing for Health Department programs and shall adopt fiscal policies which shall be kept in writing.

(E) May enter into contracts with official or nonofficial agencies or individuals for the purchase, sale, or exchange of health services.

(F) Shall employ clerical staff sufficient to aid in the maintenance of proper clinical records on all patients and perform such other secretarial duties as may be necessary.

(G) Shall provide office space and equipment adequate for the needs of the Health Department.

(H) Shall request the County Board of Commissioners in the County to pass ordinances permitting the charging and collecting of such fees as may be necessary to finance selected health services.

(I) Shall appoint a Public Health Administrator as the executive officer of the Health Department, provided that the Board of Health shall make available medical supervision which is considered adequate by the Director of the Illinois Department of Public Health.

(J) Shall, according to the requirements of the County Health Department Act, and within the professional and technical competence of its staff, and the number of staff employed, and with the staff of the Health Department acting as its agent, enforce all State laws pertaining to the preservation of health, and all county and municipal ordinances except as otherwise provided in the County Health Department Act; also, shall enforce all Rules and Regulations promulgated by the Illinois Department of Public Health, by the Monroe County Board of Commissioners or on its own legal authority.

(K) Shall, according to the requirements of the County Health Department Act, recommend, when deemed necessary, to the County Board of Commissioners, the enactment of such ordinances and Rules and Regulations as may be necessary or desirable for the protection of health and control of disease in its jurisdiction.

5-2-7 **FISCAL YEAR.** The fiscal year of the Monroe County Health Department shall run from **December 1** through **November 30**.

5-2-8 **BUDGET AND DISBURSEMENTS.** The Board of Health:

(A) Shall, at the appropriate time prior to the end of the fiscal year, meet and review the Health Department budget for the coming fiscal year proposed by the Public Health Administrator and upon approval, submit the budget to the County Board of Commissioners.

(B) Shall review at each meeting, the fiscal status of the Health Department. The Secretary-Treasurer or Chairman of the Board of Health shall be authorized to review the payroll and all expenditures between meetings.

(C) Shall review salary ranges and increments for the staff members as outlined in the personnel policies.

5-2-9 **ACCOUNTS.** The Board of Health:

(A) Shall direct the Health Department staff to keep a record in the Department headquarters of all receipts and disbursements. This record shall be compared at least annually with the records of the Treasurer of Monroe County.

(B) Shall cause an annual audit to be made of the Health Department accounts. The County Treasurer's annual audit of all accounts, which includes the Health Department, is accepted as the Board of Health's official audit.

5-2-10 ANNUAL REPORT. The Board of Health shall publish, within the period required by State Law, an annual report explaining the health department activities and expenditures for the past year. This report shall be in pamphlet form and shall be for free distribution, which shall include distribution to members of the Board of County Commissioners and the State Health Department.

5-2-11 COMMITTEES. The Chairman of the Board of Health:
(A) Shall, from the Board of Health members, appoint such committees as seem appropriate for the conduct of Board of Health Business.
(B) May appoint Advisory Committees from professional or community groups.
(C) Serves as ex-officio member of all appointed committees.

5-2-12 REIMBURSEMENT FOR EXPENSES OF MEMBERS OF BOARD OF HEALTH.
The members of the Board of Health:
(A) Shall serve without compensation.
(B) May be reimbursed for actual, necessary expense incurred in the performance of their duties, such as attendance at meetings of the Board of Health, committee meetings of the Board of Health or at meetings of the Illinois Association of Boards of Health, in accordance with established policies regarding reimbursement for Health Department staff, and with the approval of the entire Board of Health.

5-2-13 PROPERTY OF THE BOARD OF HEALTH. The Board of Health:
(A) Shall request the executive officer of the Health Department, or the Public Health Administrator, to keep an accurate inventory of all property of the Health Department.
(B) Shall cause property of the Health Department to be adequately protected by insurance.
(C) May require that property of the Health Department destroyed or damaged by carelessness of any employee, be replaced at the expense of the employee, if circumstances justify.

5-2-14 AMENDMENTS TO BY-LAWS. Members of the Board of Health may amend these By-Laws by a vote of **two-thirds (2/3)** of the members present at an official meeting of the Board of Health, provided that a written notice of the proposed changes be sent to each member and to the County Board at least **two (2) weeks** before the meeting at which the By-Laws are to be amended.

ARTICLE III - PUBLIC BUILDING COMMISSION

5-3-1 **PURPOSE.** The construction acquisition or enlargement of certain public buildings or building as may be found to be necessary is hereby declared to be a public need essential to the public interest.

5-3-2 **ESTABLISHED.** A "Public Building Commission" is hereby organized to exercise the powers and authorities prescribed by the "Public Building Commission Act" of Illinois and that such Public Building Commission shall be hereafter known as THE MONROE COUNTY PUBLIC BUILDING COMMISSION. **(See 50 ILCS 20/1)**

5-3-3 **COUNTY CHAIRMAN: IMPLEMENTATION.** The presiding Chairman of the County Board is hereby empowered and authorized to take such other and further action as he or she is empowered and authorized to do by the "Public Building Commission Act"; to implement this Article and to bring such Public Building Commission into being and invest it with the authority as provided by the Public Building Commission Act. **(See 50 ILCS 20/1 et seq.)**

(Ord. No. 75-28; 06-03-75)

ARTICLE IV - MENTAL HEALTH BOARD

5-4-1 **ESTABLISHED.** There is hereby established by the County Board, a Community Mental Health Funding Board in accordance with **Chapter 405, Section 20/3e of the Illinois Compiled Statutes** and shall be hereinafter referred to as the 708 Board.

5-4-2 **COMPOSITION.** The membership of this Board shall consist of **seven (7) members** appointed by the County Board. Ordinarily there shall be **one (1)** Board member from each of the following groups: County Board of Commissioners, Monroe Council for the Handicapped, Medical Society, and the Public Health Department. When appointments to the Board are made, every effort should be made to make the Board representative of the County looking to all criteria such as geography and occupation. **(See 405 ILCS 20/3a)**

5-4-3 **TERM OF OFFICE.** The members shall serve for a period of **four (4) years**. A Board member will be eligible for no more than **two (2)** full consecutive terms. A Board member who has served **two (2)** full consecutive terms must resign from the Board for at least **one (1) year** before he/she would be eligible to be reappointed to the Board. Board members appointed to fill an unexpired term are not to be considered serving a full term. Appointments will be made to become effective **August 1** of each year. **(See 405 ILCS 20/3b)**

5-4-4 **ABSENTEEISM.** Any member of the 708 Board deemed guilty of absenteeism, neglect of duty, misconduct or malfeasance in office, by a vote of the majority of the 708 Board and after being given a written statement of charges and an opportunity to be heard thereon within **thirty (30) days** of notification, may be removed by the appointing officer. The Chairman of the 708 Board, upon the recommendation of the Board, may then recommend that the County Board appoint a new member to serve the unexpired term of the recalled member. Absenteeism in this instance shall consist of non-attendance at **three (3)** consecutive Board meetings without legitimate excuse (illness, vacation, out of community). **(See 405 ILCS 20/3c)**

5-4-5 **EXPENSES.** The expenses incurred by the 708 Board in the performance of duties imposed upon it or its members may be a charge on the governmental unit and shall be paid out of the "708 Community Mental Health Fund". No member shall receive payment, except expenses for service on the Board. **(See 405 ILCS 20/3d)**

5-4-6 **OFFICERS ELECTED.** The officers of the 708 Board shall be a chairman, vice-chairman, secretary and treasurer elected by the membership of the Board.

Officers shall be elected for a full term of **one (1) year**. An officer who has served **four (4)** full consecutive terms must resign from that office for at least **one (1) year** before he/she would be eligible for that office again. Officers elected to fill an unexpired term are not to be considered serving a full term. Officers will be elected at the April meeting. **(See 405 ILCS 20/3e)**

5-4-7 **DUTIES OF OFFICERS.**

(A) **Chairman.** The Chairman shall preside at all meetings of the Board. The Chairman shall be an ex-officio member of all committees and co-signs checks with Treasurer.

(B) **Vice-Chairman.** The Vice-Chairman shall in the absence or incapacity of the Chairman exercise the powers and perform the duties of the Chairman.

(C) **Secretary.** The Secretary or a designated representative shall record the Minutes of all meetings of the 708 Board and shall forward to each member of the Board a copy of the

Minutes of the meeting, together with a notification of the next meeting. The Secretary shall put a notice on the bulletin board in the courthouse to notify the public of Board meetings. No release shall be given in the name of the Board to news media without prior approval of the Chairman. The Secretary will keep a compilation of all official minutes of the Board and Board committees which will be considered a public record.

(D) **Treasurer.** The Treasurer shall oversee the finances of the 708 Board. The Treasurer will be an ex-officio member of all financial committees. The Treasurer will keep books, make financial reports at Board meetings, draw up the Board proposed "Statement of Community Mental Health Fund Tax Levy" and "Appropriation Resolution", and co-sign checks with the Chairman. The Treasurer will see to it that there is an annual budget submitted at least **thirty (30) days** prior to the start of the fiscal year and see to it that the annual budget is published in the County by newspaper prior to the annual meeting. The Treasurer will make available within **sixty (60) days** after the end of the fiscal year for free distribution an annual report showing the condition of the trust, such as income and expense reports. The Treasurer will develop a plan of investment of unexpended funds so that there will be maximum accrual of interest and so that all banks and financial institutions in the County will have equal access to having these funds invested in their institution. The Treasurer will see to it that the Monroe County Treasurer makes available to the 708 Board any and all funds assessed by the Assessor and collected by the Monroe County Treasurer as soon as they are collected. **(See 405 ILCS 20/3e)**

5-4-8 MEETINGS.

(A) **Regular Meetings.** The 708 board shall hold regular meetings at a time and place to be determined by the Chairman of the Board. Meetings must be held at least quarterly. The annual meeting of the Board shall be held in July of each year. All official meetings of the Board shall be open to the public. Members shall not act in the name of the Board without the approval of the Board through the Chairman.

(B) **Special Meetings.** Special meetings may be called upon written request signed by **two (2) members** and filed with the Secretary.

(C) **Quorum.** A quorum shall consist of **four (4)** voting members. The Chairman shall be a voting member.

(D) **Passage or Approval.** Any proposition, in order to be approved, must receive a majority vote of those present.

(E) **Robert's Rules of Order.** The meetings of the Board shall be conducted according to Robert's Rules of Order. **(See 405 ILCS 20/3e)**

5-4-9 FISCAL YEAR. The fiscal year shall be considered to be from **July 1 to June 30** of the following year.

5-4-10 POWERS AND DUTIES. The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain, and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of Monroe County and/or to contract therefor with any private or public entity which provided such facilities and services.

The Board shall have the power:

(A) To review and evaluate community mental health services and facilities.
(B) To provide Comprehensive Mental Health planning which would ordinarily develop **twelve (12) month** or **five (5) year** plans.

(C) To review and make recommendations on all grant applications to State Department of Mental Health and Developmental Disabilities.

(D) To enter into contracts for rendition or operation of services and facilities.

(E) To make rules and regulations concerning the rendition and/or operations of services and facilities funded by the 708 Board.

(F) To employ such personnel as may be necessary to carry out the purposes and to prescribe the duties of such personnel.

(G) To educate the public on mental health.

(H) To perform such other acts as may be necessary or proper to carry out the purposes of the Board consistent with the regulations of the Community Mental Health Act.

(I) To own, sell, rent, lease or purchase real property for purposes consistent with this Act. **(See 405 ILCS 20/3e)**

5-4-11 **COMMITTEES.** The Chairman of the 708 Board may create and dissolve committees as required and prescribe their powers and responsibilities. The Chairman shall appoint committee members provided, however, that no appointment goes into effect if the 708 Board by majority vote opposes the appointment. Non-Board members may serve on any and all board committees. Ordinarily Board committees will be appointed to time-limited tasks and will disband when the task is complete.

5-4-12 **AMENDMENTS.** These By-Laws may be amended at any regular meeting by a **two-thirds (2/3) vote**, provided at least **four (4) members** of the Board approve the recommended changes. Proposed changes shall have been read at least at **one (1)** prior meeting.

5-4-13 **ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within **sixty (60) days** of the close of the fiscal year. **(See 405 ILCS 20/3f)**

5-4-14 **TAX LEVY - COMMUNITY MENTAL HEALTH FUND.** In order to supply the necessary funds or to supplement existing funds for such community mental health facilities and services, including facilities and services for the mentally retarded, the County Board may levy an annual tax of not to exceed **0.15%** upon all taxable property in Monroe County. Such tax, when collected, shall be paid into a special fund to be designated as the "Community Mental Health Fund". The funds shall be used only for purposes specified in this Article and pursuant to the provisions of the Community Mental Health Act. **(See 405 ILCS 5/3-300)**

ARTICLE V - S.I.L.E.C.

5-5-1 **LAW ENFORCEMENT COMMISSION.** The Southwestern Illinois Law Enforcement Commission is designated as the agency to perform local and regional comprehensive law enforcement planning services and activities for the County of Monroe, Illinois.

5-5-2 **APPROPRIATION.** The County Board of Commissioners may, from time to time, appropriate, allocate and direct to be paid to the Southwestern Illinois Law Enforcement Commission certain sums of money as compensation for services and to generally support their continuing efforts for the benefit of the County of Monroe, Illinois and the Southwestern Illinois region.

5-5-3 **MEMBERSHIP.** The County Commissioners shall appoint a member to the policy board of the Southwestern Illinois Law Enforcement Commission. In addition that person shall be a resident from the County of Monroe, Illinois to be selected from a list of qualified and interested individuals prepared by the aforementioned policy board.

The length of the term and other requirements to be governed by the by-laws adopted and approved by the aforementioned policy board for the Southwestern Illinois Law Enforcement Commission.

(1971)

ARTICLE VI - PLANNING COMMISSION

5-6-1 TERRITORY. All territory in Monroe County, shall be and is hereby designated as the Monroe County Region and a planning commission is hereby created and designated as this Monroe County Regional Planning Commission. **(See 55 ILCS 5/5-14001)**

5-6-2 EX-OFFICIO MEMBERS. The following shall be ex-officio members and their terms shall be coterminous with their terms of elected or appointed office. However, the following ex-officio members shall not be entitled to vote on any matters:

- (A) Chairman of the County Board of Commissioners
- (B) County Superintendent of Highways
- (C) County Treasurer
- (D) Chairman of City or Village Planning Commissions
- (E) County Superintendent of Schools
- (F) Zoning Officer
- (G) County Health Director
- (H) State's Attorney
- (I) Natural Resource Conservation Service Representative
- (J) Mapping and Platting Director
- (K) Southwestern Illinois Planning Commission Advisory
- (L) County Sheriff

5-6-3 APPOINTED MEMBERS. The Board of County Commissioners shall appoint **twenty-two (22) members** to the Planning Commission. These members shall be appointed for a term of **three (3) years**. Terms of office shall begin on **January 1st** and extend to the end of their terms of office or until their successor is duly appointed and has qualified. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as the original appointment.

5-6-4 COMPENSATION AND REMOVAL. All members of the Commission shall serve without compensation. A member of the Commission, once qualified, shall not be removed during his term of office except for cause and after a hearing held before the governing body which he was appointed. Members may receive a mileage allowance as prescribed by the County Board. The Secretary shall receive a salary as established by the County Board.

5-6-5 CHAIRMAN. The Commission shall elect a Chairman from its members, and such other officers as it may determine. The terms of the Chairman and other officers shall be for **one (1) year**, with eligibility for re-election.

5-6-6 MEETINGS. The Commission shall meet regularly as determined by adopted by-laws, and in no event less than **twelve (12) times** a year. All meetings shall be open to the public except for executive session.

5-6-7 RULES. The Commission shall adopt by-laws, including rules for the transaction of business and shall keep a complete record of its functions and activities, which shall be a public record.

5-6-8 POWERS, DUTIES AND FUNCTIONS. The Planning Commission shall have the powers, duties, and functions as provided in the Illinois Regional Planning Act and to further the means and methods of operation and functioning, the Commission:

(A) Shall prepare and recommend to the County Board a Regional Plan, or functional segments thereof, looking to the present and future development of the Region. Such Regional Plan may include recommendations for land use, circulation, future location of planned major streets in unsubdivided land, general location of public works, urban renewal, storm or floodwater runoff channels and basins, and other such problems and development relevant to Regional Planning. Such plan shall be known as the Official Regional Plan of Monroe County. The Regional Planning Commission may thereafter, from time to time, recommend changes in such Regional Plan.

(B) Shall prepare and recommend to the County Board, from time to time, plans for specific improvements to promote the realization of the Regional Plan.

(C) Shall have access to information, reports, and data relating to planning in possession of departments of the County Government.

(D) May request for its information, all municipal or other governmental agency plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of any of them, as well as copies of their special reports dealing in whole or in part with planning matters.

(E) Shall advise and consult with units of government concerning the relationship of any plans, projects, proposals, and policies adopted or under consideration by any such unit of government to other plans, projects, proposals and policies applicable to the Regional Planning Area.

(F) Shall have authority to contract with any unit of government to provide specialized planning services with appropriate reimbursement when a unit of government so desires.

(G) Shall prepare an annual budget in the same manner as other departments of the County. Any monies received as gifts, donations or grants from private sources for planning purposes shall be deposited in a special non-reverting fund to be available for expenditure by the Regional Planning Commission. The County Treasurer shall draw all warrants against such special non-reverting fund only upon vouchers signed by officers of the Regional Planning Commission as authorized by regulations of the Commission.

(H) Shall have authority, with the concurrence of the County Board to accept, receive and expend funds, grants and services from the federal government, or its agencies, and from departments, agencies, and instrumentalities of state and local governments.

(I) Shall have authority to provide such information and reports as may be necessary to secure financial aid.

(J) Shall have authority to contract with respect to any funds, grants or services from whatever source derived.

(K) Shall have authority to appoint an Executive Director and such other employees as it deems necessary, and engage consultants as it may require.

(L) Shall prepare an annual report and prepare and publish studies, reports and plans in connection with its work.

(M) May acquire equipment and materials for its use and incur necessary expenses within the limits of its budgets.

(N) May, by formal and affirmative vote, pay, within the Commission's budget, the reasonable traveling expenses of members of the Commission, when duly authorized by the Commission, to attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and meetings of the Planning Commission or its Executive Committee.

5-6-9 ADVISOR TO COUNTY BOARD; REPORTS. The Regional Planning Commission shall serve in a general advisory capacity to the County Board and to this end, the County Clerk shall make available to the Regional Planning Commission, for its consideration, a copy of all ordinances, resolutions, plans and other data relative to capital improvements of any nature. The Commission may report in relation thereto if it deems a report necessary or advisable or when specifically requested by the County Board, for the consideration of the County Board before the final action on them is taken by the Board.

(Ord. No. 63-35; 12-16-63)

ARTICLE VII – TRANSIT DISTRICT BOARD

5-7-1 **NAME.** The name shall be Monroe-Randolph Transit District.

5-7-2 **PURPOSE.** The Monroe-Randolph Transit District shall have any and all authority conferred on Mass Transit Districts by the laws of the State of Illinois.

5-7-3 **BOARD OF TRUSTEES.**

(A) The Board of Trustees of the Monroe-Randolph Transit District shall be composed of the following:

- (1) **One (1)** trustee to be appointed by the Chair of the Monroe County Board.
- (2) **One (1)** trustee to be appointed by the Chair of the Randolph County Board.
- (3) **One (1)** trustee to be appointed by the Mayor or President of each municipality within the Monroe-Randolph Transit District which had a population in excess of **one thousand (1,000) people** at the last published census.

(B) The term of appointment shall be **four (4) years** with the exception of the initial terms which shall be staggered as follows:

<u>Appointment</u>	<u>Initial Term</u>
Monroe County	1 year
Randolph County	2 years
Chester	3 years
Columbia	4 years
Coulterville	1 year
Red Bud	2 years
Sparta	3 years
Steeleville	4 years
Waterloo	1 year

(C) **Voting.** Each trustee shall be entitled to **one (1)** vote on each matter submitted to the Board of Trustees.

(D) **Resignation.** Any trustee may resign by filing a written resignation with the secretary of the Monroe-Randolph Mass Transit District whereupon the appointing authority will make another appointment to fill the unexpired term.

(E) **Quorum.** A quorum shall consist of a **two-thirds (2/3)** of the appointed trustees.

(F) **Powers.** The Board of Trustees may adopt such by-laws and establish such rules and regulations and take such other actions as may be necessary to achieve the purpose for which the Monroe Randolph Transit District was formed.

(Ord. No. 03-06; 04-21-03)

[NOTE: The Zoning Board of Appeals is found in Chapter 40.]

BUILDING REGULATIONS

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CHAPTER 6

BUILDING REGULATIONS

ARTICLE I – BUILDING CODES

6-1-1 ADOPTION OF BUILDING, ELECTRICAL, AND PLUMBING CODES.

- (A) The 2006 Edition of the International Building Code is hereby adopted. The County of Monroe has adopted the 2006 Edition of the International Building code, regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the County of Monroe; and providing for the issuance of permits and collection of fees therefor.
- (B) The 2005 Monroe County Electrical Code is hereby adopted.
- (C) The 2004 Illinois State Plumbing Code is hereby adopted.

6-1-2 INTERNATIONAL BUILDING CODE; COUNTY GUIDELINES.

- (A) A certain document, **one (1) copy** of which is on file in the office of the County Clerk of the County of Monroe and Monroe County Zoning Office, being marked and designated as the "International Building Code, 2006 Edition," including Appendix Chapters and additional sections noted in Subsection (B) below, is hereby adopted as the Building Code of the County of Monroe, in the State of Illinois for regulating and governing the conditions and maintenance of all property, buildings and structures; providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the County of Monroe are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article, with the additions, insertions, deletions and changes, if any, prescribed in Subsection (B) of this Section.
- (B) The following sections are hereby included:
 - (1) Section 101.1. International Mechanical Code, 2006.
 - (2) Section 101.2. National Fire Protection Act 54, 2006 Edition.
 - (3) Section 101.3. International Property Maintenance Code, 2006.
 - (4) Section 101.4. International Residential Code, 2006.
 - (5) Section 101.5. Monroe County Guidelines dated January 16, 2007.
- (C) If any section, subsection, sentence, clause or phrase of this Article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Article. The County Commissioners hereby declares that it would have passed this Article, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- (D) Nothing in this Article or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Subsection (C) of this Article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.
- (E) The County Clerk is hereby ordered and directed to cause this Ordinance to be published.
- (F) This Article and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **May 1, 2007**, from and after the date of its final passage and adoption.

(Ord. No. 07-03; 02-05-07)

ARTICLE II – ELECTRICAL STANDARDS

6-2-1 **DEFINITIONS.** As used in this Article, the following terms shall have the meanings indicated:

Electrical Equipment: Conductors and equipment installed for the utilization of electricity, but does not include apparatus, conductors, and other equipment installed by public utilities, including common carriers, which are under the jurisdiction of the Illinois Commerce Commission, or use in their operation as public utilities.

6-2-2 **ELECTRICAL COMMISSION.** There is hereby established an Electrical Commission which shall consist of **five (5) members**, as follows: the Electrical Inspector, who shall be ex officio Chairman of such Commission. Of the other **five (5) members**, **one (1)** shall be a registered professional engineer, **one (1)** shall be a registered electrical contractor, **one (1)** shall be a journeyman electrician, **one (1)** shall be representative of an inspection bureau maintained by the fire underwriters (or Chief of a Fire Department); and **one (1)** shall be a representative of an electrical utility company. Such members shall be appointed for terms of **four (4) years** by the Chairman of the County Board with the advice and consent of the Board of County Commissioners. The Electrical Inspector shall serve on such Commission without additional compensation therefor. The members shall receive no compensation as members of the Commission.

6-2-3 **DUTIES OF ELECTRICAL COMMISSION.** The Electrical Commission shall recommend safe and practical standards and specifications for installation, alteration, and use of electrical equipment designed to meet the necessities and conditions that prevail in the County, shall recommend reasonable rules and regulations governing the issuance of permits by the Electrical Inspection Department and shall recommend reasonable fees to be paid for inspection by the Electrical Inspection Department of all electrical equipment installed or altered within the County of Monroe. Such standards and specifications, rules, and regulations and fees shall not become effective until adopted by ordinance by the County Board of Commissioners.

6-2-4 **ELECTRICAL INSPECTOR.**

(A) **Contract.** There is hereby created the position of Electrical Inspector. The person chosen to fill the office of Electrical Inspector shall be a competent electrician of good moral character. He shall have had at least **five (5) years'** experience as a journeyman in the practice of his trade, or **three (3) years'** training in a recognized college of electrical engineering and in addition thereto, **two (2) years'** of practical experience in electrical construction for safety to life and property, and have knowledge of the statutes of the State of Illinois relating to electrical work and rules and regulations issued by the Fire Marshal of Illinois under authority of the safety rules and standards approved by the American Engineering Standards Committee. The Electrical Inspector shall be under contract by the Chairman of the County Board, by and with the advice and consent of the Monroe County Board of Commissioners.

(B) **Fees.** The Zoning Office shall collect all fees in advance and shall turn all fees over to the County Treasurer for use by the County and shall make a semi-annual report to the Monroe County Board of Commissioners in relation thereto.

(C) **Compensation.** Compensation for the Electrical Inspector shall be set forth by contract between the Electrical Inspector and the Monroe County Board of Commissioners.

6-2-5 **INSTALLATION OR ALTERATION OF ELECTRICAL EQUIPMENT.** Work permits are required for all electrical installations, alterations, and replacements of electrical wiring, equipment, supplies, or devices to be installed in or on property or improvements on property in the County, as follows:

(A) Where any building is undergoing remodeling, all changes to be made to the electrical installation where GFI or ARC fault protection is required under NEC 2005 and Ordinance 06-05, and service upgrades or new service installations must be reviewed with the County's electrical inspector and a work permit must be obtained before work proceeds. **(Ord. No. 12-9; 10-15-12)**

(B) The County shall issue work permits to licensed electrical contractors or a homeowner, provided that the homeowner personally performs the electrical work and provided that the electrical work is to be installed in the home occupied by the owner and that the home is a single-family residence or owner-occupied duplex. The homeowner must also pass the homeowner test, which can only be taken twice within a calendar year. **(Ord. No. 12-9; 10-15-12)**

(C) When a work permit is issued, as provided in the preceding Subsection (B) of this Section, the Electrical Inspector will inspect such installation and will issue a certificate of approval if the installation meets the requirements of the County's electrical code, if the installation fails to meet the requirements of the County's electrical code, the permit shall be revoked.

6-2-6 **INSPECTIONS.**

(A) The Electrical Inspector shall inspect and shall require that all work and installations conform to the standards and specifications applicable thereto which have been recommended and adopted as herein provided.

(B) The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties, for the purpose of making any inspection or test of the installation or alteration of electrical equipment contained therein, and shall have the authority to cause the turning off of all electrical currents and to cut or disconnect any conductors where such electrical currents are dangerous to life or property, or may interfere with the work of the Fire Department.

(C) Any reinspection of any wiring installation made necessary through the failure of the contractor or homeowner wiring his home to properly install same, or in violation of the rules, shall be charged another inspection fee. The reinspection fee is to be paid by the contractor or homeowner wiring his own home prior to reinspection. **(Ord. No. 12-9; 10-15-12)**

6-2-7 **CERTIFICATE OF INSPECTION.** Upon the completion of the installation or alteration of electrical equipment in any building, it shall be the duty of the person installing or altering the same to notify the Electrical Inspector, who shall inspect the work within **forty-eight (48) hours** after such notice is given, and if such electrical equipment is found to be fully in compliance with this Article, and does not constitute a hazard to life or property, he shall issue to such person for delivery to the owner, a certificate of inspection authorizing connection to the electrical service by the Monroe County Electric Cooperative or AmerenIP, and the company turning on the current for owners with certificate of final inspection. All wiring which is to be hidden from view shall be inspected before concealment, and any person installing such wires shall notify the Electrical Inspector giving him **forty-eight (48) hours** in which to make the required inspection before such wires are concealed.

6-2-8 **COMPLIANCE REQUIRED; STANDARDS FOR PROPER INSTALLATION.** No certificate of inspection shall be issued unless the electrical equipment is in strict conformity with the provisions of the ordinances of this County and with the statutes of the State of Illinois. Compliance with the regulations as laid down from time to time in the National Electrical Code, as approved by the American Engineering Standards Committee, unless in conflict with such ordinances or statutes, shall be prima facie evidence of proper installation or alteration.

6-2-9 **TIME OF INSPECTION.** The provisions for inspection of work authorized by the permits issued in accordance herewith shall not be construed as prohibiting the inspection of any electrical equipment whenever the Electrical Inspector shall determine that the public safety requires it.

6-2-10 **RECORDS.** The Zoning Office shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this Chapter.

6-2-11 **INSTALLATION REGULATIONS; PERMITS.**

(A) Any electrical installation not covered by the following rules shall be governed by the current National Electrical Code as adopted by the American Engineering Standards Committee, with such modification and exceptions as are recommended by the Electrical Commission.

(B) Where any building is undergoing remodeling, any changes to be made in the electrical installation must be taken up with the Electrical Inspector and approval obtained before work begins.

(C) An inspection and certificate of approval by the Electrical Inspector will be required on the wiring in all new buildings or in remodeled buildings before the same will be connected to supply lines.

(D) Temporary permits may be issued at the option of the Electrical Inspector. Permits shall be taken out for both old and new work and shall cover all work to be done. Permits must be obtained before work is started, and such permits are not transferable.

(E) Permits shall be issued only to registered electrical contractors, or a homeowner, provided that such homeowner is qualified to perform electrical construction work, and provided that such electrical construction work is to be installed in the home occupied by the owner and that the home is a single-family residence. The Electrical Inspector shall pass upon the qualification of the homeowner.

(F) In order for permits to be issued to homeowners, as provided in said Subsection (E) above, the homeowner must demonstrate to the satisfaction of the Electrical Inspector that he is qualified to perform electrical construction work, and that he either presently occupies the home in which electrical installation is sought to be made, or will, within a reasonable time, occupy the home then under construction; further provided that any person who builds a home or remodels a home for the purpose of rental or sale shall not be classed as a homeowner as provided in Subsection (E) above. It shall be prima facie evidence that the home was built or remodeled for resale if it is occupied by the builder or remodeler for a period of less than **two (2) years**.

(G) Any new wiring methods or systems not previously approved by the Electrical Commission shall not be used until presented and approved by the Electrical Commission.

6-2-12 **INSPECTION FEES.** The inspection rate shall be **Fifty Dollars (\$50.00)** per inspection.

6-2-13 **ANNUAL INSPECTIONS.** The wiring of lighting and power installation in all buildings other than residences anywhere in the County may be inspected annually by the Electrical Inspector. The Electrical Inspector shall leave a written notice of any change which may be required with the person in charge of the premises after making any inspection. The changes shall be made within **thirty (30) days** after receipt of the notice, unless, in the opinion of the Electrical Inspector, the changes should be made immediately. The Electrical Inspector shall reinspect the premises after the changes are made.

6-2-14 **RIGHT OF APPEAL.** Any person, firm, or corporation not in agreement with the decision of the Electrical Inspector shall have the right to appeal to the Electrical Commission of the County, and the decision of the Electrical Commission shall be final in all cases.

6-2-15 **RULES GOVERNING ELECTRICAL INSTALLATIONS.** All wiring shall be in compliance with the Monroe County Electrical Guidelines, dated **October 18, 2006**, as may be amended from time to time by the Monroe County Electrical Commission. (**Ord. No. 07-01; 01-16-07**)

6-2-16 **RESERVED.** (**Ord. No. 07-01; 01-16-07**)

6-2-17 **ELECTRICAL CONTRACTORS.**

(A) **Defined.** The term "electrical contractor," as used in this Article, means any person, firm, or corporation engaged in the business of installing or altering electrical equipment.

(B) **Registration.** Any person desiring to engage in the business of electrical contractor in the County of Monroe shall be registered as follows:

(1) Upon filing of such application in proper form and the payment of the fee fixed herein, the Electrical Inspector shall submit such application to the Electrical Commission, who after examining said application, reserves the right to verify applicant's work experience by examination, written or oral. If passed, he shall be registered as an electrical contractor. The Electrical Inspector shall issue to the applicant a certificate of registration which will authorize the applicant to engage in such business for the year in which it is issued and shall be renewed from year to year at the discretion of the Electrical Commission. The Electrical Inspector shall keep a suitable record of such registrations.

(2) No person having obtained an electrical contractor registration with the County of Monroe shall allow his name or his business name to be used by another person or company either for the purpose of obtaining permits or for doing electrical business or electrical work under this Code.

(C) **Fee.** The fee for registration as an electrical contractor shall be in the amount of **Five Hundred Dollars (\$500.00)** for the first year and **One Hundred Twenty-Five Dollars (\$125.00)** per year for each consecutive year after that. Such fee shall be paid to the Zoning Office in advance upon filing the application. All fees paid by the electrical contractor shall be paid to the Zoning Office.

6-2-18 **VIOLATIONS AND PENALTIES.** Any person violating any provision of this Article shall be fined in the amount of not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

6-2-19 **REPEALER.** All other ordinances or parts of ordinances in conflict herewith are repealed.

6-2-20 **SEVERABILITY.** Nothing in this Article hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in **Section 6-2-19** of this Article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article.

6-2-21 **WHEN EFFECTIVE.** The Monroe County Clerk shall certify to the adoption of this Article and cause copy of same to be on file for public inspection as required by law; and this Article shall take full force and effect on **June 1, 2006.**

(Ord. No. 06-05; 05-01-06)

See Also:

Flood Plain Code – See Ch. 14

Health Code – See Ch. 18

Driveway Regulations – See Ch. 33; Art. V

Display of Address Numbers – See Ch. 33; Art. VI

Subdivision Coe – See Ch. 34

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BUSINESS CODE

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CHAPTER 7

BUSINESS CODE

ARTICLE I – SOLICITORS CODE

7-1-1 DEFINITIONS. For the purpose of this Code, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

"REGISTERED SOLICITOR" shall mean and include any person who has obtained a valid **Certificate of Registration** as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

"SOLICITING" shall mean and include any **one (1)** or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type or kind of publication or;

(D) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

7-1-2 CERTIFICATE OF REGISTRATION. Pursuant to **Section 7-1-6** every person desiring to engage in soliciting as herein defined from persons within this County is hereby required to make written application for a Certificate of Registration as hereinafter provided. This Code shall not apply to areas within incorporated municipalities.

7-1-3 APPLICATION FOR CERTIFICATE OF REGISTRATION. Applications for a Certificate of Registration shall be made upon a form provided by the Sheriff of this County and filed with such Sheriff. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past **three (3) years** if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

(D) Physical description of the applicant.

(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Names and addresses of employers during the past **three (3) years** if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.

(J) Whether a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Whether the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality or county regulating soliciting?

(L) Whether the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities or counties** where the applicant carried on business immediately preceding the date of application in this County and the address from which such business was conducted in those counties.

(N) Also, such additional information as the Sheriff may deem necessary to process the application.

(O) License plate, model, and make of vehicle used for purpose of soliciting must be furnished.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Sheriff shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Code and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within **five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Code, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-1-4 **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Sheriff, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Sheriff upon the application of the denial of the application. When, the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Sheriff if the holder of the Certificate is convicted of a violation of any provision of this Code, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Code. Immediately upon such revocation, written notice thereof shall be given by the Sheriff to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-1-5 **CHARITABLE INSTITUTIONS.** All resident charitable organizations in this County which have been in existence for **six (6) months** or longer shall register all solicitations and shall be exempt from registration thereafter.

7-1-6 **POLICY ON SOLICITING.** It is declared to be the policy of this County that the occupant or occupants of the residences in this County shall make the determination of whether solicitors shall be or shall not be invited to their respective residences. If no determination is made as is provided in **Section 7-1-7** hereof, then in that event, registration is not required.

7-1-7 **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Code shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B) A weatherproof card, approximately **three inches by four inches (3" x 4")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

"ONLY REGISTERED SOLICITORS INVITED"

OR

"NO SOLICITORS INVITED"

The letters shall be at least **one-third (1/3) inch** in height. For the purpose of uniformity, the cards shall be provided by the Clerk to persons requesting the same, at the cost thereof.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

7-1-8 **DUTY OF SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this County upon which a residence, as herein defined, is located to first examine the notice provided for in **Section 7-1-7** of this Code if any is exhibited and be governed by the statement contained on the notice.

If the notice states **"ONLY REGISTERED SOLICITORS INVITED"**, then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, **"NO SOLICITORS INVITED"**, then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

7-1-9 **UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-1-7** of this Code.

7-1-10 **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M.** or after **5:00 P.M.** of any weekday or at any time on a Sunday or on a State or National holiday.

7-1-11 **SOLICITATIONS ON PUBLIC HIGHWAYS.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization shall be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by **"An Act to Regulate**

Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963, as amended.

- (B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.
- (C) Be engaged in a state-wide fund-raising activity.
- (D) Be liable for any injury to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.
- (E) Any person so engaged in such solicitation shall be at least **sixteen (16) years** of age and shall wear a high visibility vest.
- (F) Solicit only during daylight hours.
- (G) Any one charitable organization shall be limited to conducting no more than **two (2)** solicitations per calendar year.
- (H) A certificate of liability insurance naming the County as additional insured in a form acceptable to the County Board shall be provided to the County at least **twenty-four (24) hours** before the date of the street collection. The certificate of liability insurance shall be in an amount no less than **One Million Dollars (\$1,000,000.00)**.
(626 ILCS 5/11-1006)

7-1-12 FEES. Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

- (A) **Daily License: \$10.00 per person per day.**
- (B) **Annual License: \$50.00 per person per year.**

The Monroe County Clerk collects the fees and issues the Solicitor’s Certificate of Registration after the Monroe County Sheriff approves the application.

(See 55 ILCS 5/5-1058)

ARTICLE II - AMUSEMENTS

7-2-1 AMUSEMENTS, ASSEMBLIES, LICENSE REQUIRED. No person shall engage in, participate in, aid, form, or organize any assembly or group of people or conduct any musical program or festivals, anywhere in the County outside an incorporated municipality, unless a permit has been obtained from the County Clerk and unless such permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to student's work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; nor to any governmental agency within the scope of its functions. This shall not apply to assemblies of less than **two thousand five hundred (2,500) people.**

7-2-2 APPLICATION. The application for a permit shall be filed with the County Clerk not less than **twenty (20) days** nor more than **one hundred eight (108) days** before the date on which it is proposed to conduct any such activity. Such application shall be sworn to and shall state:

- (A) The name of the person or organization wishing to conduct such activity.
 - (B) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.
 - (C) The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct.
 - (D) The name, address and telephone number of the person or organization to whom the permit is desired to be issued.
 - (E) The date when such activity is to be conducted.
 - (F) The park or the portion of the County thereof for which such permit is desired.
 - (G) An estimate of the anticipated attendance.
 - (H) The hour when such activity will start and terminate.
- The Clerk shall forward the application to the County Board.

7-2-3 APPROVALS REQUIRED. The County Board may require the Highway Superintendent and Sheriff to file reports concerning the possible cost and impact of such a festival or musical event upon the roads and highways of the County. The County Board may require the applicant to file additional reports from local, state and federal agencies.

If it is necessary, the County Board may hold a public hearing to allow the public to appear and petition the approval or disapproval of the application.

7-2-4 ISSUANCE OF PERMIT. The County Board may grant such permit if:

- (A) The proposed activity or use of the grounds will not unreasonably interfere with or detract from the general public enjoyment of the grounds.
- (B) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (C) The facilities desired have not been reserved for other use at the day and hour required in the application.
- (D) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic.
- (E) The conduct of such activity will not require the diversion of so great a number of police officers of the County to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the County.
- (F) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct.
- (G) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

- (H) Each permit shall state the following:
- (1) Date of such activity.
 - (2) Grounds or portion thereof to be used.
 - (3) Hour when such activity will start and terminate.

The County Board shall act upon the application for a permit within **thirty (30) days** after the filing of the same.

7-2-5 REVOCATION OF PERMIT. In the event the applicant for a permit misrepresents the facts necessary for the issuance of the permit, or if the activity endangers the health, welfare and safety of the County residents, the permit shall be revoked immediately by the Sheriff.

7-2-6 COURTYARD AND/OR BANDSTAND PERMIT. Prior to using the County Courtyard or the bandstand all persons shall secure the approval of the Board of Commissioners by filing the appropriate application to the County Board.

(See 55 ILCS 5/5-1059)

ARTICLE III - COIN-OPERATED MACHINES

7-3-1 **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

"COIN-OPERATED AMUSEMENT DEVICE" means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pin-ball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

7-3-2 **GAMBLING PROHIBITED; EXCEPTIONS.** No machine licensed under the provision of this Article shall be used in play for money, property or any thing representing money or property, except video gaming terminal games at a licensed establishment, licensed fraternal organization, or licensed veterans' establishment, when conducted in accordance with the Video Gaming Act (**230 ILCS 40/1 et seq.**). The annual fee shall be **Two Hundred Fifty Dollars (\$250.00)** per terminal to be paid on **July 1st**. (**Ord. No. 12-16; 12-17-12**)

7-3-3 **LICENSE REQUIRED.** Any person displaying for public patronage or keeping for operation any coin-operated amusement device(s), shall be required to obtain a license from this County, upon payment of a license fee. Application for such license shall be made to the County Clerk upon a form to be supplied by the Clerk for that purpose.

7-3-4 **APPLICATION.** The application for such license shall contain the following information:

- (A) Name and address of the applicant, age, date, and place of birth.
- (B) All prior convictions of felonies of the applicant, if any.
- (C) Address and name of business where the machine or device will be displayed and operated and the nature of the business conducted at the address under said name.
- (D) The name and address of the owner of the machine and if the machine is serviced and supplied by any person other than the applicant or the owner of the machine, the name and address of such person shall be set out in the application.

No license shall be issued to any applicant unless he is **over eighteen (18) years** of age and a citizen of the United States.

7-3-5 **INSPECTION.** Application for license shall be made out in duplicate; **one (1) copy** being retained by the Clerk and the other copy being referred to the Sheriff.

- (A) The Sheriff shall investigate the location wherein it is proposed to operate such machine and ascertain if the applicant is a person of good moral character.
- (B) If the Sheriff determines that the applicant is not of good moral character, he shall report such findings to the County Clerk.

7-3-6 **LICENSE APPROVAL.** No license shall be issued until the application therefor has been approved by the County Clerk.

7-3-7 **LICENSE FEES.** Before being granted a license, every applicant shall pay a license fee to the County Clerk as follows:

- (A) For each machine or table: **\$25.00 annually**

The license fee shall be paid annually in advance of **July 1st** of each year. If additional machines or devices are to be installed or displayed from time to time, the license shall be obtained before such display or installation. The license shall expire on **June 30th** of each year.

7-3-8 DISPLAY OF LICENSE. The license herein provided for shall be posted permanently and conspicuously at the location of the machine on the premises wherein the device is to be operated or maintained. Not more than **one (1) machine shall be operated on any one (1) license** and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

If the licensee shall move his place of business to another location within this County, the license may be transferred to such new location upon application to the County Clerk, giving the street and number of the new location. The new location shall be inspected by the Sheriff in the same manner as provided in the previous sections of this Code. The transfer must conform with any other regulations applicable thereto.

7-3-9 REVOCATION. Every license issued under this Article is subject to the right, which is hereby expressly reserved, to revoke the same should the license, directly or indirectly, permit the operation of any coin-operated amusement device contrary to the provisions of this Article, the ordinances of the County or the law of the State. The license may be revoked by the County Clerk after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if after a hearing the licensee is found to be guilty of such violations. **Ten (10) days'** notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses to his defense.

7-3-10 SEIZURE AND DESTRUCTION OF DEVICE. If the Sheriff shall have reason to believe any coin-operated amusement device is used as a gambling device, such machine may be seized by the Sheriff and impounded, and if upon trial of the exhibitor for allowing it to be used as a gambling device the exhibitor is found guilty, such machine shall be destroyed by the Sheriff. If the County Clerk, the Sheriff or any of their duly authorized enforcement officers shall have reasonable basis for believing any coin-operated amusement device is operating unlicensed or is being used for gambling purposes, or has a knock-off circuit, the device may be seized by any duly authorized law enforcement official, followed by an administrative hearing with the appropriateness of the seizure, and held until such time as the owner of such device pays the delinquent fee, reimburses the Sheriff for actual cartage cost incurred in the seizure and pays to the County **Five Dollars (\$5.00)** for each day or part of day the device has been in storage.

In the event the owner of such device is found not guilty, and unless return of the confiscated machine is determined by rule of the Court, the confiscated machine will be returned to the original location at the County's expense.

ARTICLE IV - RAFFLE CODE

DIVISION I - GENERALLY

7-4-1 **SHORT TITLE.** This Article shall be known, cited and referred to as the "Raffle Code".

7-4-2 **PURPOSE.** The purpose of this Article is to regulate and control the conduct of raffles within the borders of the County of Monroe, Illinois. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles as provided for herein.

7-4-3 **DEFINITIONS.** For the purpose of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Business Organizations": A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial, and civic interest of the community.

"Charitable Organization": An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

"County Board": The County Board of the County of Monroe, Illinois.

"Educational Organization": An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorable in their scope and intensity with the course of study presented in tax-supported schools.

"Fraternal Organization": An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would not be cared for by the government.

"Labor Organizations": An organization composed of workers organized with the objective of betterment of the conditions of those engaged in this pursuit and the development of a higher degree of efficiency in their respective occupations.

"Licensee": An organization which has been issued a license by the County to operate a raffle.

"Net Proceeds": The gross receipts from the conduct of raffles, less sums extended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

"Non-Profit": A license applicant which is organized, operated, and conducted on a not-for-profit basis with no personal profit insuring to anyone as a result of the operation.

"Person": An individual, firm, organization, public, or private corporation, government, partnership, or unincorporated association.

"Raffle": A form of lottery as defined in **Section 5/28-2(b) of Chapter 720 of the Illinois Compiled Statutes**, conducted by an organization licensed under this Article, in which:

(A) The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designed the winning chance.

(B) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

"Religious Organization": Any church, congregation, society, or organization founded for the purpose of religious worship.

"Veterans Organization": An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(See 230 ILCS 15/1 et seq.)

7-4-4 RESERVED.

DIVISION II - LICENSE REQUIREMENTS

7-4-5 LICENSE REQUIRED. It shall be unlawful for any person to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the County and in accordance with the provisions of this Article.

7-4-6 APPLICATION FOR LICENSE.
(A) Any person seeking to conduct or operate a raffle shall file an application therefor with the County Commissioners on forms provided by the Administrative Assistant. The application shall contain the following information:

- (1) The name, age, address, and type of organization.
- (2) The length of existence of the organization and, if incorporated, the date and state of incorporation.
- (3) The name, address, telephone number, social security number, and date of birth of the organization's presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle.
- (4) The aggregate retail value of all prizes to be awarded in the raffle.
- (5) The maximum retail value of each prize to be awarded in the raffle.
- (6) The maximum price charged for each raffle chance issued or sold.
- (7) The maximum number of raffle chances to be issued.
- (8) The area or areas in which raffle chances will be issued or sold.
- (9) The time period during which raffle chances will be issued or sold.
- (10) The date, time, and location at which winning chances will be determined.
- (11) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by the presiding officer and secretary of the organization.
- (12) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

7-4-7 LICENSE QUALIFICATIONS. Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious, business, and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** or more immediately before making application for a license and which have had during the entire **five (5) year period** a bona fide membership engaged in carrying out their objects. The following are ineligible for any license under this Article.

- (A) Any person who has been convicted of a felony.
- (B) Any person who is or has been a professional gambler or gambling promoter.
- (C) Any person who is not of good moral character.
- (D) Any firm or corporation in which a person defined in paragraph (A), (B), or (C) above has a proprietary, equitable or credit interest, or in which the person is active or employed.
- (E) Any organization in which a person defined in paragraph (A), (B), or (C) above is an officer, director, or employee, whether compensated or not.
- (F) Any organization in which a person defined in paragraph (A), (B), or (C) above is to participate in the management or operation of a raffle as defined in this Article.

7-4-8 **LICENSE ISSUANCE.**

- (A) The County Commissioners shall review all raffle license applications. The County Commissioners shall, within **thirty (30) days** from the date of application, accept or reject a raffle license application. This shall be achieved by a majority vote of the County Commissioners. If an application is accepted, the County Commissioners shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of not more than **one (1) year** from and after its issuance.
- (B) A raffle license shall show the following:
 - (1) The area or areas in which raffle chances may be sold or issued.
 - (2) The period of time during which raffle chances may be sold or issued.
 - (3) The maximum price which may be charged for each raffle chance issued or sold.
 - (4) The date, time, and location on or at which winning chances will be determined.
- (C) The license shall be prominently displayed at the time and location of the determination of the winning chances.
- (D) A license shall be valid for **one (1) raffle** only. Multiple licenses may be issued for multiple raffles to a licensee for up to a maximum period of **one (1) year** from the date of the issuance of the license.

7-4-9 **RESERVED.**

DIVISION III - CONDUCT OF RAFFLES

7-4-10 **OPERATION AND CONDUCT OF RAFFLES.** The operation and conduct of raffles are subject to the following restrictions:

- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.
- (B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (C) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter.
- (E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license, and winning chances may be determined only at those locations specified on the license.
- (F) Each raffle chance shall have printed thereon the following:
 - (1) The cost of the chance.
 - (2) The aggregate retail value of all prizes to be awarded in the raffle.
 - (3) The maximum number of raffle chances to be issued.

- (4) The date or dates, time or times, and location or locations on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued, or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain this information.

(G) No cash prize in excess of **One Million Dollars (\$1,000,000.00)** may be awarded.

(H) No real property, including land and any building thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.

(I) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18) years** may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

(J) No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of **eighteen (18) years** without the permission of his/her parent or guardian.

7-4-11 **RAFFLES MANAGER; BONDS.**

(A) All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designed by the organization.

(B) The raffles manager shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the licensee, conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority no less than **thirty (30) days** prior to its cancellation.

(C) In addition to the above requirements, the licensee organization shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the County, conditioned upon its honesty in the performance of the raffle. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than **thirty (30) days** prior to its cancellation.

(D) The County Commissioners may waive the aforementioned bond requirements by including a waiver provision in the license issued to an organization under this Chapter, provided that the waiver shall be granted only by unanimous vote of the County Commissioners.

7-4-12 **RECORDS.**

(A) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are to be determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts for the operation of raffles programs shall be segregated from other revenues of the licensee, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each licensee shall have separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(C) Each licensee shall report within **thirty (30) days** after the conclusion of each raffle to its membership, and to the Commissioner's office its gross receipts, expenses, and net proceeds for raffles, and the distribution of net proceeds itemized as required herein.

(D) Records required herein shall be preserved for **three (3) years**, and licensees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

7-4-13 **RESERVED.**

DIVISION IV - ENFORCEMENT

7-4-14 **RELATIONSHIP TO OTHER LAWS.** Whenever regulations or restrictions imposed by this Chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules, or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

7-4-15 **ABATEMENT.** The imposition of the penalties prescribed in **Section 7-4-16** hereof shall not preclude the County from instituting appropriate legal action to prevent unlawful raffles or to restrain, enjoin, correct, or abate a violation of this Chapter or of the conditions of a raffle license issued pursuant hereto.

(See 230 ILCS 15/1 to 15/8.1)

[Unless Otherwise Noted, This Article Ord. No. 87-8; 05-18-87]

ARTICLE V – POKER RUNS

7-5-1 DEFINITIONS. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) **"Business":** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) **"Charitable Organization":** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) **"Educational Organization":** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) **"Fraternal Organization":** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) **"Hardship":** A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) **"Key Location":** The location where the poker run concludes and the prize or prizes are awarded.

(G) **"Labor Organization":** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(H) **"Licensee":** An organization which has been issued a license to operate a raffle.

(I) **"Net Proceeds":** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

(J) **"Non-Profit":** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) **"Poker Run":** An event organized by an organization licensed under this Article in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(L) **"Religious Organization":** Any church, congregation, society, or organization founded for the purpose of religious worship.

(M) **"Veterans' Organization":** An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

7-5-2 REQUIREMENT OF LICENSE. It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

7-5-3 APPLICATION FOR A LICENSE.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run with a key location in Monroe County shall file an application therefore with the County Clerk's Office on the forms provided by the County Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the poker run;
- (5) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (6) The time period during which the poker run will be conducted;
- (7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

7-5-4 LICENSEE QUALIFICATIONS.

(A) Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the County Board determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The County Board may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any poker run license:

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

7-5-5 **LICENSE ISSUANCE.**

(A) The County Board shall review all poker run license applications. The County Board shall, within **thirty (30) days** from the date of application, accept or reject a poker run license application. This shall be achieved by majority vote of the County Board. If an application is accepted, the County Board shall forthwith issue a poker run license to the applicant.

(B) A poker run license shall specify:

- (1) The name and address of the predetermined locations, as set forth on the application, at which the poker run will be conducted;
- (2) The time period during which the poker run will be conducted; and
- (3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) Any license issued under this Article shall be non-transferable.

(D) Each license shall be valid for one poker run and may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(E) Any license issued shall cover the entire poker run, including locations other than the key location. Each license shall include the name and address of each location at which the poker run will be conducted.

(F) The license shall be prominently displayed at each location at which the poker run is conducted or operated.

7-5-6 **CONDUCT OF POKER RUNS.**

(A) The operation and conduct of poker runs is subject to the following restrictions:

- (1) The entire net proceeds of any poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the poker run.
- (4) A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) A playing card or equivalent item may be drawn only within the area specified on the license and winning hands may be determined only at those locations specified on the license.
- (6) A person under the age of **eighteen (18) years** may participate in the conducting of poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

7-5-7 **MANAGER - BOND.**

(A) All operations of and conduct of poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the poker run must be a bona fide member of the organization holding the license for such a poker run and may not receive any remuneration or profit for participating in the management or operation of the poker run.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the County not less than **thirty (30) days** prior to its cancellation.

(C) The County Board is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

7-5-8 RECORDS.

(A) Each organization licensed to conduct poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts from the operation of poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of poker runs shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct poker runs shall report monthly to its membership, and to the County Clerk of Monroe County, Illinois, its gross receipts, expenses and net proceeds from poker runs, and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(E) The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

7-5-9 LIMITED CONSTRUCTION. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than poker runs as provided for herein.

ARTICLE VI – ADULT USE LICENSING AND REGULATION

7-6-1 PURPOSE. The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The County recognizes that such regulation cannot in effect prohibit such uses. This Article has balanced the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operator, employees and patrons of adult uses.

7-6-2 DEFINITIONS.

Adult Bookstore. Means an establishment having as a substantial or significant portion of its sales or stock in trade books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin-operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials; or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult Entertainment Cabaret. Means a public or private establishment which (a) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows, (b) not infrequently features entertainers who display "specified anatomical areas", or (c) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation or, "specified sexual activities".

Adult Motion Picture Theater. Means a building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

Adult Novelty Store. Means an establishment having substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

Adult Use. Means adult bookstores, adult motion picture theaters, adult entertainment cabarets, and other similar uses.

Employee. Means employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

Specified Anatomical Areas. For the purpose of this Section, means:

- (A) less than completely and opaquely covered:
 - (1) human genitals;
 - (2) pubic region;
 - (3) buttock;
 - (4) female breasts below a point immediately above the top of the areola; and
- (B) human male genitals in a discernable turgid state even if completely and opaquely covered.

Specified Criminal Activity. Means the offenses as specified in (A), (B) and (C) as follows:

(A) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; all as is defined in the Illinois Criminal Code or any similar offenses to those described above under the criminal or penal code of other states or countries;

(B) For which less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense; less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction whichever is the later date, if the conviction is a felony offense; or less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period;

(C) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

Specified Sexual Activities. For the purpose of this Section means:

- (A) human genitals in the state of sexual stimulation or arousal;
- (B) acts of human masturbation, sexual intercourse or sodomy; and
- (C) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

7-6-3 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the County pursuant to this Article.

(B) An application for a license shall be made on a form provided by the County.

(C) All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the County to determine whether the applicant meets the qualifications established in this Article.

(D) If a person who wishes to operate an adult use is an individual the person must sign the application for a license as applicant. If a person who wishes to operate an adult use is other than the individual, each individual who has a **twenty percent (20%)** or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E) The completed application for an adult use business license shall contain the following information:

- (1) If the applicant is an individual the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2) If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any, shall be submitted with the application;
- (3) If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, and the name and address of the registered corporate agent.
- (4) If the applicant intends to operate the adult use business under a name other than that of the applicant; he/she must state:
 - (a) the business' fictitious name and
 - (b) submit any required registration documents.
- (5) Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.
- (6) Whether the applicant has had a previous license under this Article or similar ordinances from another city or county denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of the

denial, suspension or revocation. If the applicant has been a partner in a partnership or similar ordinance in another jurisdiction or an officer, director or principal stockholder of a corporation that is or was licensed under this Article and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

- (7) Whether the applicant holds any other licenses under this Article or other similar ordinance from another city or county and if so the names and location of such other licensed businesses.
- (8) A sketch or diagram showing the configuration of the premises including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

7-6-4 **ISSUANCE OF LICENSE.**

(A) Within **thirty (30) days** after receipt of a completed adult use business license application, the County shall approve or deny the issuance of a license to an applicant. The County shall approve the issuance of a license unless it determines by a preponderance of the evidence any **one (1)** or more of the following exist:

- (1) The applicant is under **eighteen (18) years** of age.
- (2) The applicant is overdue in payment to the County of fees, fines or penalties assessed against or imposed upon him/her in relation to any business.
- (3) The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form.
- (4) The applicant has been denied a license by the County to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**.
- (5) The applicant has been convicted of a specified criminal activity defined in this Article.
- (6) The premises to be used for the adult use business has not been approved by the Fire Protection District and/or the Building Inspector or Fire Marshall as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this Article has not been paid.
- (8) The applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this Article.
- (9) The applicant fails to allow and provide for free and unobstructed access to the premises and building or buildings located on the premises for which the Adult Use License is sought for County agents, officers and employees who are required to inspect the premises for compliance with the County's codes and ordinances.

(B) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and, the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C) The Fire Protection District and Code Enforcement Officers shall complete their certification that the premises are in compliance or not in compliance with County codes within **twenty (20) days** of receipt of the application by the County.

(D) No adult use business license shall be issued unless the premises at which the adult use will operate is in conformance with the restriction set forth in the Monroe County Zoning Code.

7-6-5 FEES. Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a non-refundable application and investigation fee in the amount of **Five Thousand Dollars (\$5,000.00)**. The annual fee shall be **Ten Thousand Dollars (\$10,000.00)**.

7-6-6 INSPECTION.

(A) An applicant or licensee shall permit representatives of the Sheriff Department, Fire Protection District, Zoning Department or other County designated department or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the law any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

7-6-7 EXPIRATION OF LICENSE.

(A) Each license shall expire on the **first (1st) day of May** after it was issued and may be renewed only by making application. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of the license will not be affected.

(B) If the County denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the County finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

7-6-8 SUSPENSION. The County may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult use business premises as authorized by this Article; or

(C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

7-6-9 REVOCATION.

(A) The County shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any Specified Criminal Activity.

(B) The County shall revoke a license if it determines, after a hearing, that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

(3) A licensee has knowingly allowed prostitution on the premises;

(4) A licensee has knowingly operated the adult use business during a period of time when the licensee's license was suspended;

(5) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

(6) A licensee is delinquent in payment to the County or State for any taxes or fees past due; or

(7) A licensee has knowingly or intentionally facilitated another in the commission of the offense of public indecency.

(C) If the County revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the County finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license; the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

7-6-10 **TRANSFER OF LICENSE.** A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

7-6-11 **BUSINESS RECORDS.** All adult uses shall file a verified report with the County showing licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years** the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

7-6-12 **ADULT ENTERTAINMENT CABARETS – RESTRICTIONS.** All dancing and other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performances shall occur closer than within **ten (10) feet** of any patron. In addition, no performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any performer. No patron shall directly pay or give any gratuity to any performer and no performer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to performers by placing the gratuity on the stage.

7-6-13 **VIDEO VIEWING BOOTHS – RESTRICTIONS.** No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partition, but all such booths, stalls or partitioned portions of a room or individual room so used shall have at least **one (1)** side open to an adjacent public room so that the area inside is visible to person in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

7-6-14 **HOURS OF OPERATION.** No adult use shall be open prior to **10:00 A.M.** or after **12:00 A.M.**

ARTICLE VII – FIREWORKS CODE

7-7-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

- (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flutter sparklers;
- (2) Smoke devices;
- (3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a “common firework”.

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

7-7-2 SALE OF FIREWORKS UNLAWFUL. It is unlawful for any person to sell any fireworks within the County other than those fireworks designated in **Section 7-7-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-7-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL. It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the County; provided that this prohibition shall not apply to duly authorized public displays.

7-7-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS. It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the County without first having obtained a valid permit issued pursuant to the provisions of this Article.

7-7-5 TIME LIMIT SET ON SALE AND USE. No permit holder shall offer for retail sale or sell any fireworks within the County except from **12:00 Noon** on the **28th of June** to **12:00 Noon** on the **6th of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

7-7-6 PERMIT FEES. The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the County Board.

7-7-7 ISSUANCE – NONTRANSFERABLE VOIDING.

(A) **Sellers.** Each seller’s permit issued under this Article shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in **Section 7-7-11** of this Article. Each seller’s permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

7-7-8 APPLICATION FOR PUBLIC DISPLAY PERMIT. Applications for a permit to conduct a public display of fireworks shall be made to the District Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-7-12** of this Article.

7-7-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE.

Applications for seller’s permits shall be made to the County Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall close on **April 15th** of such year unless extended by action of the County Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to **Section 7-7-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(See 425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Two Million Dollars (\$2,000,000.00)** for injuries to any one person in one accident or occurrence; **Two Million Dollars (\$2,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Two Million Dollars (\$2,000,000.00)** for damage to property in any one accident or occurrence; **Two Million Dollars (\$2,000,000.00)** combined single limit for any one accident or occurrence. In addition, the County is to be an additional named insured and the policy shall provide for the immediate notification of the County by the insurer of any cancellation of any policy.

(E) The permit holder’s location or place of business shall be only in those areas or zones within the County where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-7-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the County a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of

the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the County. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10th) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-7-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the County Clerk shall be controlling.

7-7-10 SALE FROM STANDS – EXCEPTIONS. All approved fireworks as set forth in **Section 7-7-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-7-11 STANDARDS FOR TEMPORARY STANDS. The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the County Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the District Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7th) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

7-7-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS. All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the County and approved by the District Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the District Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the District Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the County for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the District Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the District Fire Chief or designed and maintained in an approved manner.

(J) The applicant shall obtain a **Five Million Dollar (\$5,000,000.00)** liability insurance policy.

7-7-13 USE OF FIREWORKS IN PUBLIC PARKS. It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the County, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The District Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-7-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-7-5** in such areas shall not be a violation of this Section. In doing so, the District Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and
- (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1st** of each year for use on **July 4th** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may

be appealed in writing to the County Board by any citizen of the County. The decision of the County Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the County Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

7-7-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the County in accordance with **Sections 7-7-7** and **7-7-8** of this Code.

7-7-15 **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-7-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-7-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227** and **425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-7-18 **ENFORCEMENT.** The District Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the District Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-7-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

(See Section 1-1-20 for penalties.)

OFFICIAL BUSINESS LICENSE

STATE OF ILLINOIS)
)
COUNTY OF MONROE) ss.

ILLINOIS SALES TAX NUMBER _____

TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:

WHEREAS _____,
having complied with all the requirements of the laws of the State of Illinois and the ordinances of the **County of Monroe, Illinois** in this behalf made and required license is, by authority of the **County of Monroe, Illinois** given and granted to the _____
_____ to _____ at _____
_____ in the **County of Monroe and State of Illinois**, from the _____ date hereof until the _____ day of _____
_____, __, said _____ to be subject to all laws of the State of Illinois and all ordinances of the **County of Monroe, Illinois**, not in conflict therewith, which are now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the County Chairman of the **County of Monroe, Illinois** and the seal thereof, this _____ day of _____, ____.

**COUNTY CLERK
MONROE COUNTY**

COUNTERSIGNED:

**SHERIFF
MONROE COUNTY**

(SEAL)

COUNTY OF MONROE

BUSINESS LICENSE APPLICATION

APPLICATION NO. _____ **ANNUAL LICENSE FEE DUE MAY 1ST: \$** _____

(PLEASE TYPE OR PRINT)

1. Applicant's Name: _____ PHONE () _____
2. Applicant's Address _____
City _____ State _____ ZIP _____
3. Length of resident at above address _____ years _____ months
4. Applicant's Date of Birth ___/___/___ Social Security No. _____
5. Marital Status _____ Name of Spouse _____
6. Citizenship of Applicant _____
7. Business Name _____ PHONE () _____
8. Business Address _____
City _____ State _____ ZIP _____
9. Length of Employment _____ years _____ months
10. All residences and addresses for the last three (3) years if different than above:

11. Name and Address of employers during the last three (3) years if different than above:

12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:

13. A description of the subject matter that will be used in the applicant's business:

14. Has the applicant ever had a license in this municipality? [] Yes [] No
If so, when _____
15. Has a license issued to this applicant ever been revoked? [] Yes [] No
If "yes", explain: _____
16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.?
[] Yes [] No If "yes", explain: _____
17. Has the applicant ever been convicted of the commission of a felony? [] Yes [] No
If "yes", explain: _____
18. LICENSE DATA: Term of License _____
Fee for License \$ _____
Sales Tax Number _____
License Classification _____
19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):

COUNTY OF MONROE
APPLICATION FOR RAFFLE LICENSE

Organization Name: _____

Address: _____

Type of Organization: _____

Length of Existence of Organization: _____

If incorporated – Date & State of Incorporation: _____

List Presiding Officer, Secretary, and Raffle Manager:

PRESIDENT: _____ Address: _____

Social Security No.: _____ Birth Date _____ Phone No. _____

SECRETARY: _____ Address: _____

Social Security No.: _____ Birth Date _____ Phone No. _____

RAFFLE MANAGER: _____ Address: _____

Social Security No.: _____ Birth Date _____ Phone No. _____

List any other members responsible for the conduct and operation of the raffle and their name, address, birth date, social security number and phone number on an additional sheet of paper to be attached to this application.

_____ This request is for a single raffle license.

_____ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ _____

Maximum retail value of each prize to be awarded: \$ _____

The maximum price charged for each raffle ticket issued or sold: _____

The area in which raffle chances will be sold or issued: _____

The maximum number of chances to be issued or sold: _____

Time period during which raffle chances will be sold (dates): _____

Date, Time and Location at which winning chances will be determined or drawn:

Date: _____ Time: _____

Location: _____

If Multiple Raffle License is requested, list on the back of this page, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

COUNTY OF MONROE
APPLICATION FOR POKER RUN LICENSE

Organization Name: _____

Address: _____

Type of Organization: _____

Length of Existence of Organization: _____

If incorporated – Date & State of Incorporation: _____

List Presiding Officer, Secretary, and Raffle Manager:

PRESIDENT: _____ Address: _____

Social Security No.: _____ Birth Date _____ Phone No. _____

SECRETARY: _____ Address: _____

Social Security No.: _____ Birth Date _____ Phone No. _____

RAFFLE MANAGER: _____ Address: _____

Social Security No.: _____ Birth Date _____ Phone No. _____

List any other members responsible for the conduct and operation of the raffle and their name, address, birth date, social security number and phone number on an additional sheet of paper to be attached to this application.

_____ This request is for a single raffle license.

_____ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ _____

Maximum retail value of each prize to be awarded: \$ _____

The maximum price charged for each raffle ticket issued or sold: _____

The area in which raffle chances will be sold or issued: _____

The maximum number of chances to be issued or sold: _____

Time period during which raffle chances will be sold (dates): _____

Date, Time and Location at which winning chances will be determined or drawn:

Date: _____ Time: _____

Location: _____

If Multiple Raffle License is requested, list on the back of this page, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

CERTIFICATION AND SWORN STATEMENT

We, _____ and _____ of
Presiding Officer Secretary

(NAME OF ORGANIZATION)
do hereby attest to the not-for-profit character of the applicant organization. Dated this _____
_____ day of _____, _____.

PRESIDING OFFICER

SECRETARY

I, _____ of the _____,
Presiding Officer Organization

Do hereby certify that the information contained in this application is true and correct. Dated
this _____ date of _____, _____.

PRESIDING OFFICER

STATE OF ILLINOIS)
)
COUNTY OF MONROE) ss.

Signed and sworn to before me this _____ day of _____, _____.

NOTARY PUBLIC

A copy of the Raffle or Poker Run Code in the County is available upon request and should be kept by your organization.

APPLICANT/FIELD CHECK

INFORMATION CARD

Name			Location	Date	Time
Residence Address			D.L.#		
Business Address Info			Vehicle	Color	Yr. Body License
Occupation			Vehicle Modifications:		
Social Security Number					
Race	Sex	Height	Action Leading to Check:		
Weight	Eyes	Hair			
Complexion		Date of Birth			
Unusual Features:					
			Comments:		
Hat	Coat		Associates:		
Cap	Jacket				
Blouse	Dress				
Shirt	Sweater				
Skirt	Trousers				

EXHIBIT "A"

APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT

PART A – DISPLAY SPONSOR INFORMATION

Display Sponsor's Name	Telephone Number
Address	Cell Phone

PART B – PYROTECHNIC DISTRIBUTOR INFORMATION

Pyrotechnic Distributor's Name	OSFM License	
Address	Telephone Number	
Location Where Fireworks Stored	Storage Dates	
Lead Pyrotechnic Operator's Name	OSFM License	
Assistant's Names	Date of Birth	License No. (if any)
Liability Insurance: (not less than \$1,000,000.00)		
Name and Address of Insurer	Telephone Number	
Policy Number	Coverage Dates	
Type of Coverage		
List Type, Size and Approximate Number of Fireworks to be Displayed: (if you need more space, please attach a separate sheet of paper.)		

PART C – DISPLAY INFORMATION

Display Location	
Property Owner's Name	Telephone Number
Owner's Address (if different than Display Location)	
Date of Display	Time of Display
Alternative Date	Time of Alternative Display
By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property.	
Signature:	

PART D – SITE INSPECTION INFORMATION

Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display site?		
Have provisions been made for on-site fire protection during the display?		
Has a diagram of the display site been attached to this application?		
Identify the largest mortar size (in inches) you intend to use.		
Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.		

**PART E – FIRE DEPARTMENT AUTHORIZATION
(Completed by Fire Department)**

Department Name	Telephone Number	
Department Address		
Based on review of the Display Site, the provided Diagram, And this application:	Yes	No
Have you verified the answers the applicant has given to Part D of this application?		
Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?		
By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site:		
Signature:		
Print Name:	Date	

PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)

In the space provided below, draw and identify the location of the following items:
Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters.
The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:

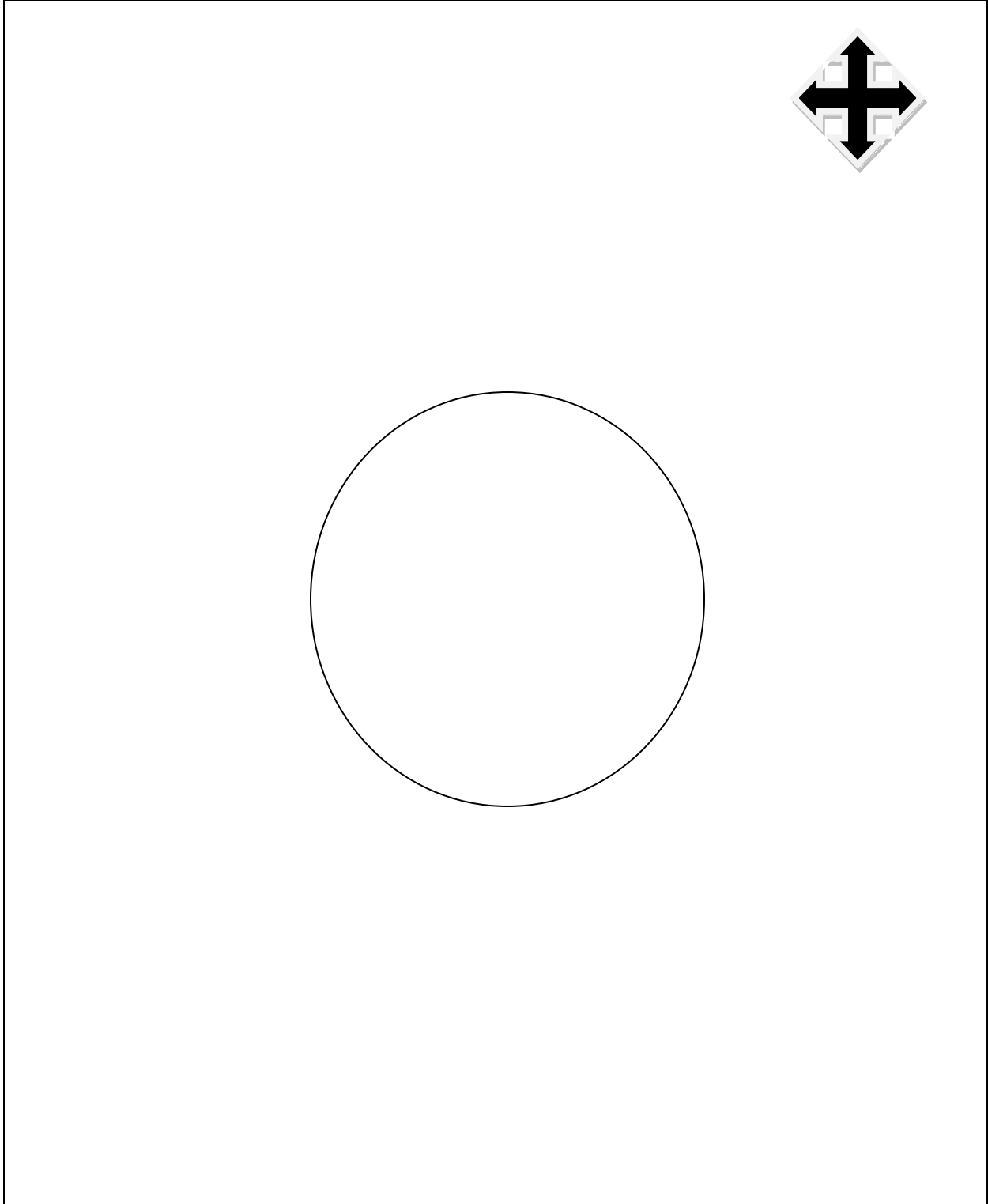
A large rectangular box with a thin black border, intended for a site diagram. In the center of the box is a large, empty circle. In the top right corner of the box is a north arrow symbol, which consists of a diamond shape with four arrows pointing outwards (up, down, left, right) from its center.

EXHIBIT "B"

OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST

PART A – DISPLAY INFORMATION

Name of Company: _____ License No. _____

Name of Lead Operator: _____ License No. _____

Location of Display: _____

Venue Contact: (Name, Address and Telephone Number)

Date of Display: _____ Alternative Display Date: _____

<u>Assistants Names</u>	<u>Date of Birth</u>	<u>License No. (If Any)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES

- Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.
- Identify the largest mortar size in inches: ()
- The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

Table 1

Mortar Size (in inches)	Minimum Secured Diameter of the Site (in feet)
<3	280
3	420
4	560
5	700
6	840
7	980
8	1120
10	1400
12	1680

Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

- Spectators and spectator parking areas must be located outside of the display site.

- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.
- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.
- Review sample Display Site Plan at end of this document.

PART C – LOCATION OF DISPLAY

- Mortars shall be placed at the approximate center of the display site.
- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.
- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.
 - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

PART D - MORTARS

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.
- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

PART E – GROUND DISPLAY

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.
 - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.
- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.
- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

PART F – DISPLAY SITE SAFETY

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.
- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.
- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.

- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

PART G – DISCHARGE AREA SAFETY

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.
- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.
- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.
 - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.
- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

PART H – HALTING DISPLAY

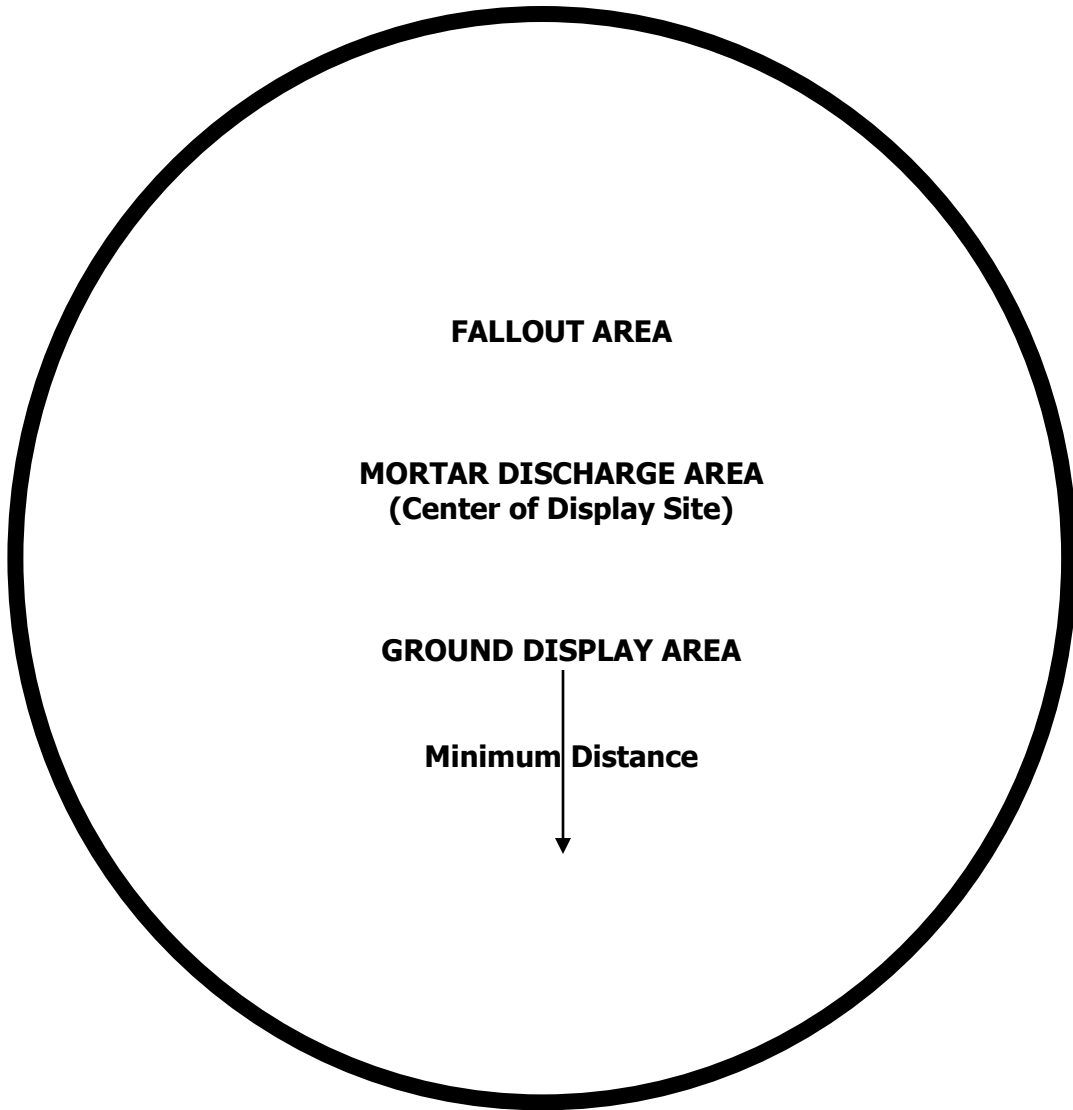
- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:
 - The lack of crowd control,
 - If high winds, precipitation, or other adverse weather conditions prevail, or
 - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.
- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

PART I – POST DISPLAY INSPECTION

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.
- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

DISPLAY SITE PLAN

← MINIMUM SECURED DISTANCE →



SPECTATOR VIEWING AREA

VEHICLE PARKING AREA

EXHIBIT "D"

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

OUTDOOR PYROTECHNIC DISPLAY PERMIT

Date _____ Permit No. _____

PERMITTEES:

Display Sponsor _____

Pyrotechnic Distributor _____

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on _____,

(Month, Day, Year)

at _____ in _____, Illinois.

(Time)

(City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on _____,

at _____.

(Month, Day, Year)

(Time)

The Lead Pyrotechnic Operator, _____, is hereby

(Name)

designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.

CABLE TELEVISION FRANCHISE

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CHAPTER 9

CABLE TELEVISION FRANCHISE

ARTICLE I – GRANT OF FRANCHISE AND GENERAL PROVISIONS

9-1-1 TITLE OF ARTICLE. This Article shall be known and may be cited as the "Cable Franchise", hereinafter "Franchise", and it shall become a part of the ordinances of Monroe County. [See Addendum "A" at the conclusion of this Chapter.]

9-1-2 DEFINITIONS. For the purpose of this Article the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

"Additional service" shall mean cable television communications service provided by the Grantee or others over its Cable System for which a special charge is made based on program or service content, time or spectrum space usage, and shall include all cable television services offered by the Grantee that are not included within the "basic service tier".

"Basic service tier" shall mean those subscriber services provided by the Grantee, pursuant to the Cable Television Consumer Protection and Competition Act of 1992, including the delivery of broadcast signals electing carriage and any public, educational and governmental access covered by the regular monthly charge paid by all subscribers, excluding optional services for which a separate charge is made.

"Board" shall mean the Monroe County Board, the governing body of Monroe County.

"Cable mile" shall mean a linear mile of strand-bearing cable as measured on the street or easement from pole to pole or pedestal to pedestal.

"Cable System (CS)" shall mean a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided for sale to or use by the inhabitants or businesses of the County.

"Class IV Channel" shall mean a signaling path provided by a Cable System to transmit signals of any type from a subscriber terminal to another point in the cable system.

"Converter" means an electronic device, which converts signals to a frequency not susceptible to interference within the television receiver of a subscriber, and by use of an appropriate channel selector also permits a subscriber to receive all signals delivered at designated converter dial locations.

"County" is Monroe County, a municipal corporation of the State of Illinois.

"FCC" shall mean the Federal Communications Commission and any legally appointed or elected successor.

"Franchise" shall mean the non-exclusive rights granted pursuant to this Article to construct and operate a Cable System along the public ways within all or a specified area in the County. Any such authorizations, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the County as required by other ordinances and laws of this County.

"Grantee" shall mean any "person" receiving a Franchise pursuant to this Article and its lawful successor, transferee or assignee.

"Gross Receipts" shall mean all receipts derived directly or indirectly by the Grantee, from providing cable television services within the County, including, but not limited to, basic subscriber and additional service monthly fees, pay cable fees, installation and reconnection fees, leased channel fees, converter rentals, studio rental, production equipment and personnel fees, and advertising revenues; provided, however, that this shall not include any taxes or copyright fees on services furnished by the

Grantee herein imposed directly upon any subscriber or user by the state, local or other governmental unit and collected by the Grantee on behalf of said governmental unit.

"Installation" shall mean the connection of the system from feeder cable to subscribers' terminals.

"Monitoring" means observing a communications signal, or the absence of a signal, where the observer is neither the subscriber nor the programmer, whether the signal is observed by visual or electronic means, for any purpose whatsoever. Provided, monitoring shall not include systemwide, non-individually addressed sweeps of the system for purposes of verifying system integrity, controlling return paths transmissions, or billing for services.

"Person" shall mean an individual, partnership, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, association, organization or corporation.

"Public School" shall mean any school at any educational level operated within the County by any public, private or parochial school system, but limited to, elementary, junior high school, and high school.

"Reasonable notice" shall be written notice addressed to the Grantee at its principal office or such other office as the Grantee has designated to the County as the address to which notice should be transmitted to it, which notice shall be certified and postmarked not less than **four (4) days** prior to that day in which the party giving such notice shall commence any action which requires the giving of notice. In computing said **four (4) days**, Saturdays, Sundays and holidays recognized by the County shall be excluded.

"Reasonable Order" shall be written orders not excessive or extreme as to costs or time to comply, governed by sound thinking.

"Sale" shall include any sale, exchange, barter or offer for sale.

"Service Area" shall mean the geographic area within Franchise territory having **twenty-four (24) dwellings** per cable mile.

"State" shall mean the State of Illinois.

"Street" shall include each of the following which have been dedicated to the public or hereafter dedicated to the public and maintained under public authority or by others and located within the County limits; streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way and similar public ways and extensions and additions thereto, together with such other public property and areas that the County shall permit to be included within the definition of street from time to time.

"Subscriber" shall mean any person receiving either basic service or additional service from the Grantee.

"User" means a party utilizing a cable system channel for purposes of production or transmission of material to subscribers, as contrasted with receipt thereof in a subscriber capacity.

9-1-3 RIGHTS AND PRIVILEGES OF GRANTEE. The Franchise granted by the County pursuant to this Article shall grant to the Grantee the right and privilege to erect, construct, operate and maintain in, upon, along, across, above, over and under the streets, now in existence and as may be created or established during its terms; any poles, wires, cable, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation of a Cable system.

9-1-4 FAVORED NATIONS. In the event Grantee shall enter into any other cable television franchise with any political subdivision in Madison County, St. Clair County or Monroe County providing for technological improvements or upgrade or special customer services not currently available in the County, Grantee shall notify the County of same within **thirty (30) days** of the effective date of the other franchise.

Following notification, Grantee shall submit a schedule for providing these system enhancements to be effectuated within the same period of time as the other franchise; provided, however, that Grantee

is able to recoup its cost in a manner consistent with the terms agreed upon in the other communities. The County may grant extensions, where necessary, upon application by the Grantee, which shall demonstrate cause for the extension.

9-1-5 **FRANCHISE TERRITORY.** This nonexclusive Franchise relates to the County limits as presently defined and to any area henceforth added thereto during the term of this Franchise.

9-1-6 **DURATION AND ACCEPTANCE OF FRANCHISE.** The Franchise and the rights, privileges and authority hereby granted shall take effect and be in force from and after final passage thereof, as provided by law, and shall continue in force and effect for a term of **ten (10) years**, provided that within **thirty (30) days** after the date of final passage of the Franchise the Grantee shall file with the County its unconditional acceptance of the Franchise and promise to comply with and abide by all its provisions, terms, and conditions.

9-1-7 **FRANCHISE RENEWAL.**
(A) This Franchise may be renewed by the County upon application of the Grantee pursuant to applicable law.
(B) A renewed Franchise may be granted pursuant to the Article as amended for an additional period of **ten (10) years**.

9-1-8 **POLICE POWERS.** In accepting this Franchise, the Grantee acknowledges that its rights hereunder are subject to the police power of the County to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the County pursuant to such power.

Any conflict between the provisions of this Franchise and any other present or future lawful exercise of the County's police powers shall be resolved in favor of the latter, except that any such exercise that is not of general application in the jurisdiction or applies exclusively to Grantee or CS franchises which contains provisions inconsistent with this Franchise shall prevail only if upon such exercise, the County finds an emergency exists constituting a danger to health, safety, property or general welfare or such exercise is mandated by law.

9-1-9 **CABLE SYSTEM FRANCHISE REQUIRED, EXCLUSIVE CONTRACTS PROHIBITED.**

(A) No CS shall be allowed to occupy or use the streets or public right-of-way of the County or be allowed to operate without a CS Franchise.
(B) No Grantee or other multichannel video programming distributor shall enter into or enforce an exclusive contract for the provision of cable service or other multichannel video programming with any Person, or demand the exclusive right to serve a Person or location, as a condition of extending service to that or any other Person or location.
(C) No Grantee or other multichannel video programming distributor shall engage in acts that have the purpose or effect of limiting competition for the provision of cable service or services similar to cable service in the County, except for such actions as are expressly authorized by law.

9-1-10 **USE OF COMPANY FACILITIES.** The County shall have the right, during the life of this Franchise, to install and maintain free of charge upon the poles owned by the Grantee any wire and pole fixtures that do not unreasonably interfere with the CS operations of the Grantee.

9-1-11 **NOTICES.** All notices from Grantee to the County pursuant to this Franchise shall be to the County Clerk. Grantee shall maintain with the County, throughout the term of this Franchise, an address for service of notices by mail.

9-1-12 **INDEMNIFICATION AND INSURANCE.**

(A) **Indemnification.** The Grantee shall, by acceptance of the Franchise granted herein, defend Grantor, its Officers, Boards, Commissions, Agents, and Employees for all claims for injury to any person or property caused by the negligence or alleged negligence of Grantee in the construction or operation of the cable system and in the event of a determination of liability shall indemnify and hold Grantor, its Officers, Boards, Commissions, Agents, and Employees harmless from any and all liabilities, claims, demands, or judgments growing out of any injury to any person or property as a result of the violation or failure of Grantee to observe its proper duty or because of the negligence or alleged negligence of Grantee arising out of the construction, repair, extension, maintenance, operation or removal of its wires, poles or other equipment of any kind or character used in connection with the operation of the cable system.

(B) **Insurance.**

(1) The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Worker's Compensation	Statutory Limits
Commercial General Liability	\$100,000 per occurrence, Combined Single Liability (C.S.L.) \$2,000,000 General Aggregate
Auto Liability including coverage on all owned, non-owned or hired autos	\$1,000,000 per occurrence C.S.L.
Umbrella Liability	\$1,000,000 per occurrence C.S.L.

(2) The County shall be added as an additional insured to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

(3) The Grantee shall furnish the County with current certificates of insurance evidencing such coverage.

(4) The minimum amounts set forth herein for such insurance shall not be construed to limit the liability of the Grantee to the County under the Franchise issued hereunder to the amounts of such insurance.

9-1-13 **RIGHTS OF INDIVIDUALS.**

(A) Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age or sex. Grantee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this Article by reference.

(B) Grantee shall strictly adhere to the equal employment opportunity requirements of the FCC and state and local regulations, as amended from time to time.

(C) No signals of a Class IV cable communications channel shall be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorizing the permission in full knowledge of its provision. Such written permission shall be for a limited period of time not to exceed

one (1) year, which shall be renewable at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew such an authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever provided that such revocation request may be required to be in writing by Grantee. Such authorization is required for each type or classification of Class IV cable activity planned; provided however, that the Grantee shall be entitled to conduct systemwide or individually addressed "sweeps" for the purpose of verifying system integrity, controlling return-path transmission, or billing for services.

(D) The Grantee, or any of its agents or employees, shall not, without the specific written authorization of the subscriber involved, sell, or otherwise make available to any party;

(1) lists of the names and addresses of such individual subscribers, or;

(2) any list which identifies the viewing habits of individual subscribers.

(E) The CS of the Grantee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies or other entities having a legitimate use for the network; and no one shall be arbitrarily excluded from its use; allocation of use of said facilities shall be made according to the rules or decisions of the Grantee and any regulatory agencies affecting the same.

(F) Grantee shall establish rates that are nondiscriminatory within the same general class of subscribers which must be applied fairly and uniformly to all subscribers in the franchise area for all services. Nothing contained herein shall prohibit the Grantee from offering:

(1) discounts to commercial and multiple family dwelling subscribers billed on a bulk basis;

(2) promotional discounts; or

(3) reduced installation rates for subscribers who have multiple services.

9-1-14 **PUBLIC NOTICE.** Minimum public notice of any public meeting relating to this Franchise shall be by publication at least once in a newspaper of general circulation in the area at least **ten (10) days** prior to the meeting, posting at Court House and by announcement on at least **one (1) channel** of the Grantee's CS for **five (5) consecutive days** prior to the meeting.

9-1-15 **SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Article is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

(Ord. No. 97-01; 02-03-97)

ARTICLE II - CS EXTENSION, OPERATION, STANDARDS AND PROCEDURES

9-2-1 SERVICE AVAILABILITY. The Grantee shall provide cable service throughout the entire Franchise area pursuant to the provisions of this Franchise and shall keep a record of all service extended by the Grantee. This record shall be available for inspection by the County at the local office of the Grantee during regular office hours.

(A) **Line Extensions.**

(1) In all areas of the Franchise territory, the Grantee shall be required to extend its system pursuant to the following requirements:

(a) Grantee must extend and make CS service available to every dwelling unit in all unserved, developing areas having at least **twenty-four (24) dwelling units** per cable mile as measured from the existing system, and shall extend its system simultaneously with the installation of utility lines.

(b) Grantee must extend and make CS service available to any isolated resident requesting connection at the standard connection charge, if the connection to the isolated resident would require no more than a standard of **one hundred fifty (150) foot** aerial drop line.

(2) **Early Extension.** In areas not meeting the requirement for mandatory extension of service, Grantee shall provide, upon the written request of a potential subscriber desiring service, an estimate of the costs required to extend service to said subscriber. Grantee may require advance payment of assurance of payment satisfactory to Grantee. The amount paid by subscribers for early extension shall be nonrefundable, and in the event the area subsequently reaches the density required for mandatory extension, such payments shall be treated as consideration for early extension.

(3) **New Development Underground.** In cases of new construction or property development where utilities are to be placed underground, the developer or property owner shall give Grantee reasonable notice of such construction or development, and of the particular date on which open trenching will be available for Grantee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Grantee's expense. Grantee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the development shall be borne by the developer or property owner; except that if Grantee fails to install its conduit, pedestals and/or vaults, and laterals within **five (5) working days** of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the **five (5) day** period, the cost of new trenching is to be borne by Grantee. Except for the notice of the particular date on which trenching will be available to Grantee, any notice provided to Grantee by County of a preliminary plat request shall satisfy the requirement of reasonable notice if sent to the local general manager or system engineer of Grantee prior to approval of the preliminary plat request.

(B) **Special Agreements.** Nothing herein shall be construed to prevent Grantee from serving areas not covered under this Section upon agreement with developers, property owners, or residents.

9-2-2

(A)

CONSTRUCTION AND TECHNICAL STANDARDS.

Construction Standard.

- (1) **Compliance with Safety Codes.** All construction practices shall be in accordance with all applicable sections of the **Occupational Safety and Health Act of 1970** and any amendments thereto as well as all state and local codes where applicable.
- (2) **Compliance with Electrical Codes.** All installation of electronic equipment shall be of a permanent nature, durable and installed in accordance with the provisions of the **National Electric Safety Code** as amended.
- (3) **Antennas and Towers.** Antenna supporting structures (towers) shall be designed for the proper loading zones as specified in **Electronics Industry Association's F.S.-22A Specifications.**
- (4) **Compliance with Aviation Requirements.** Antenna supporting structures (tower) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the **Federal Aviation Administration** and all other applicable state or local codes and regulations.
- (5) **Construction Standards and Requirements.** All of the Grantee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not to endanger or interfere with improvements the county may deem proper to make, or to interfere in any manner with the rights of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on county properties.
- (6) **Safety, Nuisance, Requirements.** The Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage, injury or nuisance to the public.

(B)

Network Technical Requirements. The Cable System shall be operated so as to meet the following general objectives:

- (1) Capable of continuous **twenty-four (24) hour** daily operation;
- (2) Capable of operating over an outdoor temperature range of -20 degrees F to +120 degrees F and meeting all specifications as set forth herein over said temperature range without catastrophic failure or irreversible performance changes over variations in supply voltages from 105 to 130 volts AC;
- (3) Operated in such a manner as to avoid causing interference with reception of off-the-air signals by non-subscribers to the network;
- (4) Designed, installed and operated so as to assure the delivery to all subscribers of standard color and monochrome signals on the FCC-designed Class I channels without noticeable picture degradation or visible evidence of color distortion or other forms of interference directly attributable to the performance of the Cable System.

(C)

Performance Monitoring.

- (1) Test procedures used in verification of the performance criteria set forth herein, if not as set forth in paragraph 76.609, Subpart K of the FCC Rules and Regulations, shall be in accordance with good engineering practice and shall be fully described in an attachment to the annual certificate filed upon request with the County.

- (2) To the extent that the report of measurements as required above may be combined with any reports of measurements required by the FCC or other regulatory agencies, the County shall accept such combined reports, provided that all standards and measurements herein or hereafter established by the County are satisfied.
- (3) At any time after commencement of service to subscribers the County may require additional tests, full or partial repeat tests, different test procedures, or test involving specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant non-compliance, and such tests will be limited to the particular matter in controversy. The County will endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to Grantee or to the subscriber.

(D)

Street Occupancy.

- (1) Grantee shall utilize existing poles, conduits and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately-owned property until the written approval of the County is obtained, which approval shall not be unreasonably withheld. However, no location of any pole or wire holding structure of the Grantee shall be a vested interest and such poles or structures shall be removed or modified by the Grantee at its own expense whenever the County reasonably determines that the public convenience would be enhanced thereby.
- (2) The facilities of the Grantee shall be installed underground in those areas of the County where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the County, the Grantee shall likewise place its facilities underground.
- (3) A Grantee shall notify the County at least **ten (10) days** prior to the intention of the Grantee to commence any construction in any streets. The County shall cooperate with the Grantee in granting any permits required, providing such grant and subsequent construction by the Grantee shall not unduly interfere with the use of such streets and that proposed construction shall be done in accordance with the pertinent provisions of the ordinances of the County.
- (4) All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times, shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair. The Grantee shall, at all times, employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way the Grantee shall be placed in such a manner as not to interfere with the usual travel on such public way.

- (5) Grantee shall, at its own expense, and in a manner approved by the County, restore to County standards and specifications any damage or disturbance caused to the public way as a result of its operations or construction on its behalf.
- (6) Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the Chief of the Fire Department or Chief of the Police Department to remove any of the Grantee's facilities, no charge shall be made by the Grantee against the County for restoration and repair, unless such acts amount to gross negligence by the County.
- (7) Grantee or its designee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities, subject to the supervision and direction of the County. Trimming of trees on private property shall require written consent of the property owner.
- (8) The Grantee at its expense shall protect, support, temporarily disconnect, relocate, or remove any property of Grantee when, in the opinion of the County the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies whether acting in a governmental or a proprietary capacity, or any other structure or public improvement, including but not limited to movement of buildings, urban renewal and redevelopment, and any general program under which the County shall undertake to cause all such properties to be located beneath the surface of the ground. The Grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of Grantee in place. Nothing hereunder shall be deemed a taking of the property of Grantee and Grantee shall be entitled to no surcharge by reason of anything hereunder.
- (9) Upon failure of Grantee to commence, pursue or complete any work required by law or by the provisions of this Article to be done in any street, within the time prescribed and to the reasonable satisfaction of the County, the County may, at its option, cause such work to be done and the Grantee shall pay to the County the cost thereof in the itemized amounts reported by the County to Grantee within **thirty (30) days** after receipt of such itemized report.
- (10) The Grantee shall make no paving cuts or curb cuts unless absolutely necessary, but only after written permission has been given by the County.
- (11) The Grantee shall install in conduit all cable passing under any major roadway.

9-2-3 SERVICE AND RATES.

(A) **Office and Phone.** The Grantee shall maintain a conveniently located office which shall be open during all usual business hours, have a locally listed telephone and be so operated that complaints and requests for repairs and adjustments may be received at any time. In addition, the Grantee shall maintain a service during normal business hours, for the receipt of sums due by its subscribers and shall provide for regular billing of accounts.

(B) **Notification of Service Procedures.** The Grantee shall furnish each subscriber at the time service is installed, written instructions that clearly set forth procedures and furnish information concerning the procedures for making inquiries or complaints, including the Grantee's name,

address and local telephone number. Grantee shall give the County **thirty (30) days** prior notice of any rate increases, channel lineup or other substantive service changes.

(C) **Rate Revision.** To the extent that Federal or State law or regulation may now, or as the same may hereafter be amended to, authorize the County to regulate the rates for any particular service tiers, service packages, equipment, or any other services provided, by Grantee, the County shall have the right to exercise rate regulation to the full extent authorized by law, or to refrain from exercising such regulation for any period of time, at the sole discretion of the County. If and when exercising rate regulation, the County shall abide by the terms and conditions set forth by the FCC.

9-2-4 CONTINUITY OF SERVICE.

(A) It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to the Grantee are honored. In the event that the Grantee elects to overbuild, rebuild, modify, or sell the system, or the County gives notice of intent to terminate or fails to renew this Franchise, the Grantee shall act so as to ensure that all subscribers receive continuous, uninterrupted service unless circumstances are beyond the control of the Grantee, unforeseen circumstances, or acts of God.

In the event of a change of Grantee, or in the event a new operator acquires the system, the Grantee shall cooperate with the County, new Grantee or operator in maintaining continuity of service to all subscribers. During such period, Grantee shall be entitled to the revenues for any period during which it operates the system.

(B) In the event Grantee fails to operate the system for **seven (7) consecutive days** without prior approval of the County or without just cause, the County may, at its option, operate the system or designate an operator until such time as Grantee restores service under conditions acceptable to the County or a permanent operator is selected. If the County is required to fulfill this obligation for the Grantee, the Grantee shall reimburse the County for all reasonable costs or damages in excess of revenues from the system received by the County that are the result of the Grantee's failure to perform.

9-2-5 GRANTEE RULES AND REGULATIONS. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under this Franchise, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or applicable state and federal laws, rules and regulations.

9-2-6 FRANCHISE FEE. Grantee shall pay to the County an annual fee in an amount equal to **three percent (3%)** of the annual gross receipts. Such payment shall be in addition to any other payment, charge, permit fee or bond owed to the County by the Grantee and shall not be construed as payment in lieu of personal or real property taxes levied by state, county or local authorities.

9-2-7 PAYMENT TO COUNTY.

(A) **Method of Computation.** Sales taxes or any other taxes or fees including copyright fees which are collected from subscribers by the Grantee to be remitted by the Grantee to a governmental agency shall be deducted from the gross subscriber receipts prior to the computation of the annual Franchise fee. The fee due the County under the provisions of **Section 9-2-6** above shall be computed and paid quarterly, based on the Grantee's fiscal year, with the last quarter payment being adjusted based on review of the Grantee's gross receipts and shall be paid not later than **ninety (90) days** after the end of the Grantee's fiscal year at the office of the Treasurer during its regular business hours. The payment period shall commence as of the effective date of the Franchise. In the event of a

dispute, the County, if it so requests, shall be furnished a statement of said payment, by a Certified Public Accountant, reflecting the gross receipts and the above charges, deductions and computations for the period covered by the payment.

(B) **Acceptance by County.** No acceptance of any payment by the County shall be construed as a release or as an accord and satisfaction of any claim the County may have for further or additional sums payable as a Franchise fee under this Article or for the performance of any other obligation of the Grantee.

(C) **Failure to Make Required Payment.** In the event that any Franchise payment or recomputed payment is not made on or before the dates specified herein, Grantee shall pay as additional compensation:

- (1) an interest charged, computed from such due date, at the annual rate of **nine percent (9%)** per annum and,
- (2) a sum of money equal to **two percent (2%)** of the amount due in order to defray those additional expenses and costs incurred by the County by reason of delinquent payment.

9-2-8 TRANSFER OF OWNERSHIP OR CONTROL.

(A) The Franchise granted hereunder shall be a privilege to be held for the benefit of the public. Said Franchise cannot in any event be sold, transferred, leased, assigned or disposed of, including but not limited to, by forced or voluntary sale, merger, consolidation, receivership, or other means without the prior consent of the County, and then only under such conditions as the County may establish. Such consent as required by the County shall, however, not be unreasonably withheld or delayed.

(B) The Grantee shall promptly notify the County of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the Grantee. The word "control" as used herein is not limited to major stockholders but includes actual working control in whatever manner exercised. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition by any person or group of persons of **ten percent (10%)** of the voting shares of the Grantee. Every change, transfer, or acquisition of control of the Grantee shall make the Franchise subject to cancellation unless and until the County shall have consented thereto, which consent will not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, the County may inquire into the qualification of the prospective controlling party, and the Grantee shall assist the County in any such inquiry.

(C) By its acceptance of this Franchise, the Grantee specifically grants and agrees that any such sale, assignment or transfer occurring without prior approval of the County Board shall constitute a violation of this Franchise by the Grantee.

(D) The foregoing requirements shall not apply to any sale, assignment or transfer to any Person which is owned or controlled by the Grantee, or any Person which owns or controls the Grantee. Grantee shall notify the County **thirty (30) days** prior to any sale, assignment or transfer.

(E) The requirements of this Section do not apply to the restructuring of debt or ownership interests among existing equity participants in Charter Communications, Inc. and its affiliates of the sale of capital stock by Grantee, or by any of Grantee's affiliated companies, in a transaction commonly known as an "initial public offering", provided that the following conditions are satisfied:

- (1) the Grantee provides to Grantor not less than **thirty (30) days** prior written notice of that proposed transaction; and
- (2) the Grantee represents in writing to the Grantor that such transaction will have no foreseeable effect on the agreement between the Grantee and Charter Communications, Inc. relating to the management and operation of the Grantee's cable system in the franchise service area.

9-2-9

RECORDS, REPORTS AND MAPS.

(A)

Reports Required. The Grantee shall file with the County:

- (1) The Grantee's schedule of charges, contract or application forms for regular subscriber service, policy regarding the processing of subscriber complaints, delinquent subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the Grantee's policy in connection with its subscribers shall be filed with the County upon request.
- (2) All petitions, applications and communications of all types submitted by Grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other Federal or State regulatory commission or agency having jurisdiction over any matter affecting operation of Grantee's system shall be submitted to the County upon request.
- (3) All rules, regulations, terms and conditions which Grantee has adopted for the conduct of its business shall be submitted to the County upon request.

(B)

Records Required. The Grantee shall at all times maintain:

- (1) A record of all complaints received and interruptions or degradation of service experienced shall be maintained for **one (1) year**.
- (2) A full and complete set of plans, records and "as-built" maps showing the exact location of all CS equipment installed or in use in the County, exclusive of subscriber service drops.

(C) **Filing.** When not otherwise prescribed herein, all matters required to be filed with the County shall be filed with the County Clerk.

(D) **Other Records.** The County may impose reasonable requests for additional information, records and documents from time to time.

(E) **Inspection of Property and Records.** At all reasonable times, Grantee shall permit examination by any duly authorized representative of the County of all Franchise property, together with any appurtenant property of Grantee situated within or without the County. Grantee shall also permit any duly authorized representative of the County to examine and transcribe any and all maps and other records kept or maintained by Grantee or under its control concerning the operations or property of Grantee.

9-2-10 **REMOVAL OF CS.** At the expiration of the term for which this Franchise is granted, or upon its termination as provided herein, Grantee shall forthwith, upon notice by County, remove at its own expense the CS from all streets and public property within the County. If Grantee fails to do so, County may perform the work at Grantee's expense.

9-2-11 **REQUIRED SERVICES AND FACILITIES.** The Grantee agrees that the equipment used in fulfillment of its franchise obligation shall be maintained at the highest standards consistent with changes in the state of the art and Grantee shall regularly advise the County of its equipment changes and modifications to upgrade the system.

9-2-12 **AREAWIDE INTERCONNECTION OF CABLE SYSTEMS.** The Grantee shall cooperate with any interconnection corporation, regional interconnection authority or county, state and federal regulatory agency which may be hereafter established for the purpose of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the County.

9-2-13 **COMMUNITY PROGRAMMING.** The Grantee shall maintain, without charge, one outlet to each public school, located in the area served by the system and will provide free basic service, for so long as the system remains in operation in the area. Any such school may install, as its expense, such additional outlets for classroom purposes as it desires, provided that such installation shall not interfere with the operation of Grantee's system, and that the qualify and manner of installation of such additional connections shall have been approved by the Grantee and shall comply with all County, state and federal laws and regulations.

In addition, the Grantee shall furnish to the County, without charge, that is, without installation or monthly charges, one outlet to each Police and Fire Station, and to the County Courthouse.

In addition to the local Public, Education and Government (PEG) access channel available to subscribers on the effective date of this Article, the Grantee shall also maintain a minimum of one equipped production studio for the service area, technical assistance, maintenance for the equipment, and a staff person to oversee the operation of the PEG channel.

ARTICLE III - ADMINISTRATION AND REGULATION

9-3-1 COUNTY RULES AND REGULATIONS.

(A) In addition to the inherent powers of the County to regulate and control this Franchise, and those powers expressly reserved by the County, or agrees to and provided for herein, the right and power is hereby reserved by the County to promulgate such additional regulations as it shall find necessary in the exercise of its lawful powers and in furtherance of the terms and conditions of this Franchise.

(B) The County may also adopt such regulations at the request of Grantee upon application.

9-3-2 PERFORMANCE EVALUATION SESSIONS.

(A) The County and the Grantee may hold performance evaluation sessions as may be required by federal and state law or by the County. All such evaluation sessions shall be open to the public.

(B) All evaluation sessions shall be announced in a newspaper of general circulation in accordance with general legal notice requirements. Grantee shall notify its subscribers of all evaluation sessions by announcement on at least **one (1) channel** of its system for **five (5) consecutive days** preceding each session.

(C) Topics which may be discussed at any scheduled or special evaluation session may include, but not be limited to, service rate structures; franchise fee; penalties; discounted services; application of new technologies; system performance; services provided; programming offered; customer complaints; privacy; amendments to this Article; judicial and FCC ruling; line extension policies; and Grantee or County rules.

9-3-3 FORFEITURE OR REVOCATION.

(A) **Grounds for Revocation.** The County reserves the right to revoke the Franchise granted hereunder and rescind all rights and privileges associated with the Franchise in the following circumstances, each of which shall represent a default and breach under this Article and the Franchise grant:

- (1) If the Grantee should default in the performance of any of its material obligations under this Article or under such documents, contracts and other terms and provisions entered into by and between the County and the Grantee.
- (2) If the Grantee should fail to provide or maintain in full force and effect, the liability and indemnification coverage's as required herein.
- (3) If the Grantee should frequently violate any orders or rulings of any regulatory body having jurisdiction over the Grantee relative to this Franchise unless such orders or rulings are being contested by the Grantee in a court of competent jurisdiction.
- (4) If the Grantee fails to receive necessary FCC approval.
- (5) If the Grantee ceases to provided services for any reason within the control of the Grantee. The Grantee shall not be declared at fault or be subject to any sanction under any provision of this Article in any case in which performance of any such provision is prevented for reasons beyond the Grantee's control.
- (6) If the Grantee attempts to evade any of the provisions of this Article or the Franchise agreement or practices any fraud or deceit upon the County.

(B)

Procedure Prior to Revocation.

- (1) The County shall make written demand by certified mail to the Grantee to comply with any such requirement, limitation, term, condition, rule or regulation and shall provide the Grantee with minimum of **thirty (30) days** to cure the County's complaint. If the default, failure, refusal or neglect of the Grantee continues for a period of **thirty (30) days** following such written demand, the County may place its request for termination of the Franchise upon a regular Board meeting agenda. The County shall cause to be served upon Grantee, at least **ten (10) days** prior to the date of such Board meeting, a written notice of this intent to request such termination, and the time and place of the meeting, notice of which shall be published by the County Clerk at least once, **ten (10) days** before such meeting in a newspaper of general circulation within the County.
- (2) The Board shall hear any persons interested therein, and shall determine, in its discretion, whether or not any default, failure, refusal or neglect by the Grantee was with just cause.
- (3) If such default, failure, refusal or neglect by the Grantee was with just cause, the Board shall direct the Grantee to comply with such time and manner and upon such terms and conditions as are reasonable.
- (4) If the Board shall determine such default, failure, refusal or neglect by the Grantee was without just cause, then the Board may, by resolution, declare that the Franchise of Grantee shall be terminated.

(C)

Restoration of Property. In removing its plant, structures and equipment, the Grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as prevailed prior to the Grantee's removal of its equipment and appliances without affecting the electrical or telephone cable wires, or attachments. The County shall inspect and approve the condition of the public ways and public places; and cables, wires, attachments and poles after removal. The liability, indemnity and insurance as provided herein shall continue in full force and effect during the period of removal and until full compliance by the Grantee with the terms and conditions of this paragraph and this Article.

(D)

Restoration by County, Reimbursement of Costs. In the event of a failure by the Grantee to complete any work by **Section 9-1-10** and/or subsection **9-3-3(C)** above, or any other work required by County law or ordinance within the time as may be established and to the reasonable satisfaction of the County, the County may cause such work to be done and the Grantee shall reimburse the County the reasonable cost thereof within **thirty (30) days** after receipt of an itemized list of such costs. The County shall be permitted to seek legal and equitable relief to enforce the provisions of this Section.

(E)

Extended Operation. Upon the revocation of a Franchise, the County may require the Grantee to continue to operate the system for a period of time not to exceed **three (3) months** from the date of such revocation. The Grantee shall, as trustee for its successor in interest, continue to operate the CS under the terms and conditions of this Article and the Franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time. The County shall be permitted to seek legal and equitable relief to enforce the provisions of this Section.

(F)

Rights Not Affected. The termination and forfeiture of any Franchise shall in no way affect any of the rights of the County or Grantee under the Franchise or any provision of law.

9-3-4**RECEIVERSHIP AND FORECLOSURE.**

(A)

The Franchise herein granted shall at the option of the County, cease and terminate **one hundred twenty (120) days** after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the Grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said **one hundred twenty (120) days**, or unless:

- (1) Such receivers or trustees shall have, within **one hundred twenty (120) days** after their election or appointment, fully complied with all the terms and provisions of this Article and the Franchise granted pursuant hereto, and the receivers or trustees within said **one hundred twenty (120) days** shall have remedied all defaults under the Franchise; and
- (2) Such receivers or trustees shall, within said **one hundred twenty (120) days**, execute any agreement duly approved by the Court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the Franchise herein granted.

(B) In the case of a foreclosure or other judicial sale of the plant, property and equipment of the Grantee, or any substantial part thereof, including or excluding this Franchise, the Board may serve notice of termination upon the Grantee and the successful bidder at such sale, in which event the Franchise herein granted and all rights and privileges of the Grantee hereunder shall cease and terminate **thirty (30) days** after service of such notice, unless:

- (1) The Board shall have approved the transfer of this Franchise, as and in the manner in this Article provided and;
- (2) Such successful bidder shall have covenanted and agreed with the County to assume and be bound by all the terms and conditions of this Franchise.

9-3-5 **COMPLIANCE WITH STATE AND FEDERAL LAWS.** Notwithstanding any other provisions of this Franchise to the contrary, the Grantee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof which relate to the conduct of Grantee's system business.

9-3-6 **INTEGRATION.** This Agreement sets forth the entire agreement between the parties respecting the subject matter hereof. All agreements, covenants, representations and warranties, express and implied, oral and written, of the parties with regard to the subject matter hereof are contained herein. No other agreements, covenants, representations or warranties, express or implied, oral or written, have been made by any party to another with respect to the matter of this Agreement. All prior and contemporaneous conversations, negotiations, possible and alleged agreements, representations, covenants and warranties with respect to the subject matter hereof are waived, merged herein and therein and superseded hereby and thereby. This is an integrated Agreement.

(Ord. No. 97-01; 02-03-97)

ADDENDUM "A"

TRANSFER OF OWNERSHIP

WHEREAS, the County of Monroe ("Grantor") granted to Charter Communications Entertainment I, L.P., a franchise as set forth in Ordinance No. 97-01, dated February 3, 1997, as amended by Ordinance No. 98-16, dated June 15, 1998, to own and operate a cable television system in the County of Monroe (the "Franchise");

WHEREAS, on July 29, 1998, Charter Communications, Inc., et al., entered into a Purchase Agreement (the "Agreement") with Paul G. Allen ("Applicant");

WHEREAS, the Agreement provides for the sale of stock, the transfer of control and/or restructuring of Grantee;

WHEREAS, Grantee filed an FCC Form 394 Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise with Grantor on or about August 18, 1998.

WHEREAS, Grantor has duly conducted a thorough review and investigation into the legal, technical and financial qualifications of Applicant to own and operate the cable television system in light of the above-referenced FCC Form 394; and

WHEREAS, all written comments and staff reports have been received, and made a part of the record; and

WHEREAS, the proposed restructuring calls for Charter Communications Entertainment I, L.P. be converted to a limited liability corporation; and

WHEREAS, following review and investigation, the Grantor has concluded that the Applicant has established that it meets the legal, technical and financial criteria to operate the cable television system and has satisfied all criteria set forth in and/or under all applicable or required municipal or federal documents, laws, rules and regulations, including FCC Form 394 for County of Monroe.

NOW, THEREFORE, BE IT ORDAINED, that in consideration of the foregoing and the promises set forth herein, the Grantor agrees to the following:

1. Grantor consents to the transfer of control of the Franchise of the cable system serving Grantor effective upon the closing of the transactions contemplated by the Agreement;
2. Grantor further consents to the change of corporate designation attendant with the restructuring of Grantee, Charter Communications Entertainment I, L.P. to Charter Communications Entertainment, LLC;
3. Grantor conforms that (a) the Franchise is valid and outstanding and in full force and effect; (b) there have been no amendments or modifications to the Franchise, except as set forth herein; (c) Grantee is materially in compliance with the provisions of the Franchise, and (d) there are no defaults under the Franchise, or events which, with the giving of notice or passage of time or both, could constitute events of default thereunder.
4. Upon acceptance of this Ordinance and the Franchise, by signing below Grantee may (a) assign or transfer its assets, including the Franchise provided however, that such assignment or transfer is to a parent or subsidiary of Grantee or another entity under direct or indirect control of Paul Allen; (b)

CABLE TELEVISION FRANCHISE ADDENDUM "A"

restructure debt or change the ownership interests among existing equity participants in Grantee, and/or affiliates; (c) pledge or grant a security interest to any lender(s) of Grantee's assets, including but not limited to the Franchise, or of interests in Grantee, for purposes of securing an indebtedness, without obtaining prior consent of Grantor; (d) sell capital stock of Grantee, or any of Grantee's affiliated companies, in a transaction commonly known as an "initial public offering" provided that: Grantee represents in writing to Grantor that such transaction will have no foreseeable effect on the agreement between Grantor and Grantee relating to the management and operation of the cable system in the franchise service area.

5. This Ordinance shall take effect immediately.

Duly adopted this 5th day of October, 1998, by the Grantor.

CEMETERY

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CHAPTER 10

CEMETERY

ARTICLE I – PALMIER HILL CEMETERY

10-1-1 **ESTABLISHED.** The Palmier Hill Cemetery is hereafter known as the “Palmier Cemetery.”

10-1-2 **TRUSTEES ESTABLISHED.** A **five (5) member** Board of Trustees, to be known as the Palmier Cemetery Board, is hereby created under the provisions of **Chapter 50 ILCS 610/1.**

10-1-3 **POWERS OF BOARD.** The Board shall have the following powers:
(A) To direct the use of funds of the cemetery.
(B) To care for and maintain cemetery property.
(C) To fulfill existing contracts for cemetery plots.
(D) To establish rules and regulations for cemetery use and visitation.
(Ord. No. 88-14; 07-05-88)

10-1-4 **CONTRACTS.** The Board shall not enter into any further contracts for, or allow the sale of, any cemetery plots without prior approval of the Monroe County Board.

10-1-5 **TERM.** Each member of the Board shall serve for a term of **three (3) years** or until a successor is appointed and has qualified.

ARTICLE II – BAUM-SALEM CEMETERY

10-2-1 **ESTABLISHED.** The Baum-Salem Cemetery is hereafter known as the “Baum-Salem Cemetery,” the correct historical name.

10-2-2 **TRUSTEES ESTABLISHED.** A **five (5) member** Board of Trustees, to be known as the Baum-Salem Cemetery Board, is hereby created under the provisions of **Chapter 50 ILCS 610/1.**

10-2-3 **POWERS OF BOARD.** The Board shall have the following powers:
(A) To direct the use of funds of the cemetery.
(B) To care for and maintain cemetery property.
(C) To fulfill existing contracts for cemetery plots.
(D) To establish rules and regulations for cemetery use and visitation.

10-2-4 **CONTRACTS.** The Board shall not enter into any further contracts for, or allow the sale of, any cemetery plots without prior approval of the Monroe County Board.

10-2-5 **TERM.** Each member of the Board shall serve for a term of **three (3) years** or until a successor is appointed and has qualified.

ARTICLE III – MILES CEMETERY

10-3-1 **ESTABLISHED.** The Miles Cemetery is hereafter known as the “Miles Cemetery,” the correct historical name.

10-3-2 **TRUSTEES ESTABLISHED.** A **five (5) member** Board of Trustees, to be known as the Miles Cemetery Board, is hereby created under the provisions of **Chapter 50 ILCS 610/1.**

10-3-3 **POWERS OF BOARD.** The Board shall have the following powers:

- (A) To direct the use of funds of the cemetery.
- (B) To care for and maintain cemetery property.
- (C) To fulfill existing contracts for cemetery plots.
- (D) To establish rules and regulations for cemetery use and visitation.

10-3-4 **CONTRACTS.** The Board shall not enter into any further contracts for, or allow the sale of, any cemetery plots without prior approval of the Monroe County Board.

10-3-5 **TERM.** Each member of the Board shall serve for a term of **three (3) years** or until a successor is appointed and has qualified.

EMPLOYEE REGULATIONS

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CHAPTER 11

EMPLOYEE REGULATIONS

INTRODUCTION AND WELCOME

Monroe County is pleased to welcome you as an employee. Monroe County recognizes that a personnel system which recruits and retains competent and dependable personnel is indispensable to efficient County government. This Handbook is provided to all employees to establish a systematic approach to administering the personnel policies of the County and is designed to communicate personnel policies and procedures. The policies and benefits in this Handbook may be revised or changed from time to time, with or without notice, as the County Board deems appropriate and advisable.

The information in this Employee Handbook is presented as a matter of information only. These policies do not limit the dissolution of the employment relationship, but rather set forth basic guidelines for wages, hours, benefits and working conditions for general information only. The policies contained in this Handbook are not intended, by reason of their publication, to confer any contractual rights or privileges upon an employee. This Handbook is not to be construed as a contract of employment. In fact, employees should understand that no representative of the County, other than the County Board, has any authority to enter into any agreement for employment for any specified period of time or to make any contract of employment and that any such agreement made by the County Board must be in writing, dated and executed by the parties to the contract. Absent a written and signed contract for a specific duration of employment, all Monroe County employees are employed on an "At-Will" basis.

The policies contained in this Handbook apply to all Monroe County employees, excepting employees of Oak Hill Nursing Home. Those employees are subject to a separate Employee Handbook. Further, employees of the Monroe County Health Department are subject to additional supplemental policies to this Handbook. However, to the extent that any policy contained herein conflicts with the terms of a collective bargaining agreement to which Monroe County is a party, the terms of the collective bargaining agreement will apply to employees covered by the collective bargaining agreement.

Policies stated within this document apply to all employees of the County, unless superseded by a union contract, individual employment contract, departmental policy, federal law or state law.

Individual departments are led by Department Heads and supervisors who can be elected County officials, appointed County officials or the Administrator of the Health Department. These department leaders will establish some policies and internal procedures for the purpose of addressing matters which are specific to departmental operations. This Handbook will address Monroe County's policies governed by federal and state laws which pertain to all employees.

Questions concerning policies or benefits outlined in this Handbook should be referred to an employee's Department Head or supervisor.

ARTICLE I – EMPLOYER RESPONSIBILITIES

11-1-1 EMPLOYMENT CATEGORIES.

(A) **Full-Time Employees.** Employees who have completed their introductory period and are regularly scheduled to work at least **forty (40) hours** per work week are categorized as full time. Appointed officials are considered full-time employees, unless otherwise specified by an employment contract. Appointed officials are eligible for County benefits, unless otherwise stated in this handbook.

(B) **Part-Time Employees.** Employees who have completed their introductory period and are regularly scheduled to work a minimum of **twenty-four (24) hours** per work week, but less than **forty (40) hours** per work week, are categorized as part-time employees and are eligible for the County's part-time benefits, unless otherwise stated in this handbook. Employees regularly

scheduled to work less than **twenty-four (24) hours** per work week are ineligible for County benefits, unless otherwise stated in this handbook.

Part-time employees working **forty (40) hours** per work week on a temporary basis (i.e. -- substituting for a full-time employee who is on leave) are not eligible for benefits, unless they are permanently placed in a full-time position.

(C) **Introductory Employees.** Employees who are within their introductory period are categorized as introductory employees and are not eligible for County benefits, unless otherwise stated in this handbook.

(D) **Temporary or Seasonal Employees.** Individuals hired to temporarily supplement the County work force, assist in the completion of a specific project or perform seasonal work are categorized as temporary or seasonal employees. They are hired for a limited duration of time and are not eligible for County benefits.

(E) **Department Heads.** Department Heads are responsible for management of designated County functions and can be elected officials or appointed officials. The Administrator of the Monroe County Health Department is responsible for its operation.

11-1-2 INTRODUCTORY PERIOD. The introductory period is **ninety (90) days** and is intended to provide newly hired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. In addition, the County uses the introductory period to evaluate an employee's capabilities, skills, work habits and overall performance.

If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate an employee's performance, the County may extend the introductory period up to a maximum of **thirty (30) additional days.**

11-1-3 EMPLOYMENT CLASSIFICATIONS. Employees will be informed when hired whether their position is classified as "exempt" or "non-exempt". These classifications are dictated by federal guidelines by which Monroe County must strictly adhere.

(A) **Exempt.** Employees who are classified as "exempt" are paid a salaried amount rather than an hourly wage and are not paid overtime if they work more than **forty (40) hours** in a work week. These employees do not record hours worked; however, they do submit information about time off for vacation, illness, etc.

(B) **Non-Exempt.** Employees who are classified as "non-exempt" receive overtime pay at the rate of **one and one-half (1 ½) times** their regular hourly rate for all hours actually worked beyond **forty (40) hours** in a work week. Holidays, vacation and other time off are not counted in determining the actual hours worked. Nonexempt employees must receive permission to work overtime. Working overtime without permission can lead to counseling and discipline, up to and including termination. According to departmental guidelines and supervisory approval, compensatory time may be approved in lieu of overtime.

According to federal guidelines, non-exempt employees must keep accurate time records of the actual hours worked on the County's timekeeping forms. Knowledgeable or deliberate falsification or alteration of time records will result in termination.

(C) **Exempt Salaried Employee Definition and Complaint Procedure.** An "exempt salaried employee" is an employee who regularly receives a predetermined amount of compensation each pay period on a weekly or less frequent basis and who falls within one of the following categories exempt from overtime: executive, administrative, professional, outside sales and certain computer employee. An employee who falls within the "exempt salaried employee" definition may not have his/her pay reduced because of variations in the quality or quantity of the employee's work, except, as follows:

- (1) For absences of one or more full days for personal reasons, other than sickness or disability;
- (2) For absences of one or more full days for sickness or disability IF the deduction is made according to a bona fide sickness or disability policy,

- plan or practice that provides compensation for time loss due to sickness or disability, or the employee is not yet eligible for pay under such a policy, plan or practice or has exhausted the employee's paid time under such policy, plan or practice;
- (3) To offset amounts employees, receive as jury or witness fees, or for military pay;
 - (4) For unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of safety rules of major significance such as those relating to the prevention of serious danger in the workplace or to another employee;
 - (5) For unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of the Company's written workplace conduct rules and policies. Such rules and policies include but are not limited to policies against harassment and violence in the workplace.
 - (6) When an "exempt salaried" employee works less than a full week for the first or final week of employment; or
 - (7) When an "exempt salaried" employee is eligible for and takes unpaid leave under the Family and Medical Leave Act.

It is the County's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, the County will not authorize any deduction that does not fall within the listed exceptions or that are not otherwise permissible under state or federal law. If you believe that an improper deduction has been made to your salary, you should immediately report this information to Human Resources.

Reports of improper deductions will be promptly investigated. If the County determines that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made. The County will also take whatever steps it deems necessary to ensure that any improper deduction brought to its attention under this procedure does not occur in the future.

11-1-4 EQUAL EMPLOYMENT OPPORTUNITY (EEO) EMPLOYER. Monroe County is an Equal Employment Opportunity (EEO) employer and does not discriminate based on race, color, religion, gender (including gender identity and/or expression), national origin, age, citizenship status, marital status, sexual orientation, military or discharge status, those qualified as having physical or mental disabilities, sex (including pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth) or any federal or state classification. All employment decisions will be made in accordance with the individual's ability to perform the essential functions of the job. It is the responsibility of the County, along with its department heads and supervisors, to act in a nondiscriminatory manner in the treatment of candidates and employees, including hiring, promoting, compensating, granting benefits, training and disciplining employees.

11-1-5 AMERICANS WITH DISABILITIES ACT (ADA). The County adheres to requirements of the Americans with Disabilities Act (ADA). If an employee requires an accommodation in his or her work or work environment due to a condition which qualifies under ADA, the employee's supervisor should be contacted. The matter will be handled with confidentiality, and the County will make any reasonable accommodations that do not create undue hardship as defined by federal guidelines.

11-1-6 NON-DISCRIMINATION ON THE BASIS OF PREGNANCY. The County will provide a reasonable accommodation for a medical or common condition of an otherwise qualified applicant, intern or employee, regardless of full-time, part-time, introductory or temporary status, related to pregnancy or childbirth, provided that the accommodation does not impose an undue hardship on the ordinary business of the County's operations and as required by law. Reasonable accommodation may include things such as more frequent bathroom breaks, assistance with heavy work, a private space

for expressing milk, or time off to recover from pregnancy. It is the obligation of the individual to request a reasonable accommodation. The County may request documentation of the need for accommodation provided that the request is job-related and consistent with business necessity. It is the individual's responsibility to provide such documentation if requested. The County will not require an individual affected by pregnancy, childbirth or medical or common condition related to pregnancy or childbirth to accept an accommodation when it is not requested, nor will the County require any such individual to take leave if another reasonable accommodation can be provided that would allow the individual to continue to perform the individual's essential job functions. The County will reinstate an individual affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth to the individual's original position when the individual's need for reasonable accommodation ends and/or the individual expresses an intent to return, unless doing so would impose an undue hardship upon the ordinary operation of the County's business. The County will not retaliate against an individual affected by pregnancy, childbirth or medical or common condition related to childbirth or pregnancy who request or uses an authorized reasonable accommodation.

The failure of any employee or supervisor to comply fully with this policy will be grounds for disciplinary action up to and including termination of employment.

11-1-7 POLITICAL ACTIVITY. Employees are not required to participate in or financially contribute to political campaigns nor shall they be subject to direct or indirect political influence or coercion. As an equal employment opportunity employer, political affiliation or support is not a contingency for employment with the County.

11-1-8 EMPLOYMENT-AT-WILL. Except as provided for within and applicable collective bargaining agreement, employment with an employer within the state of Illinois is not governed by any written or oral contract and is considered an "At-Will" arrangement. Employees should understand that they are able, as is the County, to terminate employment at any time and for any reason, as long as there is no violation of applicable federal or state law.

11-1-9 EMPLOYMENT OF RELATIVES AND MINORS. The employment of relatives in the same workplace can potentially cause serious conflicts and problems related to favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

For those reasons, it is the County's policy that relatives will not be allowed to work in a supervisor/subordinate relationship. For policy purposes, relatives are defined as parents, spouse, children, siblings, in-laws, grandparents, grandchildren and such step-relatives. If employees are currently married or marry during their employment by the County, they may remain employed as long as a supervisor/subordinate relationship does not exist, and their personal life does not interfere with the performance of their jobs.

With regard to age, individuals must be **sixteen (16) years** of age or older or have a work permit to be considered for employment.

11-1-10 ACCESS TO PERSONNEL RECORDS. According to State of Illinois statute, employees may review their personnel file up to **two (2) times** within a calendar year, when requests are made at reasonable intervals. To do so, an employee must complete the County's request form and the review will be scheduled within **two (2) working days**. If the County can reasonably show that the deadline cannot be met, the County will have an additional **seven (7) days** to comply. The review shall not be performed during the employee's work hours. Documents may not be removed from the file by the employee, but copies may be made at the employee's expense.

Any employee who is involved in a current dispute with the County may designate, in writing, a representative to inspect their personnel record, if it is deemed to have a bearing on the resolution of the dispute.

The right of the employee, or their designated representative, to inspect their personnel records does not extend to:

- Medical records.
- Letters of reference.
- Test documents (other than the score).
- Materials relating to the County's personnel planning.
- Information of a personal nature about a person other than the employee, if it would invade that person's privacy.
- Records involving the employee subject to judicial proceedings.
- Any records alleging criminal activity.

The official employee personnel file, except for employees of the Health Department, will be maintained by the office of Human Resources. Employment applications, along with mandatory federal and state forms, will be in the employee's personnel file. Employees who want to review their personnel file should contact Human Resources.

Information regarding medical and dental insurance enrollment for County-sponsored plans will also be maintained by the office of the Human Resources.

Employee information, forms and documentation that pertain to a specific department activity or function (i.e. – training records, attendance records, etc.) may be kept at the departmental level.

Due to grant requirements, the Health Department will maintain the official personnel file of Health Department employees, and duplicate information will be sent to Human Resources.

Should there be any changes in personnel information pertinent to your employment (e.g., changes in address, etc.), please contact Human Resources immediately, to complete the appropriate form(s), as it is the employee's responsibility to advise the County.

For the County to keep the employee's file as current and accurate as possible, it is the employee's responsibility to advise Human Resources if any of the following occur:

- You legally change your name, marry, or are legally separated or divorced.
- You change your address or telephone number.
- You want the County, in case of accident or emergency, to notify a different person than the one originally specified.
- There is a change with respect to your dependents.
- There is a change in military status affecting your ability to work.

If you dispute any information contained in the personnel file, the information may be removed only if agreed to by the County. Otherwise, you may submit a written explanation about the disputed information which will be attached to the disputed document in your personnel file.

11-1-11 HARASSMENT POLICY. The County wishes to provide all employees and interns a work environment that encourages productive activity and mutual respect. To accomplish this, the County maintains a "zero tolerance" policy and will not tolerate harassment or inappropriate conduct described in this Policy by any person and will deal severely with anyone who engages in such conduct. Therefore, the County prohibits the harassment of or inappropriate conduct directed toward employees because of their race, color, gender (including gender identity and/or expression), age, national origin, religion, ancestry, citizenship status, disability, marital status, sexual orientation, military or discharge status or qualified as having physical or mental disabilities, sex (including pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth) or any federal or state classification. This policy is in effect whenever an employee is involved in County activities, including business trips, County events, etc.

(A) Harassment or inappropriate conduct in violation of this policy can take the form of jokes, ridicule and slurs. No one has the right to harass someone because of their association with the protected categories listed above. This type of conduct has a negative effect on the workplace and is absolutely not acceptable. In many cases, the person who is offended can stop the conduct by telling the other person that they are offended, and they expect the conduct to be discontinued. The County encourages this type of straightforward communication. (Employees should inform their supervisor of such a discussion.)

(B) Sexual harassment can be difficult to define, and certain conduct is more offensive to some people than to others. However, the basic guideline that the County will follow is that physical touching not required by the job is inappropriate. Likewise, discussions, jokes or remarks involving sex, sexual matters, propositions or physical attributes are prohibited. No employee or supervisor may engage in this type of conduct. Although all types of prohibited conduct cannot be listed, the following list includes examples of types of prohibited conduct:

- (1) Unnecessary touching
- (2) Purposefully brushing against someone
- (3) Comments or slurs of a sexual or sexist nature
- (4) Cartoons or pictures that deal with a sexual or sexist subject
- (5) Pressuring someone to go on a date or unwelcome advances
- (6) Dirty or offensive jokes of a sexual or sexist nature
- (7) Treating someone in a derogatory manner because of sexual stereotypes or because they do not adhere to a sexual stereotype

(C) Behavior of this type becomes particularly egregious when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

(D) Anyone knowledgeable of information regarding any harassment or inappropriate conduct described above should notify their supervisor or the State's Attorney or by calling the posted Employee Helpline. This includes harassment or inappropriate conduct by another employee, supervisor or nonemployee. (i.e. - supplier, vendor, delivery person, etc.)

(E) The County will promptly initiate an investigation of the conduct and keep information as confidential as possible. All persons contacted must fully cooperate and, obviously, everyone is expected to be truthful and to use good judgment.

(F) Any person who is found to be responsible for harassment or inappropriate conduct will be subject to appropriate discipline, the severity of which will be decided by the County based on the circumstances of the case. Discipline could involve, as an example a warning, suspension or termination. If the person being complained about is a non-employee, the County will take necessary measures to protect the County employee.

(G) If an employee is found to have made an unfounded and false accusation in bad faith the employee will be subject to disciplinary action due to the serious ramifications such an accusation can have on the person or persons accused.

(H) No one who participates in or makes a truthful complaint under this policy shall suffer any retaliation as a result.

11-1-12 WORKPLACE BULLYING. The County prohibits bullying. Employees found in violation of this policy will be disciplined, up to and including termination. Bullying is defined as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work or at off-site, employer sponsored events." Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when meting out discipline. As in harassment, it is the effect of the behavior upon the individual which is important.

(A) The County considers the following types of behavior examples of bullying:

- (1) **Verbal Bullying:** slander, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks
- (2) **Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault; or threat of physical assault; damage to a person's work area or property

- (3) **Gesture Bullying:** non-verbal threatening gestures; glances which can convey threatening messages
- (4) **Exclusion:** socially or physically excluding or disregarding a person in work-related activities

(B) In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- (1) Persistent singling out of one person.
- (2) Shouting, raising voice at an individual in public and/or in private.
- (3) Using verbal or obscene gestures.
- (4) Not allowing the person to speak or express him/herself (i.e., ignoring or interrupting).
- (5) Personal insults and use of offensive nicknames.
- (6) Public humiliation in any form.
- (7) Constant criticism on matters unrelated to the person's job performance or description.
- (8) Ignoring/interrupting an individual at meetings.
- (9) Public reprimands.
- (10) Repeatedly accusing someone of errors which cannot be documented.
- (11) Deliberately interfering with the mail and other communications.
- (12) Spreading rumors and gossip regarding individuals.
- (13) Encouraging others to disregard a supervisor's instructions.
- (14) Manipulating the ability of someone to do their work (i.e., overloading, under-loading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- (15) Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- (16) Taking credit for another person's ideas.
- (17) Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- (18) Deliberately excluding an individual or isolating them from work-related activities (meetings, etc.).
- (19) Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

If you believe you are being bullied report it to your supervisor immediately. If the problem is with your immediate supervisor, report it to their supervisor or Human Resources. You can also utilize the procedure included in the County's Anti-Harassment Policy. All complaints will be investigated, and a written report prepared. Complainants will be briefed as to determination and if applicable that appropriate action is being taken.

The County prohibits retaliation against employees that have asserted a complaint under this policy or any individual who has cooperated in any investigation under this policy. Anyone who has been found to have engaged in retaliation in violation of this policy will be subject to appropriate disciplinary action up to and including termination.

11-1-13 EMPLOYMENT REFERENCE CHECKS. The County will respond to reference check inquiries from other employers, credit organizations or other entities checking references on current or former employees, when accompanied by appropriate documentation. If the inquiry is in regard to income verification for credit/lending purposes, the request will be forwarded to Human Resources. If the inquiry is in regard to reference checking for employment purposes, the request will be handled by the respective department head who will only provide the following information:

- (A) Dates of employment
- (B) Position or positions the employee held
- (C) Employee's last rate of compensation

Such information will only be provided to a potential employer, if the inquiry is accompanied by a signed release form from the employee. It is not recommended that the County reply to any questions regarding an employee's performance, attendance, etc. while working for the County, because there can be legal ramifications for the County if erroneous or legally restricted information is provided.

ARTICLE II – EMPLOYEE RESPONSIBILITIES

11-2-1 WORK HOURS. The normal business hours of the Monroe County administrative offices are Monday through Friday from **8:00 a.m.** until **4:30 p.m.** However, based on work or departmental needs, an individual's hours may vary according to agreement with their supervisor.

The State of Illinois establishes guidelines for meal breaks, and all County departments will comply with these guidelines. Meal breaks are not paid working hours. Meal breaks cannot be used to adjust the starting or ending time of the employee's scheduled workday. Subject to the terms of any applicable collective bargaining agreement, employees who work for **seven and one-half (7 ½) continuous hours** or longer will have a meal period of at least **twenty (20) minutes** beginning no later than **five (5) hours** after the start of the work period.

Work breaks are not mandated by Illinois law. Therefore, policies regarding work breaks will be at the discretion of Department Heads. If a Department Head institutes a break policy, the policy will be limited to no more than **two (2) work breaks** per day and each break will be no longer than **fifteen (15) minutes** in duration. Break time is paid; therefore, break time is not deducted on time reports. Work breaks cannot be used to adjust the starting or ending time of the employee's scheduled workday or to lengthen an employee's meal break.

In addition, Emergency Medical Services employees will receive required medical breaks. Medical breaks are paid; therefore, medical breaks are not deducted on time reports.

All departments, except the Ambulance Service and the Health Department, may have staffing through the lunch period to provide service to patrons of County departments. With the exception of emergency personnel Ambulance Service is not staffed for lunch. At the discretion of the Health Department Administrator, the Health Department, infrequently, may close during the lunch period. Whether a department is open during lunch will be up to the Department Head, however each department should exercise its best efforts to stay open through the lunch period.

The work week for the majority of County employees is Sunday through Saturday for purposes of calculating weekly pay and payment of overtime.

The work week for the Health Department employees is Sunday through Saturday for purposes of calculating weekly pay and payment of overtime.

11-2-2 ATTENDANCE AND PUNCTUALITY.

(A) Punctuality is expected and required of all employees. Employees should call their supervisor or the supervisor's designee if they are not able to work due to illness or they will arrive late. The employee should call as soon as possible, but **NO LESS THAN ONE (1) HOUR BEFORE THEIR STARTING TIME.** Unless instructed otherwise, the employee should call in each day of absence, unless the employee is on an approved Leave of Absence and speak directly with their supervisor or the supervisor's designee. They may be asked to leave a phone number where they can be reached throughout the day in case work-related questions arise. Voice mail messages do not fulfill this responsibility. If a voice mail message must be left, the employee should call back later and actually speak to the supervisor.

(B) Employees who are absent **three (3) or more consecutive days** must present a physician's statement releasing the employee to return to work to their supervisor or the supervisor's designee. The statement must indicate that the employee was unable to work the entire length of the absence, along with the date the physician allowed the employee to return to work. The County may request a physician's statement for shorter absences based upon circumstances.

(C) The County has a "no call – no show" policy. An employee who does not call in to report their absence or who does not report for work as scheduled is subject to immediate termination, even if they attempt to return to work on their next scheduled workday. Any employee who fails to call in or report for work for **three (3) consecutive days** will be considered to have abandoned their position and deemed to have voluntarily resigned.

(D) Being punctual means being at the workstation or assignment and prepared to work at the designated starting time.

(E) Excessive or frequent tardiness, absences or failure to give proper notice to the supervisor will be grounds for disciplinary action, up to and including termination.

11-2-3 INCLEMENT WEATHER AND EXTREME CONDITIONS. During periods of inclement weather, the County expects employees to make every reasonable effort to arrive for their work schedule as assigned. If an employee does not report to work due to weather conditions, the employee may choose to be paid from accrued vacation or compensatory time or take the day as unpaid. If an employee arrives after their scheduled start time, due to weather conditions, they will be paid for the entire day. If an employee is not scheduled to work on a day of inclement weather, the employee is only entitled to what was previously scheduled (i.e., vacation, compensatory time, unpaid time).

If conditions are serious enough to make travel unsafe or extreme conditions warrant closing County offices, the County will release employees before the end of regular business hours. If such a situation occurs, the County Board will make the determination to close County offices and notify Department Heads. When this occurs, an employee will be paid for the remainder of the hours they were scheduled to work that day. Due to the nature of their work Emergency Medical Services employees will not be released before the end of their regular scheduled shift, and, depending upon the circumstances, may be required to work additional hours.

11-2-4 CONFLICT OF INTEREST. The County strives to operate within the letter and spirit of all laws applicable to County operations. Ethical conduct means not only observing the law, but also conducting business so that the County will deserve and receive recognition as a law-abiding entity. The term "conflict of interest" describes any circumstances that could cast doubt upon an employee's ability to act with total objectivity with regard to the County's interest.

(A) No undisclosed or unrecorded fund or asset of the County or its subsidiaries shall be maintained or established for any purpose. No false or artificial entries shall be made on the books or records of the County for any reason. No payment on behalf of the County shall be made or approved with the understanding that it will or might be used for something other than the stated purpose.

(B) The County prohibits employees from accepting gifts or services of tangible value (**over \$100.00**) or other compensation that is prohibited by the Illinois Gift Ban Act from individuals and/or businesses that conduct business with the County or seek to do business with the County.

(C) New or existing business relationships, including investments in potentially conflicting outside enterprises, should be approved by the County Board.

(D) In the cases stated in this policy, the conflict is clear. Other situations might arise which create less obvious conflicts. Because concealment creates suspicion, any doubtful situation or transaction should be disclosed to the County Board in writing.

11-2-5 OUTSIDE EMPLOYMENT. An employee may not be directly or indirectly employed by an employer other than the County in which the outside employment poses a real or apparent conflict of interest with their County duties, unless written permission is obtained from the County Commissioners or Board of Health.

If an employee accepts outside employment and it interferes with the performance of the employee's duties to the County, the employee will be asked to terminate the outside employment in order to remain with the County. This pertains to situations that would adversely affect or have the potential to adversely affect the County's proprietary position, in the County's opinion.

11-2-6 NON-DISCLOSURE/CONFIDENTIALITY. No employee may profit from confidential information obtained by the employee during the course of duties on behalf of the County. Employees may not disclose or discuss the County's confidential information with anyone outside the County without written permission of their supervisor. Under no circumstances are materials, documents or other information that are designated as confidential, proprietary, personal or restricted to be removed from the County's premises without the prior express permission of a supervisor. Employees' and co-

worker's personal information (including, but not limited to, telephone numbers, addresses and Social Security numbers) is confidential and is prohibited from being shared.

Former employees have a continuing obligation to refrain from disclosing confidential information. This means that upon termination, of employment an employee must return all confidential materials to their supervisor and must continue to refrain from disclosing confidential information consistent with the Nondisclosure/Confidentiality/Conflict of Interest Agreement that is part of this handbook.

At the beginning of employment with Monroe County, an employee must sign a Nondisclosure/Confidentiality Agreement provided by the County. Pursuant to the terms of this Agreement, each employee is required to:

(A) Keep confidential and use only for the purpose of the County's business, the County's proprietary and confidential information and materials.

(B) Maintain in confidence and use only as permitted, third party proprietary and confidential information and materials.

The Nondisclosure/Confidentiality Agreement includes other terms and conditions related to the above.

Employees who improperly use or disclose confidential business information, or otherwise breach terms of the Agreement, are subject to disciplinary action, up to and including termination, even if they do not actually benefit from the disclosed information. If it is determined that an employee, or former employee, has divulged any confidential information regarding Monroe County or its taxpayers, the County will pursue the matter to the fullest extent permitted by law.

Also, if an employee is responsible for safe-keeping confidential materials (i.e. – personal identity information, health and dental insurance information, etc.) of employees or the public and such information is falsely obtained due to lack of following stated procedures, the employee will be subject to disciplinary action, up to and including termination, and the County will pursue legal recourse for resulting damages.

11-2-7 TECHNOLOGY, EMAIL, COMPUTERS, ELECTRONIC MEDIA.

(A) **County Property.** County communications systems, including, but not limited to, host computers, file servers, application servers, communication servers, mail servers, fax servers, Web servers, workstations, stand-alone computers, peripherals, laptops, PDAs, printers, telephones, cell phones, cameras, two-way radios/CB's and walkie-talkies, software, data files, voicemail, and all internal and external computer and communication networks (e.g. Internet, commercial online services, value-added networks, e-mail systems, text messaging, instant messaging), whether leased, owned, licensed, or operated by the County, or that may be accessed directly or indirectly through County equipment are the property of the County, as are all communications and information transmitted, received, or stored through or in those systems. All computer disks, computer software programs, computer records, and computer files and documents provided to you or created by you during your employment with the County are the exclusive property of the County.

(B) **No Expectation of Privacy.** The use of County communications systems is available to you to assist you in performing your job. Your use of these systems is not private, notwithstanding that you may have a mailbox and a personal password, identifying code, or personal identification number. Accordingly, you should not have an expectation of privacy in anything you create, store, send, or receive on or through the County communications systems, except where that information is protected under specific statutes such as the Health Insurance Portability and Accountability Act ("HIPAA"), or privileged under the law. County communications systems are to be used only by authorized individuals.

Except where provided to the contrary by applicable law or privilege, all data found on or received by the County's computer email system is considered to be part of the official records of the County and, as such, is subject to disclosure to law enforcement or other third parties, including requests for information submitted to the County through the State of Illinois Freedom of Information Act (FOIA). Consequently, employees should ensure that business information contained in email messages and other electronic communications is accurate, appropriate, ethical and lawful.

(C) **Appropriate and Inappropriate Communication.** The County recognizes that on occasion, you will utilize the County's communications systems for personal use. However, all such use shall be reasonable, limited to matters of significance, and shall not interfere with your regular employment duties. You are not to use the County's communications system for personal projects or outside work that is not related to County business without the advance express consent of your immediate supervisor. All communications over the County communications system must be consistent with conventional standards of ethical and proper conduct, behavior and manners and are not to be used to communicate, create, forward or display any illegal messages, or messages including photographs, graphics and audio materials that would violate the County's policies against harassment or discrimination. The following are examples of unacceptable communications or use of County communications systems:

- (1) Material that is fraudulent, sexually explicit, obscene, in furtherance of an illegal activity including gambling or otherwise unlawful or that is harassing (as defined by our anti-harassment policy), threatens, libelous or defamatory regarding fellow professionals, employees, residents, competitors or anyone else may not be sent or created on, displayed on, or stored in the County's communications system or during employee working time. Users encountering or receiving this kind of material should immediately report the incident to their supervisor.
- (2) Without prior written permission from your supervisor or department head (or designees), reproduction, dissemination, or storage of commercial or personal advertisements, solicitations, promotions or political material or trade secrets of the County, residents, vendors or competitors. The reproduction, dissemination or storage of destructive programs (i.e., viruses or self-replicating code), or for any other unlawful use, including, but not limited to, any use that violates other County policies.
- (3) You may not deliberately perform acts that waste any of the part of the County's communications system or unfairly monopolize any of the County's communications system to the exclusion of others. These acts include, but are not limited to, excessively using the County's e-mail system or instant messaging for other than business-related communications, downloading and using instant messaging where such programs have not been provided by the County and without the County's authorization, sending multiple pictures using the County's e-mail system (unless specifically authorized to do so and business-related), sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of large documents, undertaking excessively large OCR scanning projects, or otherwise creating unnecessary network traffic.
- (4) Without prior written authorization from the County's IT service provider or its designee (or his or her designee), you may not do any of the following: (1) copy software for use on personal or home computers or other PDA's; (2) provide copies of software to any independent contractors or clients of the County or to any other third party; (3) install software on any of the County's workstations, servers or devices; (4) download any software from the Internet or other online service to any of the County's workstations, servers or devices; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software. Any software intended for use on any of the County's communications systems must be installed and tested by County's IT service provider or its designee prior to its use. If you become aware of any misuse of software or violation of copyright laws you should immediately report the incident to your supervisor.

- (5) Sending, transmitting, or otherwise disseminating proprietary data, trade secrets, or similarly protected and confidential information of County, other non-public information regarding its residents, or other persons and entities with whom the County does business or serves is strictly prohibited unless expressly authorized by the County's Management (or designee) or other owner of such information. Unauthorized dissemination of this information may result in substantial civil liability as well as criminal penalties and disciplinary action up to and including termination.
- (6) Transmitting any communication that hides or misrepresents the identity of the sender.

The County's policies against discrimination, harassment and retaliation and Social Media policies apply to the use of County communications systems.

(D) **Messages.** You are responsible for the content of all text, audio, or images that you place or transmit via the County communications systems. Any messages that you place or transmit in the County's E-mail, instant messaging and voice mail systems must contain your name and should be drafted with the same care that you would take with any written documentation.

All messages placed in the County's E-mail, instant messaging and voice mail systems will be deemed the sole property of the County (even when an employee leaves the County) and may only be disclosed in accordance with the County's Confidentiality policy and on a County business-related need-to-know basis only. This does not prohibit employees from discussing terms and conditions of employment.

(E) **Use of E-Mail or Instant Messaging.** Always exercise caution to ensure that the address you use is absolutely correct for the intended recipient. Always exercise good judgment and common sense when creating and distributing messages for internal and external files.

Keep in mind that "deleting" or otherwise removing a message from a file does not mean that it has been erased from the County's data processing system. Backup copies of all documents, including E-mail and Instant Messaging correspondence, may be retained by the County.

Assume that all e-mails or instant messages you send will be printed and saved by the recipient, just as any other form of correspondence would be. Similarly, if the e-mail communication (both those you send and those you receive) would have been put in a County file if it were a hard copy, you should print the e-mail communication and file it in the same manner.

If you are sending a confidential message, mark it as such in a manner reasonably calculated to alert the recipient of its confidential nature. If it is important that only the intended recipient view the message, be sure you know who has access to his or her e-mail box before sending it. If you are using encryption or other means of security, be sure the recipient has the ability to open the message.

If you receive an E-mail from someone you don't know, contact the Systems Administrator before you open it. There is always the risk that the E-mail may contain a virus that could disrupt the County's E-mail system. Also, the Systems Administrator can block receipt of future E-mails from that sender.

(F) **Protection of Confidential Information and Copyrighted Information.** You should not consider electronic communications to be private. Confidential information should be transmitted in other ways.

All software must have proper vendor authorization for use. All license conditions must be met. Copyrighted materials not belonging to County are not to be transmitted via the County communications systems, copied, modified, or forwarded, without the permission of the copyright holder.

(G) **Security.** You must provide the County's IT service provider or its designee with your current password, identifying code, or personal identification number. Do not disclose your password, identifying code or personal identification number to anyone other than the County's IT service provider or its designee. Do not use unauthorized codes, passwords, or other means to gain access to any component of County communications systems.

The use of a password to gain access to the County's communications systems or to encode particular files or messages does not imply that you have an expectation of privacy regarding the material created or received on or through the County's communications systems. The County has administrative access to all material stored on its communications systems, regardless of whether that material has

been encoded with a particular user's password or otherwise protected by special entry code or procedure.

To prevent computer viruses from being transmitted through the County's Internet and E-mail systems, do not download any software without authorization. All downloaded software and software loaded from any device or drive must be authorized by the County's IT service provider or its designee. Applications installed on the County's computers must be installed by the County's IT service provider or its designee and must be business related. You should understand that your home computer and/or laptop might contain viruses. All files transferred from these computers to County's network MUST be scanned for viruses. All users are required to verify their virus definitions are up to date and should perform periodic virus scans. Any suspected viruses, adware or scams should be reported to the County's IT service provider or its designee immediately.

Do not leave storage devices lying around on your desk or elsewhere. Backup devices are to be given to the County's IT service provider or its designee.

You may not alter or copy a file belonging to another user without first obtaining permission from the owner of the file. The ability to read, alter, or copy a file belonging to another user does not imply permission to read, alter, or copy that file. You may not use the County's communications systems to "snoop" or pry into the affairs of other users by unnecessarily reviewing their files and messages.

Your ability to connect to the County's communications systems, whether through the network, by a modem, or by other method, does not imply a right to connect to or use the County's communications systems unless specifically authorized by the County's IT service provider or its designee.

You may access the County's communications systems from outside the County through the Internet only through software and/or hardware approved by the County. At all times, you should be mindful of the dangers associated with sending information across the Internet. You must use caution in all instances of doing so and must request access to appropriate encryption and/or sender authentication software from the County's IT service provider or its designee if the information being transmitted requires special handling or treatment.

You are responsible for ensuring that use of computers and networks external to the County's network, such as the Internet, does not compromise the security of the County's communications systems. This duty includes taking reasonable precautions to prevent and protect against guests and intruders from accessing the County's communications systems without authorization and to prevent introduction and spread of viruses. If you or a County guest or other visitor requires access to the Internet (a) while on County premises or (b) at any location through the County network, in either case using equipment or applications not provided by the County, permission first must be obtained from the County's IT service provider or its designee.

To protect the security of the County's communications systems and Company information, you are required to log out of the network whenever you leave your computer unattended for any extended period of time, e.g., when leaving the office for a meeting or at the end of the workday.

(H) **Criminal Conduct Prohibited.** It may be a crime to do any of the following. Accordingly, you are prohibited from engaging in any of the following conduct:

- (1) Modifying or destroying data or programs or supporting documentation residing or existing internal or external to a computer, computer system, or computer network, without authorization.
- (2) Disclosing or taking data, programs, or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network, without authorization.
- (3) Disclosing or taking a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network, without authorization.
- (4) Accessing a computer, a computer system, or a computer network, and intentionally examining information about another person, without authorization.
- (5) Receiving, retaining, using, or disclosing any data that you know or believe was obtained as a result of any of the above-described conduct, without authorization.

- (6) Modifying, destroying, damaging, or taking equipment or data storage devices used or intended to be used in a computer, computer system, or computer network, without authorization.
- (7) Modifying, destroying, damaging, or taking any computer, computer system, or computer network, without authorization.
- (8) Accessing or causing to be accessed any computer, computer system or computer network, without authorization.

(I) **Encryption Software.** Due to the nature of the information being utilized certain offices may use encryption software previously authorized by the County's Management. This Policy does not prohibit the installation of such encryption software as needed to perform the responsibilities of the office. In all other circumstances, you may not install or use personal encryption software on any of the County's communications systems without first obtaining written permission from the County's Management (or designee). You may not use passwords or encryption keys that are unknown to the County's IT service provider or its designee.

The federal government has imposed restrictions on the export of programs and files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the County's Management (or designee).

(J) **Monitoring.** All communications transmitted via the County communications systems, or placed into their storage, including password and security-code protected messages, are subject to access, review, and audit by County management, as permitted by law. The County may also review and record computer log-on times, user identification, and files accessed. The County may access its records regarding employee use of telephone calls, and E-mail and Internet communications, as well as usage patterns. The County reserves the right to disclose all communications sent or received over its communications systems for any lawfully permitted purpose.

(K) **Consent.** By using the County's communications systems, you consent to and agree to follow this policy, and you expressly waive any right of privacy in and consent to the County's lawful right to access, review, audit and disclose anything transmitted from, received into, or stored in those systems, including, but not limited to, telephone, voice mail and E-mail communications, and Internet access. You understand that the County may use human or automated means to review employee use of its communications systems, including, but not limited to, reviewing sites visited by you on the Internet, reviewing voicemail records, reviewing instant messaging records, chat groups and newsgroups records, reviewing materials downloaded or uploaded by you and reviewing e-mail records. Violation of this Policy may result in disciplinary action, including termination of employment, civil liability, and criminal prosecution.

(L) **Social Media Policy.** We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all employees who work for the County.

(M) **Guidelines.** In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the County, as well as any other form of electronic communication.

The same principles and guidelines found in County policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects residents, suppliers, vendors, people who work on behalf of the County or the County's legitimate business interests may result in disciplinary action up to and including termination.

(N) **Know and Follow The Rules.** Carefully read these guidelines, the County Equal Employment Opportunity Policy, the County Confidentiality Policy, the County Harassment Policy, the County Workplace Violence Policy, and the County Communications Property Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

(O) **Be Respectful.** Always be fair and courteous to fellow employees, residents, suppliers, vendors or people who work on behalf of the County. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or management than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage residents, suppliers, vendors, employees or others who are working on behalf of the County, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

(P) **Be Honest and Accurate.** Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the County, fellow employees, vendors, residents, suppliers, people working on behalf of the County or competitors.

(Q) **Post Only Appropriate and Respectful Content.**

- (1) Maintain the confidentiality of County trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, knowhow and technology, confidential resident information, strategic business plans, competitor intelligence, financial information, business contracts, and other proprietary and non-public County information. Do not post internal reports, policies, procedures or other internal non-public, business-related confidential communications.
- (2) Respect financial disclosure laws. It is illegal to communicate or give a "tip" on inside information to others so that they may buy or sell stocks or securities.
- (3) Do not create a link from your blog, website or other social networking site to a County website without identifying yourself as a County employee.
- (4) Express only your personal opinions. Never represent yourself as a spokesperson for the County. If the County is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the County, fellow employees, vendors, residents, suppliers or people working on behalf of the County. If you do publish a blog or post online related to the work you do or subjects associated with the County, make it clear that you are not speaking on behalf of the County. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Monroe County."
- (5) You are prohibited from pressuring your coworkers to "friend" you or otherwise connect or communicate with you via any form of social media in a manner that violates the County's policies against Harassment or Violence.
- (6) Managers should not issue "friend" request to subordinates, since that could create an awkward situation for employees. If, however, you have previously "friended" a subordinate prior to the issuance of this Policy,

such action will not be treated as a violation of this Policy. Further, the employee can remove the "friend" without any threat of retaliation.

- (7) Managers and Supervisors may not require any employee or prospective employee to provide their password to the employee's own personal social networking site.

(R) **Using Social Media at Work.** Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with County Policy. Do not use County email addresses to register on social networks, blogs or other online tools utilized for personal use.

(S) **Retaliation is Prohibited.** The County prohibits taking negative action against any individual for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another individual for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

The County will not retaliate or discriminate against you for expressing your personal opinion in personal blogs, on non-working time, for political, organizing, union or other lawful purposes, provided that County guidelines are followed; however, County equipment and systems may not be used for such purposes.

(T) **Media Contacts.** Unless previously authorized and/or within the employee's job duties, employees should not speak to the media on the County's behalf without contacting the County Commissioners first. All media inquiries outside the employee's prior authorization or the scope of the job duties should be directed to the County Commissioners or the appropriate Department Head.

(U) **Additional Obligations.**

- (1) You should obey all laws regarding electronic and other communications and know and understand and comply with terms of service of any site that you use.
- (2) Use your best judgment. Remember that there are always consequences to what you publish. If you are about to publish something that makes you even the slightest bit uncomfortable, review the rules and guidelines within this Policy and think about whether the intended post complies. If you are still unsure, and it is related to County business, feel free to discuss it with your supervisor. Ultimately, however, you have the sole responsibility for what you post to your blog or publish in any form of online social media.
- (3) The County may, within the limits permitted by applicable law, at its option, monitor internal and external sources to identify inappropriate use. Employees have no right of privacy if they are using County services or equipment for blogging or otherwise engaging in social media.

(V) **For More Information.** If you have questions or need further guidance, please contact your supervisor or Human Resources.

11-2-8 NON-SOLICITATION. In an effort to ensure a productive and harmonious work environment, and out of consideration to our residents, customers and visitors, persons not employed by the County may not solicit or distribute literature on County property, including grounds and parking lots, at any time for any purpose, except for areas that are open to the public, consistent with that area's purpose and as permitted or required by law.

County employees are not permitted to distribute literature in work areas.

County employees are not permitted to, solicit or sell merchandise during the working time of the employee doing the solicitation or the employee being solicited. For the purpose of this policy, solicitation includes but is not limited to requesting charitable contributions, invitations to social events, advertisements for home sale parties or communication with a team member seeking to obtain support for agreement with or participation in an outside group, organization, cause or activity. This includes solicitation by electronic means.

Work time includes all time during which an employee is assigned to or engaged in performing his or her job, but does not include breaks, meals or other designated relief periods during which an employee is not assigned or expected to perform any job.

Working area includes all areas where services are being provided for the County residents, customers and visitors but does not include, areas where employees are permitted to take breaks, meals or spend other relief periods, other such non work areas and areas that are open to the public.

In addition, the posting of written solicitations on County bulletin boards is prohibited. These bulletin boards display important information, and employees should consult them frequently for:

- County announcements
- Internal memoranda
- Payday notice
- State disability insurance/unemployment insurance information

Failure to follow this policy will result in disciplinary action up to and including termination. Nothing in this section prohibits employees from discussing terms and conditions of employment.

11-2-9 ALCOHOL AND DRUG USE.

(A) The County perceives alcohol and drug abuse as a potential health and safety problem. Therefore, the County strives to provide an alcohol-free and federal drug-free workplace and maintains a "zero tolerance" policy regarding alcohol or federal illegal drug use in violation of this Policy. To promote this goal, employees are required to report to work in an alcohol-free and drug-free condition to perform their jobs in a safe and satisfactory manner.

(B) While on the job, no County employee may use, possess, manufacture, distribute, sell or be under the influence of alcohol or illegal drugs or controlled substances. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to safely perform essential functions of their job. Employees are expected to effectively perform their work duties in a safe manner that does not endanger themselves or other individuals in the workplace. County Highway Department employees who possess a Commercial Driver's License will be subject to Illinois Department of Transportation (IDOT) regulations relating to prescribed medication.

(C) The County reserves the right to require employees to undergo drug and/or alcohol testing, if there is reasonable suspicion that the employee is under the influence of illegal drugs or alcohol while working. Such reasonable suspicion includes but is not limited to: (1) Behavior that leads a supervisor to believe that the employee might have used substances prohibited by this policy; (2) An on-the-job accident that results in property damage or requires medical attention; or (3) for EMS employees, a violation of the Narcotic Count policy or a discrepancy in the Narcotic Count.

(D) An employee is mandated to inform the County Board in writing of any criminal drug conviction for a violation occurring in the workplace or in work-related activities no later than **five (5) days** after such conviction.

(E) An employee who tests positive for illegal drugs or whose blood alcohol level is above the State of Illinois limit for intoxication is subject to disciplinary action, up to and including termination of employment. The County may also require the individual to participate in a substance abuse rehabilitation or treatment program as a condition of retaining employment.

(F) An employee's worker's compensation benefits will be reduced by the maximum amount permitted by law, if an employee sustains a workplace injury in connection with the use of alcohol or illegal drugs.

(G) An employee's refusal to submit to drug and/or alcohol testing, refusal to sign the medical consent form for such testing or attempt to frustrate such testing will be cause for termination of employment.

11-2-10 DRUG AND ALCOHOL TESTING. The County has a strong commitment to provide a safe workplace and to establish programs promoting high standards of employee health, safety and productivity.

While the County has no intention of intruding into the personal lives of its employees, it recognizes that involvement with drugs or alcohol takes a toll on job performance.

The County strongly encourages persons with drug or alcohol problems to seek immediate treatment.

All testing shall be performed at a competent medical facility that is either certified by the applicable governmental agency or is authorized to perform the testing. All specimen collection and testing for drugs and alcohol will be performed in accordance with the procedures provided for by the United States Department of Transportation ("DOT") rules for workplace drug and alcohol testing compiled at 49 C.F.R., Part 40, including but not limited to, chain-of-custody procedures.

Employees violating this Policy (including by testing positive) may be subject to a reduction in Workers' Compensation benefits if the illness or injury occurs in conjunction with the employee's drug or alcohol use or a denial of such benefits when the violation is the proximate cause of an otherwise compensable injury.

A positive test result under this Policy will cause an employee to face termination and may be deemed misconduct connected with the employee's work for the purpose of Employment Security Benefits, subjecting the employee to a denial of Unemployment benefits.

Employees who refuse a test under this Policy will be subject to termination and may be subject to a forfeiture of Workers' Compensation benefits.

(A) **Drugs.**

- (1) The term drugs in this Policy is defined as any federal drug or drug-like substance whose sale, use or possession federally unlawful, e.g. heroin, cocaine and marijuana, regardless of whether the marijuana use is for medicinal purposes, or drug-like substance that causes or may cause impaired function or judgment or prescription drugs used in a manner other than as prescribed.
- (2) The possession, use or sale of drugs is inconsistent with the County's objective of operating in a safe and efficient manner. Therefore, no employee shall use drugs or have drugs in his or her possession at any time during working hours including while they are not working, such as at lunch or rest breaks, or at any time on property of the County or a customer. Additionally, no employee shall report to work while under the influence of or impaired by drugs. The County shall consider anyone who tests positive for drugs or whose test is adulterated or diluted to be in violation of this policy.
- (3) Employees violating this Policy (testing positive or having an adulterated or diluted sample) will be subject to termination of employment.
- (4) Any driver subject to IDOT drug-testing requirements shall be terminated if they are found to be unqualified to drive. An employee is unqualified to drive if the employee tests positive on any test given pursuant to IDOT requirements, or this Policy, including a refusal to test or the presence of an adulterated or diluted sample. Individuals subject to such IDOT requirements shall be notified, given a copy of IDOT rules and procedures for drug use and testing, in addition to this Policy. Any IDOT test will be administered pursuant to federal requirements for DOT drug and alcohol testing.
- (5) The unlawful involvement with drugs off County work time may also constitute grounds for termination of employment.
- (6) This Policy does not prohibit employees from taking prescription drugs under the direction of a physician, excepting that medical marijuana use on County work time or in a working area or when that use causes the employee to be under the influence of medical marijuana at work, as demonstrated by a positive drug test under the County's Policy, is prohibited. An employee in a safety sensitive position undergoing prescribed medical treatment with any drug which may alter his or her physical or mental ability to perform the employee's job safely must report this treatment to Human Resources. Human Resources and the employee's Department Head will determine whether a temporary

change in the employee's job assignment during the period of treatment is warranted. The County is not interested in the reason the employee is taking the prescription drug, but rather it is interested in assuring that the drug does not create the possibility of compromising the safety of the employee, any other employee, a customer, resident or other worker.

- (7) Any employee who is required to possess a CDL as part of the employee's job duties is prohibited from using marijuana, including medical marijuana and from operating, navigating or being in actual physical control of a motor vehicle while either using marijuana, including medical marijuana or under the influence of marijuana. Any employee who is required to possess a CDL as part of the employee's job duties who tests positive for marijuana may be subject to termination, regardless of whether the marijuana use is prescribed.

(B)

Alcohol.

- (1) The use of alcohol on the job by any employee is also inconsistent with the objective of operating in a safe and efficient manner. Accordingly, no employee shall consume alcohol or have alcohol in their possession during working hours, including while they are not working, such as at lunch or rest break. No employee shall report to work under the influence of alcohol.
- (2) Employees violating this Policy (testing positive or having an adulterated or diluted sample) shall be subject to termination of employment.
- (3) Any driver subject to IDOT alcohol testing requirements shall be terminated if they are found unqualified to drive. An employee is unqualified to drive if the employee's tests positive on any test given pursuant to IDOT requirements, or this Policy, including a refusal to test or the presence of an adulterated or diluted sample. Individuals subject to such IDOT requirements shall be notified and given a copy of IDOT rules and procedures for alcohol use and testing, in addition to this Policy.

(C)

Testing.

- (1) Employees must understand that all drugs have a lingering effect, and a drug test will show a positive result for days, sometimes weeks, after ingestion.
- (2) The presence of alcohol will be determined by a breathalyzer or blood test in accordance with Federal DOT or IDOT regulations governing such testing.
- (3) The presence of federal drugs will be tested by the collection of a urine sample under the supervision of a clinic or laboratory in accordance with Federal DOT or IDOT regulations governing such testing. The sample will be subjected to the EMIT test; a positive finding will result in the use of the GC/MS confirmatory test.

(4) **Applicants.**

- (a) Applicants will be screened for drugs if the County offers them a job. The job or continued employment shall be conditioned upon a negative test result. Applicants from a hiring hall will be screened for drugs in accordance with procedures established by the applicable Union.
- (b) Applicants will be requested to sign an "Applicant Consent/Release" authorizing the drug screening tests and to release the results to the County.
- (c) The County will withdraw its offer of employment from any applicant who refuses to sign the Applicant Consent/Release or who refuses take the test or tests positive for drugs.

- (5) **Employees -- Fitness for Duty.**
- (a) **All Instances.** Any employee whose actions or performance causes the County to have a good faith belief that the employee may be affected by drugs and/or alcohol may be subject to a drug and/or alcohol test. The good faith belief that the employee may be affected by drugs and/or alcohol must be confirmed by no less than **two (2) levels** of management including supervision. An employee's actions or performance gives the County a good faith belief that the employee may be affected by drugs and/or alcohol when the employee manifests, specific articulable symptoms while working that decrease or lessen the employee's performance of duties or tasks of the employee's job position. Such symptoms may include but are not limited to the following: the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee to others, involvement in an accident that results in serious damage to equipment or property, disruptions of a production or manufacturing process; or carelessness that results in any injury to the employee or others.
- (b) **Post-Accident with Injuries.** An employee who causes a work-related accident, while on duty or in a County vehicle which results in an injury requiring immediate off-site medical treatment or property damage or causes disabling damage to any vehicle requiring the vehicle to be towed may be subject to a drug and/or alcohol test.
- (c) **Random Testing.** Every individual who is required to possess a CDL as part of their job duties that is subject to IDOT Drug and Alcohol testing requirements will be subject to Random Testing for drugs and alcohol as required by IDOT.
- (6) Employees who are requested to submit to a drug and/or alcohol test will be asked to sign an "Employee Consent/Release" authorizing an agent of a County-designated facility to perform the test and to release the results to the County.
- (7) All drug and alcohol tests shall be performed by a laboratory, which meets the standards established by the Department of Health and Human Services and in accordance with DOT and/or IDOT rules for workplace drug and alcohol testing. The alcohol test shall be by breathalyzer or blood test. The drug test shall be done by urinalysis. The initial test performed on the urine sample shall be the EMIT test. A positive result shall result in the retesting of the initial sample by the GC/MS test. A positive result under the GC/MS test shall be considered to be a positive finding of drugs. A negative result from the EMIT test shall be considered a negative result. Testing will also comply with state testing requirements for Workers Compensation and/or Unemployment benefit purposes, including meeting chain of custody requirements.
- (8) **Results.** Results of the test will be released to the applicant/employee, the County, any federal, state or local governmental authority which inquiries about the applicant/employee, including Workers' Comp., Unemployment, etc. or any other entity under compulsion of law or subpoena.
- (9) **Positive Result Solely for Marijuana.** If the test results are positive solely for marijuana use the employee will be given a reasonable opportunity to contest the basis for the County's request that the

employee undergo testing but only if the employee is in a position where Federal law does not prohibit marijuana use and provides satisfactory proof to the County that the employee was registered under applicable state law or otherwise permitted to legally use marijuana in the state where the employee was tested and when the test was administered. This opportunity is limited solely to challenging whether the employee's actions or performance gave the County a good faith belief that the employee may be affected by drugs and/or alcohol when the request for testing was made. The employee will be suspended without pay during the challenge process. The challenge process shall not exceed **seven (7) business days**. If the County determines that there was not a sufficient basis for a good faith belief that the employee may have been affected by drugs and/or alcohol when testing was requested the employee will be restored to the employee's position without loss of pay and no discipline will be issued for the failed drug test. In all other instances, the employee will be subject to discipline, up to and including termination effective the day of the failed drug test for having failed the drug test.

(D)

Self-Identification.

- (1) Any employee who voluntarily self-identifies as needing treatment and/or rehabilitation for alcohol or controlled substance abuse prior to investigation or detection of the individual will be permitted to seek rehabilitation and/or treatment without such action serving as the basis for disciplinary action.
- (2) Such self-identification cannot be used as a means of avoiding a drug or alcohol test required under this policy or as a means of avoiding disciplinary action based on the individual's actions prior to the self-identification.
- (3) The employee may not be permitted to perform work until the individual provides proof to the County's satisfaction that the individual has been evaluated and has successfully completed education and/or treatment requirements.
- (4) Upon self-identification the employee may be removed from work and placed in an alternative position, if one is available and subject to any applicable contractual restraints, and as permitted by law. Alternatively, the County may, at its discretion, place the individual on a leave of absence while the employee seeks evaluation, education and/or treatment sufficient to enable the individual to establish control over the individual's drug and/or alcohol problem. Such leave of absence will be in accordance with the County's policies concerning leaves of absence, subject to applicable contractual constraints, and as permitted or required by federal and state law. Whether the individual will be entitled to paid leave will depend upon whether the individual is entitled to any vacation and/or sick pay and other County policies and contracts concerning paid leave. If an employee is eligible for Family Medical Leave under the County's Family and Medical Leave policy, the leave of absence will count against the individual's FM LEAVE entitlement, provided that the employee's absence qualifies as a serious health condition, as defined by the FMLA and subject to any contractual constraints.
- (5) It shall be a condition of continued employment for employees at the completion of a leave of absence to submit to a follow-up drug and/or alcohol screen prior to returning to work. Should the result of the follow up drug and/or alcohol screen also show a positive finding, or an adulterated or diluted sample the employee will be terminated.

- (6) As a further condition of returning to work after a leave of absence an employee will be subject to random tests during the first year after returning to work at the employee's expense, and as permitted by state law. In the event any random test proves positive for drugs or alcohol or produces an adulterated or diluted sample, the employee will be terminated.
- (7) If the employee refuses to take any of the aforementioned drug and/or alcohol tests or to conform with these provisions, the employee will be terminated.

11-2-11 SAFETY. The County and all employees share responsibility for safety in the workplace. The County will provide training and equipment to maintain on-the-job safety for employees, and it is the County's expectation that employees perform their job duties in the safest possible manner and according to all safety rules and policies. Employees with specific job safety criteria will be provided safety manuals and equipment by their supervisor.

Any employee who observes a work activity being performed in violation of County safety policies has an obligation to immediately report the violation to the appropriate department head or the appropriate department head's designee, as it might prevent injury to an employee or the public. Also, if an employee observes a potential hazard, the appropriate department head or the appropriate department head's designee should be notified immediately. Violations of safety procedures, as stated in departmental guidelines, will be cause for disciplinary action, up to and including termination.

11-2-12 SMOKING. The Smoke-Free Illinois Act prohibits smoking in virtually all public places, including workplaces. Therefore, smoking, including the use of any electronic smoking device, is prohibited throughout the County's work areas, including all County vehicles. Smoking may occur in designated areas **fifteen (15) or more feet** from any building entrance. This policy will be enforced against all County employees, including, but not limited to elected officials in accordance with the Smoke-Free Illinois Act and accordingly, individuals who violate the policy may be subject to discipline and/or incur fines as permitted under the Smoke-Free Illinois Act. An electronic smoking device is any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.

11-2-13 DRESS AND PERSONAL APPEARANCE.

(A) **Office Staff.** "Business Casual," a business-like and well-groomed personal appearance, is the County's policy regarding workplace attire. Inconspicuous tattoos are acceptable. **Visible body piercing jewelry (excluding earrings) is not acceptable.** Employees who have questions regarding appropriate workplace attire should consult their supervisor. If the supervisor believes that an employee's attire is truly inappropriate, the supervisor will speak with the employee and take appropriate counseling action, if necessary.

(B) **Departmental Codes.** Certain departments, such as Highway, Sheriff and Ambulance Service will have specific dress or uniform codes. Employees will be notified of departmental dress codes by their supervisor.

In addition to wearing appropriate workplace attire, all employees should practice good personal hygiene.

11-2-14 PROFESSIONAL CONDUCT. Employees are expected to have good professional relations with co-workers, other County departments and public agencies by conducting themselves and their business activities in a professional and courteous manner. Unprofessional and unacceptable conduct may result in involuntary discharge. The following examples cannot address every

type of **seriously inappropriate** employee misconduct, but they are examples of conduct that is so egregious that it might cause immediate termination, unless mitigating circumstances apply:

- (A) Breach of Confidentiality or Non-Disclosure policies.
- (B) Insubordination – Refusal to carry out supervisory instructions.
- (C) Violation of Alcohol/Drug policy.
- (D) Violation of the EMS Narcotic Count policy.
- (E) Disrespectful treatment based on sex, race, color, religion, age, national origin or disability.
- (F) Threatening a supervisor, co-worker, contractor or the public.
- (G) Disruptive behavior, including fighting and loud, verbal language.
- (H) Possession of weapons, explosives or similar devices on County property or while conducting County business.
- (I) Harassment of employees, residents or contractors.
- (J) Falsification of records.
- (K) Unauthorized use of County property (i.e. -- vehicles, equipment), use or consumption of County property for personal purposes or willful destruction or removal of County property without authorized approval.
- (L) Conduct that can be considered illegal, dishonest or counter-productive to the County, its employees or its taxpayers.

11-2-15 MALFEASANCE. All employees of the County have a commitment to the residents of Monroe County. Malfeasance by a public official or employee means committing an illegal act in conjunction with official duties and includes, but is not limited to, willful:

- (A) Misappropriation of resources
- (B) Failure to report fraud or unlawful actions
- (C) Offering or accepting bribes
- (D) Misuse of the power of the position

These acts are subject to disciplinary action, up to and including termination, and might also be subject to legal action by the County. In addition, it is the County's expectation that employees report any incidents of suspected malfeasance, misfeasance (mistakes in performance) or other misconduct to their supervisor or the County Board. If an employee does not report such behavior to County authorities, the employee will be subject to disciplinary action, up to and including termination.

11-2-16 UPDATING PERSONAL INFORMATION. Employees should notify the Human Resources in writing of any changes in personal data or information, such as home address, telephone number, change in marital status, number and names of dependents and individuals to be contacted in the event of an emergency. A change in some of this information might affect an employee's tax withholding, beneficiary forms and health/dental insurance.

11-2-17 RETURN OF COUNTY PROPERTY. Employees must return all County property immediately upon request or upon termination of employment. According to State of Illinois guidelines, the County may withhold from an employee's check the cost of any County property that is not returned when requested. The County will take necessary action to recover or protect its property.

Any equipment provided to an employee to assist them in performing their job duties shall be maintained in working condition and remains County property for purposes of recall or inspection by the County at any time.

11-2-18 RESIGNATION OF EMPLOYMENT. An employee who wishes to resign should notify their department head in writing a minimum of **two (2) weeks** (if a non-exempt employee) and **four (4) weeks** (if an exempt employee) prior to their last day of work. According to County policy, an employee will not be permitted to schedule time off (i.e. – vacation) during the resignation notification

period. Exceptions to this policy will be considered under serious and unusual circumstances. Failure to provide appropriate resignation notification will be considered highly unprincipled, a display of poor work ethic and will be recorded in the former employee's personnel records.

11-2-19 IDENTIFICATION BADGE POLICY.

(A) All Employees, Elected Officials, Volunteers and Contracted Service will be issued County Identification Badges. The Badge must be worn and displayed at all times while at a County facility or on County business.

(B) Badges will be provided by the County and will include a photo of the individual, the individual's name, the department in which the individual works and the expiration date if one exists.

(C) Badges shall be worn using a breakaway lanyard (unless there is a safety concern where wearing something that hangs loosely might get caught in machinery – in which case the employee's supervisor will instruct the employee as to the proper display of the Badge.

(D) Individuals must surrender the Badge to their supervisor or Department Head upon separation or when requested.

(E) A lost or misplaced Badge is to be immediately reported to the individual's supervisor. A temporary badge will be issued. A replacement badge will be issued as necessary, and a record of the lost badge noted.

(F) Do not alter the Badge or add any adornment to the Badge that would interfere with the display of the photo and information contained on the Badge.

(G) Except as required for on –duty use by current employees; no Badge shall be issued to anyone other than a current employee.

(H) Employees shall not loan their Badge to others and shall not permit the Badge to be reproduced or duplicated.

ARTICLE III – POLICIES REGARDING PERFORMANCE AND COMPENSATION

Monroe County believes that its most important asset is a skilled and motivated workforce. The County's reputation for providing professional service to patrons and the public depends on exceptional employees. Therefore, the County's appraisal and compensation policies are designed to provide valuable feedback, to allow employee input and to fairly compensate employees.

11-3-1 PERFORMANCE EVALUATIONS. Performance evaluations are conducted to provide both supervisors and employees an opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss objectives for meeting goals. The County expects all employees to put forward their best effort in every aspect of their job.

Every new employee will be reviewed for performance upon completion of their probationary period. Reviews will then be performed annually, and the department head may elect: (1) To perform them all within the same quarter of the year or (2) On or about the employee's anniversary date and (3) Whether the reviews will be performed by the department head or the employee's supervisor.

11-3-2 COMPENSATION. Salary increases are within the sole discretion of the County Board and should not be considered automatic. Salary increases within the Department of Health are within the sole discretion of the Board of Health and should not be considered automatic.

11-3-3 MEETING EXPECTATIONS – DISCIPLINARY ACTION. The County's goal is that every employee is successful in their job. Another goal is a safe, productive and professional

environment for both employees and citizens. Occasionally, however, an employee will not be meeting the expectations of their job, and the County will make efforts to coach that employee and communicate how they may improve their performance.

Following are disciplinary actions that the County initiates to attain that objective. These disciplinary actions are not necessarily progressive. The type of discipline initiated will correspond to the nature or frequency of the incident. All action will be taken in accordance with applicable federal and state laws, pursuant to the Management Rights clause of union contracts, and in conjunction with actions taken with other individuals under similar circumstances.

(A) **Informal Warning/Note to File.** The supervisor will discuss the performance issue with the employee, explaining the problem it is causing for the department and what action the employee needs to take to correct the situation. A "Note to File" will be made to verify that the employee was aware of the issue and need for improvement.

(B) **Written Counseling/Disciplinary Action.** The supervisor will complete a Record of Employee Disciplinary Action and meet with the employee to discuss the performance issue, clearly stating the problem it is causing for the department and what action the employee needs to take to correct the situation. The form becomes a part of the employee's official personnel records.

(C) **Written Counseling/Disciplinary Action with Probation.** There might be times when an employee's performance is so far below expectations, or the incidents are so frequent that the employee is placed on probation. Probation indicates that the employee's job is in jeopardy and, without improvement, further action up to and including termination might be taken. A supervisor will complete a Record of Employee Disciplinary Action and meet with the employee to discuss the performance issue, clearly stating the problem it is causing for the department, what action the employee needs to take to correct the situation and the length of the probation. The form becomes a part of the employee's official personnel records.

(D) **Written Counseling/Disciplinary Action with Suspension.** There might be times when an investigation is necessary to determine the facts pertinent to a particular employee situation (i.e. -- charges of harassment, illegal activity or law enforcement issues). When such a situation occurs, an employee will be placed on suspension (either paid or unpaid) and will not be allowed to work until the investigation has been completed and the County has made a determination. A supervisor will complete a Record of Employee Disciplinary Action and meet with the employee to discuss the issue and the terms of suspension. The form becomes a part of the employee's official personnel records.

Employees seeking reassessment of the disciplinary action must do so in accordance with the County's Appeal process and/or their contracted Union grievance procedures.

11-3-4 PERSONNEL APPEALS. Monroe County places both responsibility and trust in department heads and supervisors who manage departmental operations and activities. Decisions made by department heads and supervisors regarding the County's workforce are based on County policies and actions taken with other individuals under similar circumstances. Department heads are encouraged to seek assistance when handling employment issues which have potential legal consequences, particularly medical leaves of absence and disciplining and terminating employees.

Employees are encouraged to speak with their supervisors regarding any issues they have with their work or their actions before pursuing other resources. The County Board will only become involved with such issues at the request of the department head or as a result of procedures outlined for addressing union grievances.

11-3-5 PAYROLL. Employees are paid bi-weekly on Thursday. (26 payrolls per year) If a regular payday falls on a holiday, paychecks will be issued on the working day nearest the regular pay date. If an employee is not at work to receive the paycheck and the employee is not paid through direct deposit, it will be mailed, unless the employee has previously requested otherwise in writing.

All mandatory federal and state withholdings will be made from employee wages according to information on tax forms submitted by the employee.

The County does not provide pay advances on unearned wages to employees.

Non-exempt employees must keep accurate time records of the actual hours worked. Falsifying or altering time records will result in termination.

11-3-6 OVERTIME. In accordance with the Fair Labor Standards Act, exempt employees receive a salary and are not compensated for overtime for working more than forty (40) hours in a work week.

Non-exempt employees are compensated for overtime at the rate of **one and one-half (1½) times** their regular hourly rate for all hours **actually worked** beyond **forty (40) hours** in a work week. Emergency Medical Services employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis as permitted by law. Holidays, vacation and other time off are not counted in determining the actual hours worked. Nonexempt employees must receive permission and approval to work overtime. Working overtime without permission can lead to disciplinary action, up to and including termination. Compensatory time may be substituted for overtime pay at the County's discretion. Emergency Medical Services employees are not eligible for compensatory time, except for non-scheduled overtime. (See the Compensatory Time policy below.)

Based on budgetary constraints and concern for an employee's work/life balance, the County will avoid overtime hours whenever possible. However, there will be times when overtime will be necessary, due to workload requirements and it will be an essential function of the job when necessary. Normally, overtime will be assigned to individuals whose job description entails the responsibility of the duty.

There will be times when certain departments will be required to work overtime due to emergency situations, including Sundays and holidays. This compensation structure will be addressed in the department's collective bargaining agreement.

(A) **Scheduled Overtime.** Work requiring overtime hours to be completed, and which is foreseeable, will be distributed fairly and equitably to employees by supervisors. Hours worked will be recorded on the employee's timesheet for the week in which the time is worked. If an employee has personal commitments which cannot be avoided, they must notify their supervisor **at least three (3) days prior to the time they are scheduled to work** to enable the supervisor to make schedule changes. If the supervisor cannot make the change without negatively impacting the performance of the work, the employee will be required to work.

(B) **Unscheduled Overtime.** Sometimes, overtime hours will be required to handle an unforeseen or emergency work situation. Under those circumstances the assignment of overtime will be made to the employees best qualified to perform the work. The supervisor or the supervisor's designee will assign the overtime schedule and the schedule will not be subject to change. For Emergency Medical Service employees if additional employees are needed to fill a shift full time employee will be asked if they would like to volunteer to fill the shift. If no one volunteers a full-time employee will be required to work the unscheduled overtime. Emergency Medical Service full time employees who volunteer or are assigned to work unscheduled overtime will be permitted to accumulate compensatory time in lieu of overtime pay.

11-3-7 COMPENSATORY TIME. The County has a compensatory (comp) time policy which applies to employees in non-exempt job classifications. Emergency Medical Service employees are not eligible for compensatory time, except in instances of non-scheduled overtime. Compensatory time may be used in lieu of overtime pay. Following are the guidelines of the policy:

(A) Compensatory time must be pre-approved by a supervisor prior to scheduling, but not by the employee who is taking the compensatory time.

(B) Compensatory time should be scheduled at the earliest possible date after the work is performed. The date should be agreeable to the employee and approved by the supervisor.

(C) Compensatory time must be taken within the **twelve (12) month** period following being earned. It cannot be carried over into the following **twelve (12) month** period and accumulated. If the time is not taken within that period, it will be paid out as compensation.

(D) Compensatory time that has not been used at the time an employee leaves employment with the County shall be paid out at the employee's current hourly rate of pay.

11-3-8 TIME REPORTING. As stated in the Payroll section, employees are paid bi-weekly (i.e. -- every other Thursday). There is a cut-off date prior to each payroll by which time pay data must be submitted in order to pay employees by the pay date. Therefore, all pay information must

be received by the County Clerk's office no later than the Monday of payroll week. New employees will receive their first paycheck on the Thursday following their first week of work if **it is a payroll week**.

(A) Non-Exempt employees should complete a timecard on a daily basis detailing time on and time off the job for work hours, lunch, training and paid time off (i.e. -- vacation, illness). Paychecks are prepared based on hours recorded on the timecards. Therefore, timecards must be complete and accurate. If an employee makes an error on the timecard or forgets to record hours, the employee should speak with their supervisor for assistance in making corrections. The timecard must be signed by the employee and their supervisor prior to submission to payroll to indicate approval of time to be paid.

(B) If non-exempt employees have taken time off during a work week, the time off must be detailed on their timecard. The timecard should detail what type of time off was taken (i.e. -- vacation, sick, holiday) and whether the time off should be paid or unpaid. For example, sick hours without accrued sick time would be unpaid, whereas accrued vacation time would be paid. Supervisors shall keep and submit approved timecards to the County Clerk's office prior to each payroll. Excepting for the Highway Department, these timecards will be used to calculate unused sick time at year's end and will serve as the ultimate authority. For employees of the Highway Department the tracking system currently in use will be used to calculate unused sick time, and vacation/comp time for Highway Department employees and will service as the ultimate authority for those employees.

(C) Any entry on an employee's timecard that does not follow normal procedures should be explained and initialed by the employee and the supervisor.

(D) Documenting another employee's timecard or falsification of an employee's own timecard is extremely serious and will be cause for counseling action, up to and including termination.

11-3-9 **EXPENSE REIMBURSEMENT.** The County has a policy for reimbursing employees for expenses that result from approved business activities such as travel, training, errands, etc. Prevailing rates and guidelines will be determined by the County Board. The policy details expenses related to:

- Lodging, airfare, rental vehicles and vehicle expenses
- Business meals (excluding alcoholic beverages)
- Other – Approved expenses incurred in relation to business purposes

Requests for reimbursement shall be submitted on a travel voucher form and must be submitted within thirty (30) days of the incurred date. Internal Revenue Service guidelines for reimbursement require that expenses meet the following criteria:

- Ordinary and necessary in business
- Supported by the original receipt
- Documented and approved for the business purpose

ARTICLE IV – POLICIES REGARDING BENEFITS

For County employees who are subject to a collective bargaining agreement the benefits provided to those employees will be set forth in the applicable collective bargaining agreement. For those employees the terms of the applicable collective bargaining agreement shall control.

11-4-1 **INSURANCE BENEFITS.** The County sponsors various group insurance plans. Eligible participants include full-time elected officials and regular full-time employees. Dependent coverage is an option for some of the insurance plans. All of the insurance plans are at the employee's option and require that the employee pay a portion of the premium, if they wish to be covered by the plan. Payroll deductions for the employee portions of premiums are made under a Federal 125 filing,

which means deductions are made on a pre-tax basis, thus lowering an employee’s taxable gross income. Specifics of coverage, prior continuous service requirements, employee contributions, etc. are included in benefit information provided to new employees, or upon meeting eligibility. The County reserves the right to change insurance plans and benefits as business needs necessitate.

11-4-2 DEFERRED COMPENSATION PLAN. The County offers a deferred compensation plan to provide eligible employees an opportunity to make investments toward their future financial security for retirement. Details of the plan are described in the Summary Plan Description (SPD) provided to eligible employees. Because an employee’s contribution to the plan is automatically deducted from the paycheck before federal and state tax withholdings are calculated, an employee saves tax dollars now by having their current taxable gross income reduced.

11-4-3 IMRF BENEFITS. As an employee of Monroe County working more than **twelve (12) hours** per week (or **six hundred (600) hours** per year), you are required to participate in the County’s defined benefit pension plan under the Illinois Municipal Retirement Fund (IMRF). Enrollment in IMRF is automatic if your position is anticipated to meet the hourly requirement. IMRF is funded through employee/ employer contributions, not by the State of Illinois.

There are two types of “Plans” in which an employee may be enrolled. Most employees will be enrolled in the Regular Plan (REG), wherein an employee contributes **four and one-half percent (4.5%)** of their wages. County employees who are specifically hired as a full-time Sheriff’s Deputy are required to participate in the Sheriff’s Law Enforcement Plan (SLEP) and are required to make an employee contribution of **seven and one-half percent (7.5%)** of their wages. Monroe County also contributes to your retirement at an annual employee rate set by IMRF. Retirement benefits and vesting requirements vary depending upon the Plan you are enrolled in.

11-4-4 PAID TIME OFF BENEFITS.

(A) Vacation Policy.

(1) **Full-Time Regular Employees.** Accrue (earn) paid vacation according to the following schedule:

<u>Period of Continuous Service</u>	<u>Number of Days Earned</u>
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Date of hire to one year	10 days
2 nd year through 6 th year	10 days per year
7 th year through 11 th year	15 days per year
12 th year forward	20 days per year

A “day” of vacation for full-time employees is calculated as **eight (8) hours**.

(2) **Part-Time Regular Employees.** Accrue (earn) paid vacation according to the following schedule:

<u>Period of Continuous Service</u>	<u>Number of Days Earned</u>
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Date of hire to one year	5 days
2 nd year through 6 th year	5 days per year
7 th year through 11 th year	7 1/2 days per year
12 th year forward	10 days per year

A “day” of vacation for part-time employees is calculated as the average number of hours worked per day when the employee is scheduled. In other words, if an employee is regularly scheduled to work **six (6) hour** schedules, **five (5) days** per week, their vacation “day” would be

calculated as **six (6) hours** of vacation pay, whereas, if an employee is regularly scheduled to work **seven and one-half (7 ½) hour** schedules, three days per week, their vacation "day" would be calculated as **seven and one-half (7 ½) hours** of vacation pay.

A year of service is calculated based on the employee's date of hire. An employee completes one year of service on the anniversary of their date of hire and an additional year of service on their anniversary date every year thereafter.

An employee's hours of vacation are accrued (earned) in the current year of service and available to be taken in the following year of service. Vacation hours are not available to be taken by the employee until they have been earned. An employee must be employed on the last day of the pay period to accrue for that pay period. Accrued, but unused, vacation time will be paid out when an employee leaves employment with the County.

If a situation arises for which an employee needs time off and does not have time accrued, the employee may request time off without pay. For information regarding the Time Off Without Pay policy, refer to that policy in the handbook.

Vacation time, by policy, must be taken before the end of the year in which it becomes available. If the vacation time is not taken, **due to an employee's workload**, a maximum of **ten (10) days** may be carried over to the next service year. Any unused days exceeding **ten (10)** will be paid out to the employee in the first payroll period of the following service year. Vacation time may not be accumulated from year to year, meaning that the amount of vacation time an employee may have at the beginning of any service year shall not exceed the total of the current year's available vacation time plus **ten (10) or less days** carried over from the prior service year. This policy will be followed for all employees unless otherwise addressed in a collective bargaining agreement.

To assist the County in maintaining a consistent workforce and for employees to have the best selection of vacation time, it is highly recommended that the employee request vacation time from their supervisor as far in advance as possible. All vacation time must be scheduled with the employee's supervisor or supervisor's designee and is subject to approval. Supervisors are aware of the appropriate staffing levels required to maintain departmental operations and will not be able to approve vacation time, if it results in staffing below that appropriate level.

(B) **Time Off Without Pay.** The County realizes there may be circumstances whereby an employee needs additional personal time off during a given year. Employees may request up to an additional **two (2) days** of unpaid time off per year with the prior approval of their supervisor. (Example: Funerals not included in Bereavement policy.)

(C) **Paid Time Off for Sickness; Full-Time Regular Employees.** Accrue (earn) paid time for sickness according to the following schedule:

<u>Period of Continuous Service</u>	<u>Number of Hours Accrued per Pay Period</u>
Date of hire to 6-month anniversary	0 hours
6-month anniversary to end of first year	2 hours per pay period (3 days total)
Subsequent years	3.08 hours per pay period (10 days total)

Paid time for sickness is not available to be used by the employee until it has been accrued and it is accrued by pay period. An employee must be employed on the last day of the pay period to accrue sick time for that pay period and it becomes available for use in the following pay period. The County expects good attendance and believes in rewarding employees who make every effort to be on the job consistently. Therefore, unused sick time may be carried over and accumulated from one year to the next as a benefit for medical hardships. However, accumulated sick time will not be paid out upon termination, resignation or retirement, unless otherwise addressed in a collective bargaining agreement.

(D) **Definition.** Paid time off for sickness is a benefit given to employees under the following circumstances:

- (1) An employee cannot perform their duties or might infect other individuals.

- (2) For the illness or injury of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.
- (3) For medical or dental appointments of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. Time must be used in increments of **one (1) hour** or more.

For time off for the employee's child, stepchild, spouse, domestic partner sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent in excess of **five (5) days** will be granted when the employee's care is required, and other arrangements have been attempted but cannot be made.

This time off is provided as a "financial buffer" for an employee who is injured or too ill to work but is not to be used as additional time off work.

(E) **Notification.** In order to be paid for time off due to sickness, an employee must notify their supervisor or the supervisor's designee as soon as feasible for planned procedures. (i.e. -- minor elective surgery, medical testing and medical or dental appointments) **For unplanned sickness, (i.e. -- colds, flu, accidents, etc.) the employee should notify their supervisor as soon as possible, but no less than one (1) hour prior to their scheduled start time.** Employees who do not report unplanned sickness per the County's attendance policies may not qualify for paid time for sickness.

If an employee is off work **three (3) or more consecutive days** due to illness, they must supply medical certification verifying that they have been unable to work and that they have been released by their health care provider to return to work. This certification should be submitted to the supervisor upon the employee's return to work and before beginning work.

(F) **IMRF Service Credits.** Sick time that an employee has accumulated, but has not used at the time of retirement, may be counted and converted to service credit towards IMRF retirement only as permitted under IMRF rules and consistent with IMRF rules. Employees should refer to their IMRF plan documents regarding conversion of sick pay to service credit for IMRF purposes.

(G) **Policy Abuse.** The County will not deny an employee the right to use personal sick leave benefits as required or discharge, threaten to discharge, demote, suspend, or in any manner discrimination against an employee for using personal sick leave benefits, attempting to exercise the right to use personal sick leave benefits or asserting a claim based on the use of personal sick leave benefits. However, in order for Monroe County to meet operational obligations to the public, it is imperative that the County has a dependable and consistent workforce. Work priorities are more easily managed around scheduled time off, whereas unscheduled and unplanned time off makes it extremely difficult for the County to meet its operational obligation to the citizenry. Subsequently, good attendance is an expectation of employment, regardless of the amount of paid time the employee has accumulated. Therefore, abuse of the sickness policy is taken very seriously by Monroe County and will be subject to disciplinary action, up to and including termination.

Time off under this Policy for a reason that qualifies for any other mandated leave entitlement by an employee eligible for the mandated leave will count against the employee's mandated leave entitlement.

11-4-5 FAMILY MEDICAL LEAVE. Monroe County complies with the federal Family Medical Leave Act (FMLA) and provides eligible employees up to **twelve (12) weeks** of unpaid leave in a rolling **twelve (12) month** period, measured backwards from the date of leave, for designated family and medical reasons. FMLA is granted for one or more of the following reasons:

(A) The birth of a child or the placement of an adopted child or foster child in the family (limited to the first year after the birth or placement).

(B) To care for the employee's spouse, child or parent who has been diagnosed with a serious medical condition. (as defined by federal regulations)

(C) Due to an employee's own diagnosed serious medical condition that has rendered the employee unable to perform the functions of their position under normal working conditions. (as defined by Federal regulations).

(D) The need to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in "outpatient status," or is otherwise on the temporary disability retired list, for a "serious injury or illness" or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the **five (5) years** before the date on which the veteran undergoes that medical treatment, recuperation or therapy (Covered Service Member) who is the employee's spouse, son, daughter, parent or "next of kin."

(E) A "qualifying exigency" as defined by law, arising from the fact that a spouse, child or parent of the employee is a military member on "active duty" (or has been notified of an impending call or order to "active duty") in the Armed Forces in support of a "contingency operation." a member of a reserve military force and is called to active-duty status in support of a contingency operation. An employee whose family member is on active duty or called to active-duty status in support of a contingency operation as a member of the regular armed forces is not eligible to take leave because of a "qualifying exigency."

(F) To be eligible for FMLA Leave, the employee must meet both of the following conditions:

- (1) Have been an employee of the County for a minimum of **twelve (12) months**. (Need not be consecutive except for breaks in service of **seven (7) years** or more)
- (2) Have worked at least **one thousand two hundred fifty (1,250) hours** during the **twelve (12) month** period immediately preceding the commencement of a requested leave.

(G) **Employer Notification.** The standard advance notification to the employer for **foreseeable** leave is **thirty (30) days**. If leave is necessitated by an emergency, notification to the County is required on the day of the emergency or on the next business day. If the leave is requested for a "qualifying exigency," the employee must notify the employer of their request for leave as soon as is "reasonable and practicable" upon learning of the necessity for leave.

When the employee seeks leave due to a FMLA qualifying reason for which the County has previously provided FMLA protected leave, the employee must specifically reference the qualifying reason for leave when reporting the absence or the need for FMLA leave or the absence may not be protected. In most circumstances, the employee is required to follow the County's absence reporting procedures when reporting the need for FMLA leave for a chronic condition. Failure to give notice as required may result in delay or denial of leave and may subject the employee to disciplinary action up to and including termination for any unauthorized absences. In the case of foreseeable leaves, the County may delay the leave for up to **thirty (30) days** from the date the employee notified the County of the need to take FMLA leave and may subject the employee to disciplinary action up to and including termination for any unauthorized absences.

(H) **Leave Certification.** If the leave is necessitated by the serious health condition of the employee or their spouse, child or parent, then medical certification is required prior to the commencement of the leave or as soon as is practical after the leave begins. (A maximum of **fifteen (15) working days** from receipt of Notice of Rights and Responsibilities). The employee will be requested to recertify the condition consistent with applicable regulations. If the employee is requesting leave to care for a service member the employee must provide a certification that the employee is needed to care for a covered service member of the armed forces who is undergoing medical treatment, recuperation, or therapy, or is in "outpatient status" or on the temporary disability retired list for a "serious injury or illness." The employee may be requested to provide certification of the employee's relationship to the covered service member. If the leave is for a "qualifying exigency," the employee shall be required to provide certification that the service member is on, or has been called to, active duty. If the leave is to meet with a third party the County may also contact the third party to verify the meeting and its purpose.

(I) **Benefits.** The employee's health and dental insurance coverage will be maintained on the same basis as if they were not on leave. The employee will continue to pay their contributory amount where applicable. Employees who are members of IMRF should speak with Human Resources in regard to maintaining their service credits while on unpaid leave. Coverage of all insurance

may stop if the employee fails to pay the employee's portion of the premiums or if the County learns the employee does not intend to return to employment or does not return to employment. In these cases, the County may request the employee to reimburse it for any premiums it has paid on the employee's behalf during the leave unless the reason the employee did not return was because of a continued serious health condition or for other reasons beyond the employee's control as defined by the Family and Medical Leave Act.

(J) **Use of Paid Time Off.** Employees who qualify for FMLA Leave might be required to use accrued vacation, sick or compensatory time or other accrued paid time off as part of the leave, dependent on their departmental policy and applicable collective bargaining agreement. This provision is enacted to provide as consistent a workforce as possible upon completion of leaves. Any unused paid time off benefits (such as vacation, sick or compensatory time) that were accrued prior to taking the leave will be retained by the employee, but the employee will not earn any benefit time while on leave. Paid time off benefits will resume being earned when the employee returns to work. Leaves that qualify for FMLA status will be counted toward the **twelve (12) month** benefit, regardless of the employee's request.

(K) **Amount of Leave.** An eligible employee may take up to **twelve (12) workweeks** of unpaid leave (or **twenty-six (26) workweeks** for military Caregiver Leave). For all leave other than Military Caregiver Leave the County uses a rolling twelve-month period. Accordingly, a request for leave will not be approved if you have already used the maximum leave under this policy during the **twelve (12) months** preceding the date leave would begin. For Military Caregiver Leave, the **twelve (12) month** period begins upon the first date of the need for Military Caregiver Leave. If you do not take all of your **twenty-six (26) weeks** of leave during the **twelve (12) month** period, the remaining part of the **twenty-six (26) weeks** of leave entitlement for Military Caregiver Leave is forfeited.

(L) **Married Couples Working for Monroe County.** A husband and wife who both work for Monroe County is permitted to take a combined total of **twelve (12) weeks** or **twenty-six (26) weeks** of leave during any **twelve (12) month** period for the following circumstances:

- (1) Birth of a child (**twelve (12) weeks**)
- (2) Placement of an adopted or foster child (**twelve (12) weeks**)
- (3) Military Caregiver Leave (**twenty-six (26) weeks**)

(M) **Intermittent Leave or Reduced Work Schedules.** When leave is necessitated by the employee's or eligible family member's serious health condition, a "qualifying exigency" or a military caregiver circumstance, the leave may be taken intermittently or on a reduced schedule at the employee's request and upon submission of proper certification. (i.e. -- weekly dialysis treatments, reduced work schedules while recovering from a heart attack or surgery or intermittent leave while acting as a caregiver). It is the employee's obligation to make a reasonable effort to schedule treatments so as not to unduly disrupt the County's operations. Therefore, employees should discuss options with their supervisor prior to scheduling appointments or treatments to devise a mutually acceptable schedule.

Intermittent or Reduced Schedule leave will be counted on an hourly basis to apply toward the maximum leave entitlement. The County may require the employee to work in a different position or on a different schedule during the period of an intermittent or reduced schedule leave that will better accommodate the necessities of the employee's foreseeable schedule. The alternative position will have the same pay and benefits as the position held prior to the beginning of leave. The County retains the right to deny an intermittent or reduced schedule leave when leave is taken for the birth, placement or adoption of a child.

(N) **Reinstatement.** According to FMLA requirements, an employee will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms upon return from FMLA Leave.

An employee returning from FMLA leave due to the employee's serious health condition must provide a fitness for duty medical certification that the employee is able to resume working. Prior to returning to work, the employee must contact Human Resources to submit the medical clearance to return to work and to determine when to report for duty. Failure to follow these procedures may result in delay when the employee is ready to come back to work and may subject the employee to disciplinary action for any unauthorized absence up to and including discharge.

Failure to return to work at the end of the leave or upon exhaustion of the employees leave entitlement under this Policy may be considered a resignation. The employee is responsible for contracting Human Resources if the employee cannot return to work upon the expiration of the employee's leave, or the exhaustion of the employee's leave entitlement and to explain why the employee cannot return to work. Failure to do so or report to work as expected upon the end of the leave may be considered a resignation.

(O) **Concurrent Benefits.** Leaves which qualify as FMLA, Short-Term Disability or Worker's Compensation may, and frequently do, run concurrently with paid time for vacation, sick, personal or compensatory time. However, these leaves are governed independently by each one's specific policy. FMLA's specific purpose is to provide job protection, job restoration and insurance protection.

The specific purpose of Short-Term Disability or Worker's Compensation leaves is to provide reimbursement of medical expenses and/or replacement of wages. Thus, leaves that qualify must be granted FMLA protection while concurrent with other benefits that provide medical reimbursement and/or wage replacement, but which do not protect job restoration or insurance continuance.

(P) **FMLA and Worker's Compensation.** Time taken for an injury or illness that is covered under Workers' Compensation that also qualifies as a serious health condition under this Policy will count against the employee's maximum leave entitlement under this Policy. If the employee is released to return to modified duty and the employee accepts modified duty the time the employee is on modified duty will not count against the employee's leave entitlement under this Policy. The time the employee is on modified duty will also not count against the employee's right to reinstatement, however, the employee's right to reinstatement will expire at the end of the applicable FMLA period (**one (1) year** from the date leave was taken for the employee's injury or illness).

The employee may also decline the modified duty and continue to remain on a leave of absence under this Policy for the time period the employee continues to have a serious health condition that prevents the employee from performing the essential functions of the employee's position until the employee can either perform the employee's position or the employee exhausts the employee's leave entitlement under this Policy, whichever occurs first. The employee's rejection of modified duty and election to continue to remain on a leave of absence under this Policy may cause the employee to lose Workers' Compensation temporary total disability payments. If the employee loses temporary total disability payment the County may require the employee to substitute paid leave (such as vacation) for any remaining period that the employee remains on leave.

(Q) **Failure to Comply With This Policy.** If an employee fails to follow the guidelines in the policy or falsifies any information related to the certifications, the employee's leave may be delayed or denied and discipline, up to and including discharge, may result.

Engaging in gainful employment during a leave of absence under any of the County's leave policies will be considered a voluntary resignation unless prior written approval was obtained.

11-4-6 EXTENDED LEAVES FOLLOWING FMLA.

(A) **Non-Work-Related.** When an employee has exhausted FMLA Leave for a non-work-related health issue and is not released by a physician to return to their job, the employee may request an Extended Leave. In that situation, the employee must complete a new "Request for Leave of Absence" form and submit it to the County for approval. The employee will also be given a Certification to be completed by their health care provider and returned to the County. Extended Leave, if approved, will be granted for up to a maximum of **three (3) months** and may be used for intermittent or reduced schedules, if needed, within the **three (3) month** period.

(B) **Insurance Continuation.** Extended Leave is a qualifying event for purposes of Insurance Continuation. Eligible employees will be offered continuation coverage under IMRF and/or the Consolidated Omnibus Budget Reconciliation Act (COBRA). All rights and obligations pertaining to these programs will be communicated to the employee at that time. Continuation is at the employee's option, and the employee will be obligated to pay the full insurance premium plus any applicable administrative fee.

(C) **Use of Paid Time Off.** Employees granted an Extended Leave may be required to concurrently use any earned vacation, sick or compensatory time. Additional vacation time

or sick time will not accrue while an employee is on such a leave. After vacation and sick time has been exhausted, the remainder of the leave will be unpaid by the County.

(D) **Inability to Return to Work.** An employee who is not released by a physician to return to work at the end of the maximum **three (3) month** Extended Leave period will be placed on "Inactive" status. An employee on "Inactive" status is removed from the County's payroll, will not be eligible to accrue any additional benefits and will no longer be entitled to job restoration rights, but is considered "in good standing." Inactive status will end at the earliest of the following:

- (1) The individual resigns from their position.
- (2) The individual is released by their health care provider and is capable of returning to the job.
- (3) The individual begins to receive total or permanent disability from IMRF or Social Security Disability.
- (4) The individual has been on leave for a maximum of **one (1) year**.

If the individual is released by a physician and requests to return to work, they may apply for any open position for which they are qualified. An inactive employee who applies for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded to other candidates with similar qualifications. An inactive employee who is re-hired within **one (1) year** of being placed on "Inactive" status will retain all seniority rights to which they were entitled in their previous position.

(E) **Work-Related.** When an employee has exhausted his/her FMLA leave for a work-related incident that is covered by Workers' Compensation insurance and they are not released by a health care provider to return to their job, they may request Extended Leave. The employee must complete a "Request for Leave of Absence" form and submit it to the County for approval. They will also be given a Certification to be completed by their health care provider and returned to the County. Such Extended Leaves, if approved, will be granted for up to a maximum of **forty (40) weeks**.

(F) **Insurance Continuation.** Extended Leave is a qualifying event for purposes of Insurance Continuation. Eligible employees will be offered continuation coverage under IMRF and/or the Consolidated Omnibus Budget Reconciliation Act (COBRA). All rights and obligations pertaining to these programs will be communicated to the employee at that time. For work-related health issues, the County will pay a portion of the premium (similar to that paid for active employees) for the first **six (6) months** of continuation coverage, if elected. After that **six (6) month** period, the employee will be obligated to pay the full insurance premium plus any applicable administrative fees. Continuation is at the employee's option.

(G) **Use of Paid Time Off.** Employees granted an Extended Leave may be required to concurrently use any earned vacation, sick or compensatory time. Additional vacation or sick time will not accrue while an employee is on such a leave. After vacation and sick time has been exhausted, the remainder of the leave will be unpaid by the County.

(H) **Inability to Return to Work.** An employee who is not released by a physician to return to work at the end of the **forty (40) week** Extended Leave period will have been granted total leave of **one (1) year (twelve (12) weeks** of FMLA Leave plus **forty (40) weeks** Extended Leave) and will have exhausted all leave under this policy and will be placed on "Inactive" status. An employee on "Inactive" status is removed from the County's payroll, will not be eligible to accrue any additional benefits and will no longer be entitled to job restoration rights, but is considered "in good standing." "Inactive" status will end at the earliest of any of the following situations:

- (1) The individual resigns from his/her position.
- (2) The individual is released by his/her health care provider and is capable of returning to the job.
- (3) The individual begins to receive total or permanent disability from IMRF or Social Security Disability.
- (4) The individual has been on leave for a maximum of **one (1) year**.

If the individual is released by his/her health care provider and requests to return to work, the inactive employee may apply for any open position for which they are qualified. An inactive employee that applies for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded to other candidates with similar qualifications. An inactive employee who is re-hired within **one (1) year** of being placed on "Inactive" status will retain all seniority rights to which he/she was entitled in their previous position.

11-4-7 NON-FMLA LEAVES OF ABSENCE. There may be instances when a leave is requested and either the employee or the circumstances do not qualify for FMLA Leave. When such a situation occurs, the County has the following policies pertaining to leaves of absence which do not qualify under FMLA.

(A) **Non-Work-Related.** An employee who has been employed with the County for a minimum of **one (1) year** but has not worked sufficient hours in the prior **twelve (12) month** period to qualify for FMLA Leave may request a Non-FMLA Leave of Absence for health-related issues. The standard advance notification to Human Resources for foreseeable leave is **thirty (30) days**. However, in the case of an emergency, the request should be made on the day of the emergency or on the next business day. The employee must complete a "Request for Leave of Absence" form and submit it to Human Resources for approval. The employee will also be given a Certification to be completed by their health care provider and returned to Human Resources. Such a leave, if approved, will be granted for up to a maximum of **eight (8) weeks**.

(B) **Insurance Continuation.** Non-FMLA Leave is a qualifying event for purposes of Insurance Continuation. Eligible employees will be offered continuation coverage under IMRF and/or the Consolidated Omnibus Budget Reconciliation Act (COBRA). All rights and obligations pertaining to these programs will be communicated to the employee at that time. Continuation is at the employee's option, and the employee will be obligated to pay the full insurance premium plus any applicable administrative fee.

(C) **Use of Paid Time Off.** Employees granted a Non-FMLA Work-Related Leave may be required to concurrently use any earned vacation and/or sick time. Additional vacation or sick time will not accrue while an employee is on such a leave. After vacation and sick time has been exhausted, the remainder of the leave will be unpaid by the County.

(D) **Inability to Return to Work.** An employee who is not released by a physician to return to work at the end of the maximum of **eight (8) weeks** of Non-FMLA Leave will be placed on "Inactive" status. An employee on "Inactive" status is removed from the County's payroll, will not be eligible to accrue any additional benefits and will no longer be entitled to job restoration rights, but is considered "in good standing." "Inactive" status will end at the earliest of any of the following situations:

- (1) The individual resigns from his/her position.
- (2) The individual is released by his/her health care provider and is capable of returning to the job.
- (3) The individual begins to receive total or permanent disability from IMRF or Social Security Disability.
- (4) The individual has been on leave for a maximum of **one (1) year**.

If the individual is released by his/her health care provider and requests to return to work, the inactive employee may apply for any open position for which they are qualified. An inactive employee that applies for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded other candidates with similar qualifications. An inactive employee who is re-hired within **one (1) year** of being placed on "Inactive" status will retain all seniority rights to which he/she was entitled in their previous position.

(E) **Work-Related.** If an employee does not meet the eligibility requirements of FMLA because he/she has not been employed by the County for a sufficient period of time (**one (1) year**) or has not worked at least **one thousand two hundred fifty (1,250) hours** during the **twelve (12) month** period immediately preceding the start of a requested leave and requires a leave for a work-related incident covered by Worker's Compensation insurance, he/she may request a Non-FMLA Work-Related Leave. The employee will be required to complete a "Request for Leave of Absence" form and submit it to the County for approval. The employee will also be supplied with a Certification to be completed by their health care provider and returned to the County. Such a leave, if approved, will be granted for up to a maximum of **fifty-two (52) weeks**.

(F) **Insurance Continuation.** Non-FMLA Work-Related Leave is a qualifying event for purposes of Insurance Continuation. Eligible employees will be offered continuation coverage under IMRF and/or the Consolidated Omnibus Budget Reconciliation Act (COBRA) Continuation. All rights and obligations pertaining to continuation under these programs will be communicated to the employee at that time. For work-related health issues, the County will pay a portion of the insurance premium (similar to that paid for active employees) for the first **six (6) months** of continuation coverage, if

elected. After that **six (6) month** period, the employee will be obligated to pay the full insurance premium plus any applicable administrative fees. Continuation is at the employee's option.

(G) **Use of Paid Time Off.** Employees granted a Non-FMLA Work-Related Leave may be required to concurrently use any earned vacation and/or sick time. Additional vacation or sick time will not accrue while an employee is on such a leave. After vacation and sick time has been exhausted, the remainder of the leave will be unpaid by the County.

(H) **Inability to Return to Work.** An employee who is not released by a physician to return to work at the end of the **fifty-two (52) week** period will have had a total leave of **one (1) year** and have exhausted all leave under this policy and will no longer have job restoration rights. The employee will be placed on "Inactive" status. An employee on "Inactive" status is removed from the County's payroll, will not be eligible to accrue any additional benefits and will no longer be entitled to job restoration rights, but is considered "in good standing." "Inactive" status will end at the earliest of any of the following situations:

- (1) The individual resigns from his/her position.
- (2) The individual is released by his/her health care provider and is capable of returning to the job.
- (3) The individual begins to receive total or permanent disability from IMRF or Social Security Disability.
- (4) The individual has been on leave for a maximum of **one (1) year**.

If the individual is released by his/her health care provider and requests to return to work, the inactive employee may apply for any open position for which they are qualified. An inactive employee who applies for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded other candidates with similar qualifications. An inactive employee who is re-hired within **one (1) year** of being placed on "Inactive" status will retain all seniority rights to which he/she was entitled in their previous position.

(I) **Release to Return to Work.** Employees returning from any of the above leaves will be required to submit to their supervisor a physician's "Release to Return to Work" no less than **three (3) days** prior to returning to the job. Without a physician's release, the employee will not be allowed to return to work.

Nothing in this policy shall be construed to prohibit the County from assigning an employee to light duty.

11-4-8 EMPLOYEES INELIGIBLE FOR LEAVE. An employee who has worked for the County for less than **one (1) year** is ineligible for a leave of absence unless it is work-related and subject to worker's compensation. An employee may resign and when they are subsequently released by a physician to return to work, they may apply for any open position for which they are qualified. A former employee that applies for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded other candidates with similar qualifications. If an employee chooses not to resign, they will be discharged.

11-4-9 VICTIM'S ECONOMIC SECURITY AND SAFETY ACT (VESSA). The County recognizes that an employee who has been the victim of domestic or sexual violence or who has a family or household member who is a victim of domestic or sexual violence may need to take time away from work to attend to needs caused by domestic or sexual violence. This VICTIMS' ECONOMIC SECURITY AND SAFETY ACT LEAVE policy is designed to meet those needs in a manner that is beneficial to employees, their families and the County. It also represents the intent of the County to comply with the requirements of the Illinois Victims' Economic Security and Safety Act ("VESSA").

(A) **Reasons for Leave.** An employee who is a victim of domestic or sexual violence or has a family or household member (spouse, parent, son, daughter, and persons jointly residing in the same household) who is a victim of domestic violence or sexual violence whose interests are not adverse to the employee as it relates to the domestic or sexual violence may take unpaid leave from work to address domestic or sexual violence by:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- (2) Obtaining services from a victim services organization for the employee or the employee's family or household member;
- (3) Obtaining psychological or other counseling for the employee or the employee's family or household member;
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

Requests for leaves of absence in situations other than those governed by the VESSA, such as personal leave, are not addressed in this Policy.

(B) **Amounts of Leave.** An eligible employee may take up to a total of **twelve (12) workweeks** of leave during any **twelve (12) month** period. Leave under this policy is not in addition to any leave entitlement that the employee has under the County's FMLA policy. The total amount of leave that an employee may take under County's FMLA policy, and this policy shall not exceed **twelve (12) workweeks/twenty-six (26) workweeks** if leave has been taken under County's FMLA Policy for an injured Service Member.

(C) **Compensation and Benefits During Leave.** Leaves of absence under this Policy are generally without pay, where permitted by law. An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment under law or the County's policies may elect to substitute any period of such paid or unpaid leave for an equivalent period of leave under this policy.

The employee will not lose any employee benefit accrued before the date on which the employee's leave is to begin. The County will continue coverage for the employee and any family or household member under any group health plan during the employee's leave under this policy. The employee is responsible for paying the employee's benefits, including health insurance, during this leave. Payments must be made to the County on the first day of the month.

(D) **Notifying the County.** The employee shall provide the County with at least **forty-eight (48) hours'** advance notice of the employee's intention to take leave under this policy. If such notice is not practicable then the employee must notify the County that the employee's absence was for a reason that qualifies for leave under this policy within one to two business days following the employee's absence. Failure to give notice as required may result in a delay or denial of leave and may subject the employee to disciplinary action up to and including termination for any unauthorized absences.

- (E) **Certification.** The employee must provide certification to the County that:
- (1) The employee or the employee's family or household member is a victim of domestic or sexual violence; and
 - (2) The leave is for a reason specified in this policy.

Such certification must be provided within **fifteen (15) days** of the County's request for such information.

(F) **Restoration of Same or Equivalent Position.** When the employee returns from a leave under this Policy, the employee will be returned to the same position or a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. The employee will not lose any seniority or benefits because of leave under this Policy, although the employee will not accrue any additional vacation, sick or other benefits during the period of leave. The County may deny the employee restoration due to conditions unrelated to the employee's exercise of leave under this Policy.

(G) **Failure to Return to Work Upon Expiration of Leave.** The County will treat the employee's failure to return to work as expected upon expiration of leave under this Policy as the employee's voluntary resignation. The employee is responsible to contact the County before the expiration of the employee's leave under this Policy if the employee learns that the employee will not be able to return as expected to determine whether there are any other forms of leave available to the employee or to seek an extension of leave under this Policy. If there are no other forms of leave available to the employee and/or the employee is not entitled to an extension of leave under this Policy, then the employee will be expected to return to work and will be treated as having resigned if the employee fails to do so.

If the employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of domestic or sexual violence that would qualify for leave under this Policy or other circumstances beyond the employee's control, the County may seek to recover the premium that it paid for maintaining coverage for the employee and the employee's family or household member during the employee's leave. The County may require certification of the reason for the employee's failure to return from leave.

(H) **Designation of FMLA Leave.** The County has the right to designate as FMLA leave all leave time taken under this Policy for reasons that qualify for leave under the County's FMLA policy.

(I) **Non-Discrimination.** The County prohibits any discrimination or retaliation against any employee because the employee:

- (1) Is or is perceived to be a victim of domestic or sexual violence;
- (2) Attended, participated in, prepared for, or requested leave to attend, participate in, or prepare for a court proceeding relating to an incident of domestic or sexual violence where the employee or a family or household member of the employee was a victim;
- (3) Requested accommodation in response to actual or threatened domestic or sexual violence, regardless of whether the request was granted; or
- (4) Because the workplace was disrupted or threatened by the action of a person whom the employee states has committed or threatened to commit domestic or sexual violence against the employee or the employee's family or household member.

(J) **Reasonable Accommodation.** The County will make reasonable accommodation to the known limitations resulting from circumstances relating to being a victim of domestic or sexual violence of an otherwise qualified individual who is an applicant or employee who is:

- (1) A victim of domestic or sexual violence; or
- (2) With a family or household member who is a victim of domestic or sexual violence whose interests are not averse to the employee or applicant as it relates to the domestic or sexual violence; unless the accommodation would impose an undue hardship on the County's operations.

(K) **Failure to Comply With This Policy.** If the employee fails to follow the guidelines in this Policy or falsifies any information related to the leave under this Policy, the employee's leave may be delayed or denied. In addition, the employee may be disciplined, up to and including discharge.

Engaging in gainful employment during a leave of absence will be considered a voluntary resignation.

11-4-10 VOLUNTEER EMERGENCY WORKER JOB PROTECTION ACT. Monroe County will fully comply with all the regulations of the Volunteer Emergency Worker Job Protection Act. The definition of a "volunteer emergency worker" is a firefighter, licensed EMT, ambulance driver or attendant, ESDA or "First Responder," according to the EMT System's Act, who provides services to a fire department, fire protection district or other governmental entity without receiving compensation. If a Monroe County employee is involved in such a role, the County employee must provide verification of their role per the County's request. If an employee is going to be absent or late for an assigned shift due

to volunteer emergency duties, it is the employee's responsibility to make a reasonable effort to notify their supervisor. The employee will be requested to provide documentation of their volunteer service, which resulted in their absence or tardiness. The employee will not be subject to discipline for absence or tardiness due to their service, however, their time off the job will not be paid.

11-4-11 BEREAVEMENT LEAVE.

(A) **Unpaid Child Bereavement.** Employees are entitled to use a maximum of **two (2) weeks (ten (10) workdays)** of unpaid bereavement leave to:

- (1) Attend the funeral or alternative to a funeral of a child;
- (2) Make arrangements necessitated by the death of the child;
- (3) Grieve the death of the child

Leave must be completed within **sixty (60) days** after the date on which the employee receives notice of the death of the child.

In the event of the death of more than one child in a **twelve (12) month** period the employee may take up to a total of **six (6) weeks** of bereavement leave during the **twelve (12) month** period.

Leave under this policy is not in addition to any leave entitlement that the employee has under the County's FMLA policy. The total amount of leave that an employee may take under County's FMLA policy, and this policy shall not exceed **twelve (12) workweeks/twenty-six (26) workweeks** if leave has been taken under County's FMLA Policy for an injured Service Member.

(B) **Compensation and Benefits During Leave.** Leaves of absence under this Policy are generally without pay, where permitted by law. An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment under law or the County's policies may elect to substitute any period of such paid or unpaid leave for an equivalent period of leave under this policy.

The employee will not lose any employee benefit accrued before the date on which the employee's leave is to begin. The County will continue coverage for the employee and any family or household member under any group health plan during the employee's leave under this policy. The employee is responsible for paying the employee's benefits, including health insurance, during this leave. Payments must be made to the County on the first day of the month.

(C) **Notifying the County.** The employee shall provide the County with at least **forty-eight (48) hours'** advance notice of the employee's intention to take leave under this policy. If such notice is not practicable then the employee must notify the County that the employee's absence was for a reason that qualifies for leave under this policy within **one (1) to two (2) business days** following the employee's absence. Failure to give notice as required may result in a delay or denial of leave and may subject the employee to disciplinary action up to and including termination for any unauthorized absences.

(D) **Certification.** The County may require reasonable documentation of the employee's need for leave. Such certification must be provided within **fifteen (15) days** of the County's request for such information.

(E) **Restoration of Same or Equivalent Position.** When the employee returns from a leave under this Policy, the employee will be returned to the same position or a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. The employee will not lose any seniority or benefits because of leave under this Policy, although the employee will not accrue any additional vacation, sick or other benefits during the period of leave. The County may deny the employee restoration due to conditions unrelated to the employee's exercise of leave under this Policy.

(F) **Failure to Return to Work Upon Expiration of Leave.** The County will treat the employee's failure to return to work as expected upon expiration of leave under this Policy as the employee's voluntary resignation. The employee is responsible to contact the County before the expiration of the employee's leave under this Policy if the employee learns that the employee will not be able to return as expected to determine whether there are any other forms of leave available to the employee or to seek an extension of leave under this Policy. If there are no other forms of leave available to the employee and/or the employee is not entitled to an extension of leave under this Policy,

then the employee will be expected to return to work and will be treated as having resigned if the employee fails to do so.

If the employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of domestic or sexual violence that would qualify for leave under this Policy or other circumstances beyond the employee's control, the County may seek to recover the premium that it paid for maintaining coverage for the employee and the employee's family or household member during the employee's leave. The County may require certification of the reason for the employee's failure to return from leave.

(G) **Designation of FMLA Leave.** The County has the right to designate as FMLA leave all leave time taken under this Policy for reasons that qualify for leave under the County's FMLA policy.

(H) **Non-Discrimination.** The County prohibits any discrimination or retaliation against any employee because the employee has requested or used leave under this policy.

(I) **Failure to Comply With This Policy.** If the employee fails to follow the guidelines in this Policy or falsifies any information related to the leave under this Policy, the employee's leave may be delayed or denied. In addition, the employee may be disciplined, up to and including discharge.

Engaging in gainful employment during a leave of absence will be considered a voluntary resignation.

(J) **Paid Bereavement.** Full time employees who have completed their Introductory period are entitled to up to **three (3) consecutive workdays** of paid bereavement leave for the loss of the employee's immediate family member (parent, stepparent, stepchild, siblings, stepsiblings, parent-in-law, son or daughter-in-law, grandparent or grandchild) or up to **five (5) workdays** of paid bereavement leave for the loss of a spouse, domestic partner, or child. The next to last day may be the day of the funeral or other form of memorial or rite except for the case of a spouse, domestic partner or child where two days of leave may be taken after the funeral or memorial. Part-time employees who have completed their Introductory period are entitled to up to **two (2) consecutive scheduled workdays** of paid bereavement leave for the loss of the employee's spouse, domestic partner, parent, stepparent, child, stepchild, sibling, parent-in-law, son or daughter-in-law, grandparent or grandchild. Once day may be taken after the funeral or memorial. Supplemental employees are ineligible for paid bereavement leave.

Full time employees may receive **one (1) day** of paid bereavement leave to attend the rite of non-immediate relative (brother and sister-in-law, aunt, uncle and spouses' or domestic partner's grandparent) with prior Supervisory approval.

To receive bereavement, pay supporting documentation must be submitted to the Payroll Manager and Human Resources within **two (2) days** of the employee's return to work. Examples of documentation would be a death certificate, obituary, or statement from a funeral home.

11-4-12 JURY DUTY. The County recognizes an employee's obligation as a citizen to serve on jury duty. An employee must notify their supervisor promptly and provide them a copy of the jury duty notice to report. The employee will be required to report to work when released from jury duty, if more than **one-half (1/2)** of their workday remains. While serving jury duty, the County will pay an employee the difference between the employee's regular pay and jury duty pay up to a maximum of **thirty (30) days**. The employee must submit their record of appearance statement from the jury duty jurisdiction to their supervisor upon returning to work before pay will be issued. Any other reimbursements which an employee receives from the Courts will be retained by the employee.

11-4-13 SCHOOL VISITATION. Monroe County will grant employees unpaid time off to attend school conferences or classroom activities pursuant to the Illinois School Visitation Act. To be eligible, an employee must have exhausted all other accrued time off with the exception of accrued sick time. In that event, the employee is eligible for a maximum of **eight (8) hours** in a given school year, of which no more than **four (4) hours** may be taken at a time. To qualify, the employee must submit a written request for the time off to their supervisor at least **seven (7) working days** prior to the time

off, unless it is an emergency situation and, in that case, **twenty-four (24) hours'** notice shall be required. For regularly scheduled and non-emergency events, the employee is expected to schedule school visitations during non-working hours.

11-4-14 **VOTING.** Pursuant to Illinois Voting Leave, the County permits an employee up to **two (2) hours** of paid time from their scheduled workday to vote in primary, general and special elections or elections which are submitted to a popular vote in the State of Illinois, if polls are not open at least **two (2) hours** before or after the employee's regular scheduled hours. The employee must notify their supervisor at least the day prior to the election to be eligible for excused time, and the supervisor may specify what time the employee can utilize. (i.e. -- at the start, end or during the scheduled work hours) If notification is provided by the employee, they will experience no negative repercussions for the time away from their job. However, if notification is not provided, an employee is subject to counseling action, up to and including termination.

11-4-15 **MILITARY LEAVE.** A military leave of absence will be granted in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) to employees who are absent from work due to service in the United States uniformed services. Advance notice of military service is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable. A copy of the employee's duty orders should also be provided to the employee's supervisor and will be forwarded to Human Resources for placement in the employee's personnel file.

The military leave will be unpaid. However, employees may use accrued vacation time and/or compensatory time for the absence. The employee will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Employees who are members of a national or state reserve unit and who must complete annual duty commitments will be allowed to do so up to a maximum of **two (2) weeks**. It is the employee's responsibility to provide duty orders to their supervisor at the earliest possible date for departmental scheduling purposes. Such time off shall be unpaid, unless the employee chooses to take all or part of their earned vacation time or compensatory time as part of the time off.

11-4-16 **FAMILY MILITARY LEAVE.** The County recognizes that employees occasionally need to take time away from work to spend time with spouses or children who are called to military service either under federal or State deployment orders. This FAMILY MILITARY LEAVE policy is designed to meet those needs in a manner that is beneficial to employees, their families and the County when you or your need for leave does not qualify for SERVICE MEMBER LEAVE or MILITARY EXIGENCY LEAVE under the County's FMLA Policy. You will not be permitted to use this leave to exceed **twelve (12) workweeks** or **twenty-six (26) workweeks** (in case of an injured service member) within a **twelve (12) month** period. It also represents the intent of the County to comply with the requirements of the Illinois Family Military Leave Act of 2005 ("FMLA").

(A) **Reasons for Leave.** An eligible employee may be entitled to take an unpaid leave of absence when the employee's spouse or child is called to military service lasting longer than **thirty (30) days** with the State or United States pursuant to the orders of the Governor or the President of the United States.

Requests for leaves of absence in situations other than those governed by the FMLA, such as personal leave, are not addressed in this Policy.

(B) **Eligibility.** To be eligible for a leave of absence under this Policy, an employee must:

- (1) be the spouse or parent of an individual who is called to military service lasting longer than **thirty (30) days** with the State or United States pursuant to orders of the Governor or the President of the United States;
- (2) have been employed by the County for at least **twelve (12) months**;

- (3) have worked at least **one thousand two hundred fifty (1,250) hours** during the **twelve (12) months** before the beginning of the requested leave;
- (4) have exhausted all accrued vacation leave, personal leave, compensatory leave and any other leave that may be granted to you, *except* sick leave, disability leave and leave for which you are eligible under the County's FMLA policy.
- (5) The County may require that an employee provide certification from the proper military authority to verify the employee's eligibility for leave under this Policy.

(C) **Amounts of Leave.** An eligible employee may take up to:

- (1) **Fifteen (15) days** of unpaid family military leave during the time Federal or State deployment orders are in effect if the County employs between **fifteen (15)** and **fifty (50) employees**; or
- (2) **Thirty (30) days** of unpaid family military leave during the time Federal or State deployment orders are in effect if the County employs over **fifty (50) employees**.

(D) **Compensation and Benefits During Leave.** Leaves of absence under this Policy are generally without pay, where permitted by law. The employee will not lose any employee benefit accrued before the date on which the employee's leave is to begin. However, the continuation of the employee's benefits, including health insurance, during this leave is at the employee's expense. Payments must be made to the County on the first day of the month.

(E) **Notifying the County.**

- (1) **Leaves of Five (5) or More Consecutive Days.** The employee must notify the County at least **fourteen (14) days** in advance of the intended date for leave to begin under this Policy.
- (2) **Leaves of Less Than Five (5) Days.** The employee must notify the County of the intended date of leave as soon as it is practical to do so. In most cases, the employee should notify the County at least orally within **one (1) day** of when the employees learn when the employee will need the leave.

(F) **Scheduling Leave.** Regardless of the length of leave the employee is required to consult with the County regarding the scheduling of leave under this Policy so as not to unduly disrupt the County's operations.

(G) **Failure to Comply.** Failure to give notice as required may result in delay or denial of leave and may subject the employee to disciplinary action up to and including termination.

(H) **Restoration of Same or Equivalent Position.** When the employee returns from a leave under this Policy, the employee will be returned to the same or a position with equivalent seniority status, employee benefits, pay and other terms and conditions of employment. The employee will not lose any seniority or benefits because of leave under this Policy, although the employee will not accrue any additional vacation, sick or other benefits during the period of leave. The County may deny the employee restoration due to conditions unrelated to the employee's exercise of leave under this Policy.

(I) **Failure to Return to Work Upon Expiration of Leave.** The County will treat the employee's failure to return to work as expected upon expiration of leave under this Policy as the employee's voluntary resignation. The employee is responsible to contact County before the expiration of the employee's leave under this Policy if the employee learns that the employee will not be able to return as expected to determine whether there are any other forms of leave available to the employee or to seek an extension of leave under this Policy. If there are no other forms of leave available to the employee and/or the employee is not entitled to an extension of leave under this Policy, then the employee will be expected to return to work and will be treated as having resigned if the employee fails to do so.

(J) **Designation of FMLA Leave.** The County has the right to designate as FMLA leave all leave time taken under this Policy for reasons that qualify for leave under the County's FMLA policy.

(K) **Failure to Comply With This Policy.** If the employee fails to follow the guidelines in this Policy or falsify any information related to the leave under this Policy, the employee's leave may be delayed or denied. In addition, the employee may be disciplined, up to and including discharge.

11-4-17 WORKER'S COMPENSATION. All work-related injuries are insured through Worker's Compensation Insurance according to State of Illinois law. All employees are covered under this plan. All work-related accidents or illnesses, regardless of how minor, should be reported to a department head or the department head's designee.

Coverage includes payment for medical treatment and, in qualifying cases, partial income replacement. There is a waiting period (dictated by State of Illinois law) that must expire before employees are eligible to receive benefits for lost work time and/or income. The amount of this benefit is established by State of Illinois law and depends on the nature and extent of the injury.

Employees returning to the job from an injury that qualified under Worker's Compensation must submit a written release from the attending health care provider before returning to normal duties. To assure maximum coverage, an employee's responsibilities include:

(A) Making an immediate report about the injury to their supervisor.

(B) Cooperation in completing a "First Report of Injury Form" for submission to the County's insurance carrier.

Failure to report to work after being released by the attending health care provider will result in counseling action, up to and including termination.

11-4-18 HOLIDAYS. Monroe County observes the following paid holidays for Full-Time Regular and Introductory employees. Except for Paramedics and EMT Basic employees, holidays falling on Saturday will be observed on the Friday prior to the holiday and holidays falling on Sunday will be observed the Monday following the holiday. Holidays falling on Saturday or Sunday are observed on the actual holiday for Paramedics and EMT Basic employees. A County holiday schedule will be provided to employees annually. The holiday schedule is subject to change by the County Board.

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Christmas Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Eve

(A) **Eligibility.** To qualify for holiday pay, an employee must be present for work on the last scheduled workday before the holiday and the next scheduled workday after the holiday, unless on approved vacation or approved leave of absence. If an employee is not present on one of the aforementioned days yet can supply a medical certification (physician or dentist) verifying illness, the employee will qualify for holiday pay.

(B) **24/7 Operations.** Due to the nature of County business, the Sheriff's Department and Ambulance Service operate **twenty-four (24) hours** per day and **seven (7) days** per week. Therefore, staffing in these departments will require working on holidays. Such work assignments will be made by the department heads or their designees and apply to all employees.

11-4-19 EMPLOYEE TRAINING. The County believes in assisting employees in their job training to the fullest extent possible. To meet that objective, the County will provide training opportunities by offering:

(A) In-house training

(B) Seminars

All external training seminars must be pre-approved by management. Reimbursement for a particular training class or seminar will not be made unless the employee's attendance has been approved prior to the class or seminar and appropriate documentation is submitted upon completion of the training.

HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Monroe County Employee Handbook. I agree I will follow its guidelines in my conduct on the job. I understand that the handbook is not an employment contract and does not bind the County in any way. The County can change or depart from any provision at any time at its discretion. I understand that my employment is "At-Will," meaning either party (employer or employee) may terminate the relationship at any time, with or without cause, so long as there is no violation of applicable federal or state law. I agree that my employment is for no definite time period and regardless of the time and manner of payment of my wages or salary, may be terminated without any previous notice aside from proper notification of resignation, excepting as provided for in any applicable collective bargaining agreement. I also understand that all final decisions on any matter, including any continued employment and the terms thereof rest solely with the County.

Excepting as provided for in any applicable collective bargaining agreement, no person other than the County Board has the authority to make an enforceable agreement or understanding, and any such agreement or understanding must be in writing signed by members of the County Board to be enforceable.

I understand and agree that the County might monitor and review email messages and logs of accessed Internet websites to ensure that these media are being used in compliance with the law and with the County's policy. I understand and agree in advance that I will not be notified when this monitoring is taking place and that the County has the sole discretion to determine the time, place and manner of all monitoring. This document is meant to be specific consent pursuant to 18 U.S.C. § 2511(2)(d).

I authorize the County to deduct from my final paycheck monies necessary to cover the cost of any County property I do not return when I leave employment, pursuant to the regulations of the State of Illinois.

The policies in this handbook are in alignment with federal and state regulations and employer's rights. Refusal to sign this acknowledgement does not release an employee from their obligation to abide by the policies of Monroe County.

Signature

Refusal to Sign Witness

Print Name

Title

Date

Date

NON-DISCLOSURE / CONFIDENTIALITY / CONFLICT OF INTEREST AGREEMENT

In compliance with Monroe County’s Non-Disclosure, Confidentiality and Conflict of Interest policies, I hereby state that I agree with, and will abide by, the following statements:

1. Non-Disclosure of Confidential Information

Pursuant to the County’s Non-Disclosure/Confidentiality policy, I will not, while employed or after leaving employment, disclose or use personal, proprietary or confidential information relating to the County’s business, County employees or the public either for profit or not for profit. I will faithfully fulfill any responsibilities I have for the safekeeping of all such information.

2. Financial Integrity

I will not maintain or establish any undisclosed or unrecorded funds, make false or artificial entries on the books or records of the County or its subsidiaries or make, or cause to be made, any payments on behalf of the County or its affiliates to be used for something other than the stated purpose.

3. Gifts, Gratuities, and Entertainment

I will not accept gifts, excessive entertainment or other favors valued at over **\$100.00** or any items or services prohibited by the Illinois Gift Ban Act from any outside concern that does, or to my knowledge is seeking to do, business with the County under circumstances that might be inferred that such action is intended to influence me in the performance of my duties. This does not include the acceptance of items of nominal value that are clearly tokens of respect or friendship and not related to any particular transaction or activities of the County or its business.

4. Outside Interests

If I hold, directly or indirectly, a position of material financial interest (other than investments) in outside concerns which I have reason to believe provides to or secures from goods or services from Monroe County, (including services of buying or selling stocks, bonds or other securities) I will fully disclose such interests to the County Board.

5. Outside Activities

If I render directive, managerial or consultative services to outside concerns that do business with or render other services to Monroe County, I will fully disclose such activities to the County Board.

I hereby agree to report to my department head or supervisor, or their designee, any situation that might develop, which will modify any statements related to these issues.

The policies in this handbook are in alignment with federal and state regulations and employer’s rights. Refusal to sign this acknowledgement does not release an employee from their obligation to abide by the policies of Monroe County.

Signature

Refusal to Sign Witness

Print Name

Title

Date

Date

HARASSMENT ACKNOWLEDGEMENT

By signing this form, I acknowledge that I have received a copy of Monroe County’s Harassment Policy and realize the gravity of such behavior and the seriousness with which the County takes reports of such inappropriate activity. I understand that Monroe County will not tolerate harassment or other inappropriate conduct described in the handbook policy by any person and will deal severely with anyone who engages in such conduct based on race, color, gender, age, national origin, religion, ancestry, citizenship status, disability, marital status, sexual orientation, military or discharge status or qualified as having physical or mental disabilities or any federal or state classification when involved in any Monroe County business activities.

I agree that if an individual tells me that they are offended by my conduct, I will discontinue such conduct immediately. Likewise, I should inform others if I am offended by their conduct.

If I become aware of someone conducting himself or herself inappropriately in relation to this policy or someone being the victim of such harassment, I will notify the State’s Attorney or a supervisor or call the posted Employee Helpline, so that the County can take immediate action.

I understand that if Monroe County becomes aware of alleged activity, a full and confidential investigation will be initiated, and if involved, I will fully cooperate and be honest and forthcoming regarding the matter.

I understand that anyone found responsible for harassment or inappropriate conduct will be subject to appropriate discipline, since such activity meets the definition of “just cause” for disciplinary purposes.

I understand that I will not experience any retaliation as a result of reporting or participating in the investigation of any such complaint under this policy.

Finally, I understand that employees who knowingly make false accusations under this policy will be subject to disciplinary action up to and including termination.

The policies in this handbook are in alignment with federal and state regulations and employer’s rights. Refusal to sign this acknowledgement does not release an employee from their obligation to abide by the policies of Monroe County.

Signature

Refusal to Sign Witness

Print Name

Title

Date

Date

MONROE COUNTY HEALTH DEPARTMENT

SUPPLEMENTAL EMPLOYEE POLICIES

The policies of the Monroe County Employee Handbook are modified by the following information that pertains exclusively to the Health Department. Any statements or policies contained in the County Employee Handbook that are not modified by this supplement apply, as written, to employees of the Health Department. However, to the extent that any policy contained herein conflicts with the terms of a collective bargaining agreement to which Monroe County is a party, the terms of the collective bargaining agreement will apply to employees covered by the collective bargaining agreement.

**INTRODUCTION AND WELCOME TO
THE MONROE COUNTY HEALTH DEPARTMENT**

EMPLOYMENT CATEGORIES P. 1

Full-time Employees: Those employees who have completed their Introductory Period and are regularly scheduled to work at least **thirty-seven and one-half (37.5) hours** per week. Appointed Officials are in this category unless otherwise specified by an employment contract. They are eligible for the Department's full benefits, unless otherwise stated in this Handbook or provided in the benefit plan. Part time employees working **forty (40) hours** per week on a temporary basis (such as filling in for an employee who is on leave) are not eligible for benefits unless they are permanently placed in a full-time status.

Part-time Employees: Those employees who have completed their Introductory Period and are regularly scheduled to work a minimum of **twenty-two and one-half (22.5) hours** per week but less than **forty (40) hours** per week. They are eligible for the Department's part time benefits, unless otherwise stated in this Handbook or provided in the benefit plan. Employees who are regularly scheduled to work less than **twenty-two and one-half (22.5) hours** per week are ineligible for Department benefits, unless otherwise stated in this Handbook or provided in the benefit plan.

Introductory Employees: Those employees who are within their Introductory Period. They are ineligible for the Department's benefits, unless otherwise stated in this Handbook or provided in the benefit plan.

Temporary/Seasonal Employees: Individuals who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. They are hired for a limited duration of time. They are ineligible for the Department's benefits, unless otherwise provided in the benefit plan.

Department Administrator: The Administrator of the Health Department is in effect the "Department Head" for purposes of this Handbook. The Administrator is appointed by the Board of Health.

OVERTIME P. 6

Per the Fair Labor Standards Act exempt employees receive a salary and are not compensated for overtime for working over **forty (40) hours** in a workweek.

Conversely non-exempt employees are compensated for overtime at the rate of **one and one-half (1 ½) times** their regular hourly rate for all hours actually worked beyond **forty (40)** in a workweek. Holidays, vacation and other time off are not counted in determining the actual hours worked. Non-exempt employees must receive permission and approval to work overtime; working overtime without

permission can lead to disciplinary action, up to and including termination. Compensatory Time may be substituted for overtime pay at the Department’s discretion. (See the Compensatory Time policy below).

Due to the nature of their work Health Department non-exempt employees are compensated for time they work beyond **thirty-eight and three-fourths (38.75) hours** in a work week at the same rate at their regular hourly rate, exceeding FLSA requirements.

Based upon budgetary constraints and concern for an employee’s work/life balance the Department will avoid overtime hours whenever possible. However, there will be times when overtime will be a necessity due to workload requirements and it will be an essential function of the job when necessary. Normally it will be assigned to the individual(s) whose job description(s) entails the responsibility of the duty.

There will be times when the Department will be required to work overtime due to an emergency situation, including Sundays and Holidays. This compensation structure will be addressed in the Department’s Collective Bargaining Agreement(s).

COMPENSATORY TIME

The Department has a compensatory time policy which applies to employees in non-exempt job classifications. Compensatory Time may be utilized in lieu of overtime pay. The following are the guidelines of the policy:

(A) The compensatory time must be pre-approved by an Immediate Supervisor prior to scheduling other than the employee who is taking the compensatory time.

(B) Compensatory time should be scheduled at the earliest possible date after the work is performed that is agreeable to the employee and meets the approval of their Immediate Supervisor.

(C) Compensatory time may be carried over into the next calendar year but at no time may an employee have more than **two (2) weeks (seventy-seven and one-half (77.5) hours)** of compensatory time accrued.

(D) Compensatory time that has not been utilized at the time the employee severs employment with the Department shall be paid out at a rate of **one and one-half (1 ½) times** the employee’s current hourly rate of pay.

PAID TIME OFF BENEFITS

VACATION POLICY

Full Time Regular Employees: Accrue (earn) paid vacation according to the following schedule, unless superseded by an applicable Collective Bargaining Agreement:

PERIOD OF CONTINUOUS SERVICE

NUMBER OF DAYS EARNED PER YEAR

Date of Hire to One Year	5 Days
2 nd Year – 3 rd Year	10 Days per Year
4 th Year – 9 th Year	15 Days per Year
10 th Year – 15 th Year	20 Days per Year
Over 15 th Year	22 Days per Year

A “day” of vacation for full time employees is calculated as **seven and three-fourths (7.75) hours**.

Part Time Regular Employees: Accrue (earn) paid vacation according to the following schedule:

PERIOD OF CONTINUOUS SERVICE

NUMBER OF DAYS EARNED PER YEAR

Date of Hire to One Year	2.5 Days
2 nd Year – 3 rd Year	5 Days per Year
4 th Year – 9 th Year	7.75 Days per Year
10 th Year Forward	10 Days per Year

A “day of vacation for part time employees is calculated as the average number of hours worked per day when the employee is scheduled; in other words if an employee is regularly scheduled to work **six (6) hour** schedules, **five (5) days** per week, their vacation “day” would be calculated as **six (6) hours** of vacation pay whereas if an employee is regularly scheduled to work **seven and one-half (7.5) hour** schedules, **three (3) days** per week, their vacation “day” would be calculated as **seven and one-half (7.5) hours** of vacation pay.

A year of service is calculated based on the employee’s date of hire. An employee completes **one (1) year** of service upon the anniversary of their date of hire and an additional year upon their anniversary date every year thereafter.

An employee’s hours of vacation are accrued (earned) in the current year of service and available to be taken in the following year of service. Vacation hours are not available to be taken by the employee until they have been accrued. An employee must be employed on the last day of the month to accrue for that period. Accrued but unused vacation time will be paid out upon termination.

If a need arises for which an employee needs time off and does not have time accrued, they may request time off without pay. For the guidelines of that policy refer to **Section IV** of the Handbook.

Vacation time, by policy, is to be taken within the service year it becomes available to be taken. If it is not taken in that period, a maximum of **five (5) days** may be carried over into the following year.

To assist management to maintain a consistent work force and for employees to have the best selection of vacation time it is highly recommended that the employee request vacation time from their Immediate Supervisor as far in advance as possible. All vacation time must be scheduled with the employee’s Immediate Supervisor, or designee, and is subject to approval. Immediate Supervisors are aware of the appropriate staffing levels required to maintain departmental operations and will not be able to approve vacation time if it draws their staffing below that appropriate level. Vacation time taken for a reason that qualifies for mandated unpaid leave such as VESSA or FMLA leave by an employee eligible for such leave will count against the applicable mandated leave entitlement, except as provided for in an applicable collective bargaining agreement.

PERSONAL DAYS

The Health Department wishes to provide employees with additional time off for “life issues” which really are not categorized as “vacation” of “illness.” For example, Parent/Teacher conferences, scheduled car repairs, legal hearings, etc. Therefore, we provide additional time off through the Department’s Personal Day policy. Time off taken for a reason that qualifies for mandated unpaid leave such as VESSA or FMLA leave by an employee eligible for such leave will count against the applicable mandated leave entitlement, except as provided for in an applicable collective bargaining agreement.

Full time permanent employees are eligible for personal days according to the following schedule:

PERIOD OF CONTINUOUS SERVICE

NUMBER OF DAYS GRANTED PER YEAR

Date of Hire Prior to June 30 th	3 ½ Days
Date of Hire after July 1 st	1 ¾ Days
1+ Years	3 ½ Days per Year

The employee must schedule the days with the employee's Immediate Supervisor, just as the employee is expected to schedule vacation. The days may be scheduled in increments of **four (4)** or **eight (8) hours**. Any days, or portion thereof, not utilized by the employee during the calendar year will be paid to the employee through payroll no later than the end of the first quarter of the following year. Unused personal days will not be paid to an employee who terminates employment prior to the end of the current calendar year.

PAID TIME OFF FOR SICKNESS P. 5

Full Time Regular Employees: Accrue (earn) paid time for illness according to the following schedule:

PERIOD OF CONTINUOUS SERVICE NUMBER OF HOURS EARNED PER MONTH

Date of Hire to One Year	7.75 Hours per Month
Subsequent Years	7.75 Hours (12 Days Annual Total)

Paid time for sickness is not available to be used by the employee until it has been accrued (earned) and it is accrued by month. An employee must be employed on the last day of the month to accrue for that month and the time becomes available for use in the following month. The Department has the right to expect good attendance and wishes to reward those employees who make every effort to be on the job consistently. Therefore, unused sick time may be carried over and accumulated from **one (1) year** to the next as a benefit for medical hardships. However, the maximum amount of accrued sick time an employee may accumulate is **one hundred (100) days** and not greater than the maximum **one hundred (100) days** will be paid out upon termination, resignation, or retirement.

DEFINITION

Paid time off for sickness is a benefit given to employees under the following circumstances:

- (A) An employee cannot perform the employee's duties or may infect others within the workforce.
- (B) For the illness or injury of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent.
- (C) For medical or dental appointments of the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. Time must be used in increments of one hour or more.

For time off for the employee's child, stepchild, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent in excess of **six (6) days** will be granted when the employee's care is required, and other arrangements have been attempted but cannot be made.

This time off is provided as a "financial buffer" for an employee who is injured or too ill to work but is not to be used as additional time off work.

NOTIFICATION

In order to be paid for time off due to sickness an employee must notify their Immediate Supervisor, or designee, as soon as feasible for planned procedures (i.e., minor elective surgery, medical testing, and medical or dental appointments). **For unplanned sickness (i.e., colds, flu, accidents, and the like the employee is to notify their Immediate Supervisor as soon as possible but no less than one (1) hour prior to their scheduled start time.** Employees who do not report unplanned sickness per the County's Attendance policies may not qualify for paid time for sickness. (Refer to the Attendance Policies in Section II of the County Handbook for further policies regarding reporting).

If an employee is off work **three (3)** or more consecutive days due to illness the employee must supply medial certification verifying that they have been unable to work and that they have been released by their health care provider to return to work. This certification should be provided to the Immediate Supervisor upon their return and before beginning work.

POLICY ABUSE

The Department will not deny an employee the right to use personal sick leave benefits as required or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using personal sick leave benefits, attempting to exercise the right to use personal sick leave benefits or asserting a claim based on the use of personal sick leave benefits. However, in order for the Department to meet the obligations of the public it is imperative that we have a dependable and consistent workforce. Work priorities are more easily managed around scheduled time off whereas unscheduled, unplanned time off makes it extremely difficult for the Department to meet its obligation to the citizenry. Subsequently, good attendance is an expectation of employment, regardless of the amount of paid time the employee has accumulated. Therefore, abuse of this policy is taken very seriously by the Health Department and employees will be subject to disciplinary action, up to and including termination for fraudulent use or abuse of sick leave. Time off under this policy for a reason that qualifies for any other mandated leave entitlement by an employee eligible for the mandated leave will count against the employee’s mandated leave entitlement.

HOLIDAYS

The Department recognizes the following paid holidays for Full Time Regular and Introductory employees. Holidays falling on Saturday will be observed on the prior Friday, whereas holidays falling on Sunday will be observed on the following Monday. A holiday schedule will be provided to employees annually and this list is subject to change by the Board of Commissioners.

- | | |
|------------------------|--------------------------|
| New Year’s Day | Columbus Day |
| Martin Luther King Day | Veteran’s Day |
| President’s Day | Thanksgiving Day |
| Good Friday | Thanksgiving Friday |
| Memorial Day | Christmas Eve |
| Independence Day | Christmas Day |
| Labor Day | New Year’s Eve (1/2 Day) |

ELIGIBILITY

To qualify for holiday pay an employee must be present for work on the last scheduled workday before and the next scheduled workday after the holiday unless on an approved vacation or approved leave of absence. If the employee is not present on one of the aforementioned days yet can supply a medical certification (MD or Dentist) verifying illness they will then qualify for holiday pay.

24/7 OPERATIONS

Due to the nature of County business, the Sheriff’s Department and Ambulance Service operate **twenty-four (24) hours** per day and **seven (7) days** per week. Therefore, staffing in these departments will require working on holidays. Such work assignments will be made by the department heads or their designees and apply to all employees.

EMPLOYEE TRAINING

The County believes in assisting employees in their job training to the fullest extent possible. To meet that objective, the County will provide training opportunities by offering:

- (A) In-house training
- (B) Seminars

All external training seminars must be pre-approved by management. Reimbursement for a particular training class or seminar will not be made unless the employee’s attendance has been approved prior to the class or seminar and appropriate documentation is submitted upon completion of the training.

HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Monroe County Employee Handbook. I agree I will follow its guidelines in my conduct on the job. I understand that the handbook is not an employment contract and does not bind the County in any way. The County can change or depart from any provision at any time at its discretion. I understand that my employment is "At-Will," meaning either party (employer or employee) may terminate the relationship at any time, with or without cause, so long as there is no violation of applicable federal or state law (this At-Will statement may be altered by an applicable Labor Agreement). I agree that my employment is for no definite time period and regardless of the time and manner of payment of my wages or salary, may be terminated without any previous notice aside from proper notification of resignation, excepting as provided for in any applicable collective bargaining agreement. I also understand that all final decisions on any matter, including any continued employment and the terms thereof rest solely with the County.

Excepting as provided for in any applicable collective bargaining agreement, no person other than the County Board has the authority to make an enforceable agreement or understanding, and any such agreement or understanding must be in writing signed by members of the County Board to be enforceable.

I understand and agree that the County might monitor and review email messages and logs of accessed Internet websites to ensure that these media are being used in compliance with the law and with the County's policy. I understand and agree in advance that I will not be notified when this monitoring is taking place and that the County has the sole discretion to determine the time, place and manner of all monitoring. This document is meant to be specific consent pursuant to 18 U.S.C. § 2511(2)(d).

I authorize the County to deduct from my final paycheck monies necessary to cover the cost of any County property I do not return when I leave employment, pursuant to the regulations of the State of Illinois.

The policies in this handbook are in alignment with federal and state regulations and employer's rights. Refusal to sign this acknowledgement does not release an employee from their obligation to abide by the policies of Monroe County.

Signature

Refusal to Sign Witness

Print Name

Title

Date

Date

NON-DISCLOSURE / CONFIDENTIALITY / CONFLICT OF INTEREST AGREEMENT

In compliance with Monroe County’s Non-Disclosure, Confidentiality and Conflict of Interest policies, I hereby state that I agree with, and will abide by, the following statements:

3. Non-Disclosure of Confidential Information

Pursuant to the County’s Non-Disclosure/Confidentiality policy, I will not, while employed or after leaving employment, disclose or use personal, proprietary or confidential information relating to the County’s business, County employees or the public either for profit or not for profit. I will faithfully fulfill any responsibilities I have for the safekeeping of all such information.

4. Financial Integrity

I will not maintain or establish any undisclosed or unrecorded funds, make false or artificial entries on the books or records of the County or its subsidiaries or make, or cause to be made, any payments on behalf of the County or its affiliates to be used for something other than the stated purpose.

3. Gifts, Gratuities, and Entertainment

I will not accept gifts, excessive entertainment or other favors valued at over **\$100.00** or any items or services prohibited by the Illinois Gift Ban Act from any outside concern that does, or to my knowledge is seeking to do, business with the County under circumstances that might be inferred that such action is intended to influence me in the performance of my duties. This does not include the acceptance of items of nominal value that are clearly tokens of respect or friendship and not related to any particular transaction or activities of the County or its business.

6. Outside Interests

If I hold, directly or indirectly, a position of material financial interest (other than investments) in outside concerns which I have reason to believe provides to or secures from goods or services from Monroe County, (including services of buying or selling stocks, bonds or other securities) I will fully disclose such interests to the County Board.

7. Outside Activities

If I render directive, managerial or consultative services to outside concerns that do business with or render other services to Monroe County, I will fully disclose such activities to the County Board.

I hereby agree to report to my department head or supervisor, or their designee, any situation that might develop, which will modify any statements related to these issues.

The policies in this handbook are in alignment with federal and state regulations and employer’s rights. Refusal to sign this acknowledgement does not release an employee from their obligation to abide by the policies of Monroe County.

Signature

Refusal to Sign Witness

Print Name

Title

Date

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I agree that if an individual tells me that they are offended by my conduct, I will discontinue such conduct immediately. Likewise, I should inform others if I am offended by their conduct.

If I become aware of someone conducting himself or herself inappropriately in relation to this policy or someone being the victim of such harassment, I will notify the State’s Attorney or a supervisor or call the posted Employee Helpline, so that the County can take immediate action.

I understand that if Monroe County becomes aware of alleged activity, a full and confidential investigation will be initiated, and if involved, I will fully cooperate and be honest and forthcoming regarding the matter.

I understand that anyone found responsible for harassment or inappropriate conduct will be subject to appropriate discipline, since such activity meets the definition of “just cause” for disciplinary purposes.

I understand that I will not experience any retaliation as a result of reporting or participating in the investigation of any such complaint under this policy.

Finally, I understand that employees who knowingly make false accusations under this policy will be subject to disciplinary action up to and including termination.

The policies in this handbook are in alignment with federal and state regulations and employer’s rights. Refusal to sign this acknowledgement does not release an employee from their obligation to abide by the policies of Monroe County.

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Date

FLOOD PLAIN CODE

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CHAPTER 14

FLOOD PLAIN CODE

ARTICLE I – GENERAL REGULATIONS

14-1-1 PURPOSE. This Code is enacted pursuant to the police powers granted to this County by **Illinois Compiled Statutes, Chapter 55, Sections 5/5-1041, 5/5-1042 and 5/5-1063** (State Bar Edition) in order to accomplish the following purposes.

- (A) to prevent unwise developments from increasing flood or drainage hazards to others;
- (B) to protect new buildings and major improvements to buildings from flood damage;
- (C) to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas;
- (F) to make federally subsidized flood insurance available;
- (G) to preserve the natural and beneficial characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-1-2 DEFINITIONS. For the purpose of this Code, the following definitions are adopted:

"BASE FLOOD" means the flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-3** of this Code.

"BASE FLOOD ELEVATION (BFE)" means the elevation in relation to mean sea level of the crest of the base flood.

"BUILDING" means a structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days** per year.

"DEVELOPMENT" means any man-made change to real estate, including, but not necessarily limited to:

- (A) demolition, construction, reconstruction, repair, placement of a building, or any addition to a building;
- (B) substantial improvement of an existing building;
- (C) installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on site for more than **one hundred eighty (180) days** per year;
- (D) installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) construction or erection of levees, dams, walls, or fences;
- (F) drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (G) storage of materials including the placement of gas and liquid storage tanks; and
- (H) channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

"FEMA" means Federal Emergency Management Agency.

"FLOOD" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"FLOOD FRINGE" means that portion of the floodplain outside of the regulatory floodway.

"FLOOD INSURANCE RATE MAP" means a map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community.

"FLOODPLAIN" AND "SPECIAL FLOOD HAZARD AREA" or "SFHA" are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the County are generally identified as such on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency dated **March 17, 2003**. Floodplain shall also include those areas of known flooding identified by the community.

"FLOODPROOFING" means any combination of structural or nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate, property and their contents.

"FLOODPROOFING CERTIFICATE" means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"FLOOD PROTECTION ELEVATION" or "FPE" means the elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

"FLOODWAY" means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Mississippi River, Kaskaskia River, and Wilson Creek shall be as delineated on the Flood Insurance Rate Map of the County prepared by the Federal Emergency Management Agency and dated **March 17, 2003**. The floodways for each of the remaining floodplains of the County shall be according to the best data available from federal, state, or other sources.

"IDNR/OWR" means Illinois Department of Natural Resources/Office of Water Resources.

"MANUFACTURED HOME" means a structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

"NFIP" means Natural Flood Insurance Program.

"REPETITIVE LOSS" means flood-related damages sustained by a structure on **two (2)** separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average, equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

"SFHA". See definition of floodplain.

"SUBSTANTIAL DAMAGE" means damage of any origin sustained by a building whereby the cost of restoring the building to its before damage condition would equal or exceed **fifty percent (50%)** of the market value of the building before the damage occurred regardless of the actual repair work performed. Costs associated with volunteer labor and materials shall be estimated and counted toward the restoration costs.

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, rehabilitation, addition, structural alteration or other improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started. "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

"TRAVEL TRAILER (OR RECREATIONAL VEHICLE)" means a vehicle which is:

- (A) built on a single chassis;
- (B) **four hundred (400) square feet** or less in area;

- (C) designed to be self-propelled or permanently towable by a light duty truck; and
- (D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

14-1-3 BASE FLOOD ELEVATION. This Code's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace existing data with better data and submit it to the Federal Emergency Management Agency for approval prior to development of the site.

- (A) The base flood elevation for the floodplains of the Mississippi River, Kaskaskia River, and Wilson Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the County prepared by the Federal Emergency Management Agency and dated **March 17, 2003**.
- (B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the County.
- (C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of the County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

14-1-4 DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall be responsible for the general administration of this Chapter and ensure that all development activities within the floodplains under the jurisdiction of the County meet the requirements of this Chapter. Specifically, the Zoning Administrator shall:

- (A) Process development permits in accordance with **Section 14-1-5**;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6**;
- (C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproofing certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8**;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 14-1-8**;
- (F) If a variance is requested, ensure that the requirements of **Section 14-1-9** are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all actions outlined in **Section 14-1-12** as necessary to ensure compliance with this Chapter;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Chapter; and
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Chapter.
- (M) Perform site inspections to ensure compliance with this Chapter including post damage site inspections in order to make substantial damage determinations on structures within the floodplain.
- (N) Maintain the accuracy of floodplain data and maps including the notification of IDNR/OWR and submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the FIRM.

14-1-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

- (A) The application for development permit shall be accompanied by:
- (1) drawings of the site, drawn to scale showing property line dimensions;
 - (2) existing grade elevations and all changes in grade resulting from excavation or filling;
 - (3) the location and dimensions of all buildings and additions to buildings; and
 - (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7** of this Code.

(B) Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not in the floodplain and therefore not subject to the requirements of this Code. Conversely, any land shown to be below the base flood elevation and which is hydraulically connected to the flooding source, but not shown on the Flood Insurance Rate Map shall be subject to the provisions of this Code. The Zoning Administrator shall maintain documentation of the existing pre-development ground elevations and certification that the ground elevations existed prior to the date of the site's first Flood Insurance Rate Map identification.

14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within the floodway identified on the Flood Insurance Rate Map of the County, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **Section 14-1-6(B)**, no development shall be allowed which, acting in combination with existing or anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
- (10) Any development determined by IDNR/OWR to be located entirely in a flood fringe area.

(B) Other development activities not listed in paragraph (A) may be permitted only if:

- (1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

- (2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

14-1-7 **PROTECTING BUILDINGS.**

(A) In addition to the damage prevention requirements of **Section 14-1-6**, all buildings to be located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than **One Thousand Dollars (\$1,000.00)**;
- (2) Construction or placement of a new building greater than **seventy (70) square feet** in area;
- (3) Substantial improvement as defined in **Section 14-1-2** to an existing building; or a building whose cumulative improvements, repairs or structural alterations, beginning with the first improvement, repair or structural alteration made subsequent to the effective date of this Code, equals or exceeds **fifty percent (50%)** of the market value of the structure before the first improvement, repair or structural alteration was made;
- (4) Substantial damage as defined in **Section 14-1-2** to an existing building; or a building whose cumulative damage repairs, beginning with the first damage repair made subsequent to the effective date of this Code, equals or exceeds **fifty percent (50%)** of the market value of the structure before the first damage repair was made;
- (5) Structural alterations to an existing building that increase the floor area by more than **twenty percent (20%)**;
- (6) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);
- (7) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year; and
- (8) Repetitive Loss to an existing building as defined in **Section 14-1-2**.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the residential or non-residential buildings can meet the building protection requirements by one of the following methods;
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - (e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or
- (2) The building may be elevated in accordance with the following:

- (a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
- (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
- (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent openings on each wall no more than **one (1) foot** above grade. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation;
- (d) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
- (e) The finished interior grade shall not be less than the finished exterior grade;
- (f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
- (g) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and
- (h) The area below the flood protection elevation shall be used solely for parking or building access and not occupied or later modified as habitable space.

(C) Manufactured homes, or travel trailers and recreational vehicles installed on site for more than **one hundred eighty (180) days** per year, shall be:

- (1) Elevated in accordance with **Section 14-1-7(B)**; and
- (2) Shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) Travel trailers and recreational vehicles on site for more than **one hundred eighty (180) days** per year shall meet the requirements of **Section 14-1-7(C)** unless all of the following conditions are met:

- (1) The travel trailer or recreational vehicle shall be either self-propelled or towable by a light duty truck. A hitch must remain on the vehicle at all times; and
- (2) The travel trailer or recreational vehicle shall not be attached to external appurtenances such as decks or porches; and
- (3) The travel trailer or recreational vehicle shall be designed solely for recreation, camping, travel, or seasonal use and shall not be used as a permanent dwelling; and
- (4) The travel trailer or recreational vehicle shall be less than **four hundred (400) square feet** in area; and
- (5) The travel trailer or recreational vehicle shall have wheels on all axles with tires inflated and road ready; and
- (6) If so equipped, air conditioning units shall be attached to the frame so as to be safe for movement out of the floodplain; and

- (7) If so equipped, propane tanks, electrical and sewer/septic connections shall be quick disconnect and above the flood protection elevation or otherwise made water tight; and
- (8) The travel trailer or recreational vehicle shall have a current license and title as a recreational vehicle or park model; and
- (9) The travel trailer or recreational vehicle shall either be (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in such a manner that will allow the blocks to be removed by use of the hitch jack.

(E) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

- (1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
- (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works shall not be considered floodproofing for the purpose of this paragraph.

(F) Garages or sheds shall be protected in accordance with **Section 14-1-7(B)** or **14-1-7(E)** unless all of the following conditions are met:

- (1) The garage or shed shall be non-habitable; and
- (2) The garage or shed shall be used only for storage and shall not later be converted to another use; and
- (3) The garage or shed shall be located outside of the floodway; and
- (4) The garage or shed shall be located on a single family residential lot and be accessory to an existing principal residential structure; and
- (5) Below the flood protection elevation, the garage or shed shall be constructed of flood resistant materials; and
- (6) All utilities, plumbing, heating, air conditioning and electrical shall be elevated above the flood protection elevation; and
- (7) The garage or shed shall have a minimum of at least one permanent opening on each wall no more than **one (1) foot** above grade. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of floor area; and
- (8) The garage or shed shall be less than **Seven Thousand Five Hundred Dollars (\$7,500.00)** in market value or replacement cost whichever is greater and less than **five hundred (500) square feet** in area; and
- (9) The garage or shed shall be anchored to resist flotation, collapse, lateral movement or overturning; and
- (10) All flammable or toxic materials including but not limited to gasoline, paint, insecticides and fertilizers, shall be stored above the flood protection elevation; and
- (11) The lowest flood elevation of the garage or shed shall be documented and the owner notified of flood insurance implications.

(G) A residential building may be elevated on a crawlspace provided all the following conditions are met:

- (1) The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

- (2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than **one (1) square inch per one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade; and
- (3) The interior grade of the crawlspace below the flood protection elevation shall not be more than **two (2) feet** below the lowest adjacent exterior grade; and
- (4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed **four (4) feet** at any point; and
- (5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after the flood waters recede; and
- (6) Utility systems within the crawlspace must be elevated above the flood protection elevations; and
- (7) The bottom of the lowest structural member of the first finished floor (lowest habitable floor) shall be at or above the flood protection elevation.

14-1-8 SUBDIVISION AND OTHER DEVELOPMENT REQUIREMENTS. The County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 14-1-6** and **14-1-7** of this Code. Any proposal for such development shall include the following data:

- (1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
- (2) The boundary of the floodway when applicable; and
- (3) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**765 ILCS 205/2**).

(B) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 14-1-6** and **14-1-7**, the following standards apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or are within a floodproofed non-residential building constructed according to the requirements of **Section 14-1-7(E)** of this Code.
- (2) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

14-1-9 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Monroe County Zoning Board of Appeals for a variance. The Monroe County Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Monroe County Board. The Monroe County Board may attach such conditions to granting of a variance, as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) The development activity cannot be located outside the floodplain;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health or safety, or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) All other required state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 14-1-7** that would lessen the degree of protection to a building will:

- (1) Result in increased premium rates for flood insurance up to **Twenty-Five Dollars (\$25.00) for One Hundred Dollars (\$100.00)** of insurance;
- (2) Increase the risks to life and property; and
- (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 14-1-7** of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of subsection **14-1-9(A)(1-5)**.

14-1-10 DISCLAIMER OF LIABILITY. The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of Monroe County or any officer or employee thereof for any flood damage that results from proper reliance on this Code or any administrative decision made lawfully thereunder.

14-1-11 PENALTY. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this Code exists. The Zoning Administrator shall notify the owner in writing of such violation.

- (A) If such owner fails after **ten (10) days** notice to correct the violation:
- (1) The County shall make application to the circuit court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with the Code;
 - (2) Any person who violates this Code shall upon conviction thereof be fined not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00)**; and
 - (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - (4) The County shall record a notice of violation on the title of the property.

(B) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-1-12 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the Monroe County Board to fulfill the requirements of the National Flood Insurance Program including: 86-07 and 88-01. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

[Ord. No. 03-03; 03-03-03]

General References:

Mapping and Platting – See Ch. 23

Subdivision Code – See Ch. 34

Zoning – See Ch. 40

HEALTH CODE

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CHAPTER 18

HEALTH CODE

ARTICLE I – DEFINITIONS

18-1-1 TERMS DEFINED. As used in this Chapter, the following terms shall have the meanings indicated:

"Board of Health" shall mean the Monroe County Board of Health or its authorized representative(s). Authorized representative(s) shall be the employees of the Monroe County Health Department.

"Diseased Animal" shall mean an animal showing symptoms of a disease or having an illness or being in an unhealthy state. This shall include a vicious animal.

"Domestic Sewage" shall mean wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

"Extermination" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, trapping, or by any other recognized and legal method of pest elimination approved by the Health Officer.

"Garbage" shall mean organic waste resulting from the preparation, processing, handling, and storage of food and all decayed or spoiled food from any source whatsoever.

"Health Department" shall mean the Monroe County Health Department, an agency of the Monroe County Board of Health.

"Health Officer" shall mean the Administrator of the Monroe County Health Department or his authorized representatives.

"Homeowner Installed System" shall mean a private sewage disposal system installed by a homeowner for his personal single-family residence.

"Human Wastes" shall mean undigested food and by-products of metabolism which are passed out of the human body.

"Infestation" shall mean the presence, within a dwelling of any insects, rodents, or other pests.

"Junk Vehicle" shall include any old, stripped, junked, and/or wrecked motor vehicle not in good and safe operating condition.

"Manure" shall mean the excrement of all domestic animals and fowl, and stable bedding.

"Permit" shall mean a written authorization issued by the Board of Health or its authorized representative.

"Person" shall mean any individual, group of individuals, association, trust, partnership, corporation, or person doing business under an assumed name in the State of Illinois or any Department thereof, or any other entity.

"Private Sewage Disposal System Contractor" shall mean any person engaged in the business of constructing, installing, maintaining, servicing, or cleaning of private sewage disposal systems or the hauling or disposal of waste removed therefrom. This definition shall include any person who repairs or constructs a segment of a private sewage disposal system.

"Private Sewage Disposal System Contractor's Registration" shall mean an annual Registration Certificate issued by the Monroe County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Monroe County.

"Private Sewage Disposal Systems" shall mean any sewage handling or treatment facility receiving domestic sewage from less than **fifteen (15) people**, or population equivalent, and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

"Property Owner" shall mean the person in whose name legal title to the real estate is recorded.

"Refuse" shall mean garbage, rubbish, ashes, sweepings, manure, dead animals, privy or cesspool contents, or litter.

"Rodents" shall mean rats and mice.

"Rubbish" shall mean combustible and noncombustible waste materials, except garbage. This term shall include such items as paper, broken boxes, twigs, dry grass, cans, broken crockery, broken glass, plastic, etc.

"Sewage" shall mean human or animal wastes and other liquid wastes from residences, business buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present.

"Vermin" shall mean roaches, bed bugs, fleas, lice or similar pest-like insects.

ARTICLE II - FOOD SANITATION CODE

18-2-1 **ADOPTION BY REFERENCE.** In addition to those provisions set forth in the **Monroe County Health Code, Article II, Food Sanitation Code**, this Article hereby adopts, by reference, the provisions set forth in the State of Illinois Department of Public Health, Division of Food and Drugs, FOOD SERVICE SANITATION RULES AND REGULATIONS; and the provisions set forth in the State of Illinois, Department of Public Health, Division of Food and Drugs, RETAIL FOOD STORE RULES AND REGULATIONS, 77 Illinois Administrative Code 750, and any subsequent amendments of revisions.

18-2-2 **CERTIFICATE OF COMPLIANCE REQUIRED; RENEWAL OF PERMIT.**

(A) It shall be unlawful for any person to operate a food service establishment or Retail Food Store within the County of Monroe who does not possess a valid Certificate of Compliance issued to him by the Monroe County Health Department. Only a person who complies with the requirements of this Code and the Rules and Regulations adopted by the Board of Health shall be entitled to receive and retain such a Certificate of Compliance. Certificates of Compliance shall not be transferable from one person to another person; nor shall said certificates be applicable to any locations, buildings or places other than that which it is issued. A valid Certificate of Compliance shall be conspicuously posted in every food service establishment, or retail store.

(B) The fee for a Certificate of Compliance shall be set by the Board of Health annually. (Facilities serving daily menus and that are open to the public as restaurant facilities will be changed according to risk.) Fees shall be made payable to the Monroe County Health Department annually.

(C) **Failure to Renew Permit.** If a permit has not been renewed by the renewal date, then a late fee of **Twenty-Five Dollars (\$25.00)** per month will be added to the initial fee, If the permit has not been renewed within **seven (7) days** of the date of renewal, then the permit holder or operator may be issued a notice for operating an establishment without a valid Monroe County food service permit.

18-2-3 **VALIDITY.** A Certificate of Compliance is valid until revoked or suspended.

18-2-4 **EDUCATION.** To maintain standards of food sanitation, the Health Department will provide education and written guidelines to temporary food establishments as soon as the Health Department becomes knowledgeable of said temporary operations and as requested by them.

18-2-5 **APPLICATION FOR CERTIFICATE OF COMPLIANCE; INSPECTION.**

(A) Any person desiring to operate a food establishment shall make a written application for a Certificate of Compliance on forms provided by the Health Department. Such application shall include: The applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, the names and addresses of all officers of the corporation; the location and address of all officers of the corporation, the location and address and type of proposed food establishments, valid email address and the signature of the applicant.

(B) Upon receipt of such application, the Health Officer shall make an inspection of the food establishment to determine compliance with the provisions of this Code and the Rules and Regulations adopted by the Board of Health. When inspection reveals that all applicable requirements of the Code and Rules and Regulations have been met, the Health Officer shall issue a Certificate of Compliance to the applicant.

(C) The Certificate of Compliance shall be in such form as adopted and approved by the Health Department, but it shall contain a description of the food establishment and shall be valid only for the location, building or place described therein.

18-2-6 SUSPENSION OF CERTIFICATE OF COMPLIANCE; NOTIFICATION.

(A) Certificates of Compliance may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this Code.

(B) Whenever a Certificate of Compliance holder or operator has failed to comply with any notice issued under the provisions of this Code, the Certificate of Compliance holder or operator shall be notified, in writing, that the Certificate of Compliance is, upon service of the notice, immediately suspended, and that an opportunity for a hearing may be filed with the Board of Health at the request of the Certificate of Compliance holder.

18-2-7 NOTICE OF NONCOMPLIANCE.

Notwithstanding the other provisions of this Code, whenever the Health Officer finds unsanitary or other conditions in the operation of a food establishment which, in his judgment, constitute a substantial hazard to the public health, the Health Officer, without warning, notice or hearing, may issue a written notice to the Certificate of Compliance holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and, if deemed necessary, such order shall state that the Certificate of Compliance is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written petition to the Board of Health shall be afforded a hearing as soon as possible.

18-2-8 REINSTATEMENT OF SUSPENDED CERTIFICATE OF COMPLIANCE.

Any person whose Certificate of Compliance has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the Certificate of Compliance. Within **ten (10) days** following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the Certificate of Compliance have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this Code, the Certificate of Compliance shall be reinstated.

18-2-9 REVOCAION OF CERTIFICATE OF COMPLIANCE.

For serious or repeated violations of any of the requirements of this Code, or for interference with the Health Officer in the performance of their duties, the Certificate of Compliance may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Officer shall notify the Certificate of Compliance holder that the certificate is subject to revocation and advise that the Certificate of Compliance shall be permanently revoked at the end of **five (5) days** following service of such notice, unless a request for hearing is filed with the Board of Health by the Certificate of Compliance holder within such **five (5) day** period. The Certificate of Compliance may be suspended for cause pending its revocation of a hearing relative thereto.

18-2-10 INSPECTIONS. Inspections shall be conducted as frequently as required by state guidelines.

18-2-11 PROPER IDENTIFICATION. The Health Officer, after proper identification, shall be permitted to enter any food establishment within the County, or its jurisdiction, for the purpose of making inspections to determine compliance with this Code. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food supplies, purchases received, or used, and persons employed. A report of the findings will be left with the operator.

18-2-12 **INSPECTION RECORDS.** Whenever the Health Officer makes an inspection, he shall record his findings on an inspection report form provided for this purpose and shall furnish a copy of such inspection report form to the permit holder or operator. The current inspection report shall be posted in a conspicuous place in the establishment in view of the consuming public.

18-2-13 **ISSUANCE OF NOTICES.** Whenever the Health Officer makes an inspection of an establishment and discovers that any of the requirements of this Code have been violated, he may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:

- (A) Set forth the specific violations found;
- (B) Establish a specific and reasonable period of time for the correction of the violations found in accordance with the enforcement procedure;
- (C) State that failure to comply with any notice issued in accordance with the provisions of this Code may result in immediate suspension of the Certificate of Compliance; and
- (D) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice of correction.

18-2-14 **SERVICE OF NOTICES.** Notices provided for under this Section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the Certificate of Compliance holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the Certificate of Compliance holder. A copy of such notice shall be filed with the records of the Health Officer.

18-2-15 **PLAN REVIEW OF FUTURE CONSTRUCTION.** When a food establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, materials of work areas, and the location, size and type of fixed equipment and facilities, shall be submitted to the Health Officer for approval before such work is begun.

18-2-16 **PROCEDURE WHEN INFECTION IS SUSPECTED.** When the Health Officer has reasonable cause to suspect possibility of disease transmission from any food establishment employee, the Health Officer shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, then take appropriate action. The Health Officer may require any or all of the following measures:

- (A) The immediate exclusion of the employee from all food establishments.
- (B) The immediate closure of the food establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.
- (C) Restriction of employee's services to some area of the establishment where there would be no danger of transmitting disease.
- (D) Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

18-2-17 **EXAMINATION AND CONDEMNATION OF FOOD.** Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the

Health Officer, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction. The owner may request a hearing on the hold order with the Board of Health within **ten (10) days**, and after such hearing, and on the basis of evidence produced at such hearing, or in the event that a written request for a hearing received with said **ten (10) day** period, the Board of Health may vacate the hold order, or may, by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this Code, provided that such order of the Board of Health to denature or destroy such food or bring it into compliance with the provisions of this Code shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) days**.

ARTICLE III - BED AND BREAKFAST CODE

18-3-1 **ADOPTION BY REFERENCE.** In addition to those provisions set forth in this Code, this Code hereby adopts, by reference, the provisions set forth in **Public Act 85-0399**, the "Bed and Breakfast Act", and any subsequent amendments or revisions thereto.

18-3-2 **DEFINITIONS.** The following definitions shall apply to terms used in the County Health Code:

(A) **"Bed and Breakfast Establishment"** shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

(B) **"Guest Room"** shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night.

(C) **"Operator"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

18-3-3 **MINIMUM STANDARDS.** Bed and breakfast establishments which serve breakfast shall comply with the following minimum standards.

(A) **Food Service.**

(1) Food shall be clean, wholesome, free from spillage, free from adulteration and misbranding and safe for human consumption. Containers of food and food service articles shall be stored above the floor, on clean racks, shelves or other clean surfaces, in such a manner as to be protected from splash or other contamination. Unopened canned and bottled foods may be stored on the floor. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.

(2) Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of **41°F** or below, or **135°F** or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the local Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, and pork products shall be cooked to heat all parts of the food at least **165°F** before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

- (3) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.
- (4) If the bed or breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Department immediately.
- (5) All operators shall be certified. Certification shall be achieved by successfully completing an examination offered by the local Health Department or by an instructor approved to do so by the Illinois Department of Public Health as described in the current edition of the State of Illinois Food Service Sanitation Rules and Regulations.
- (6) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.
- (7) No one, while preparing or serving food, may use tobacco in any form.
- (8) Utensils shall be kept clean and in good repair.
- (9) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.
- (10) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.
- (11) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.
- (12) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse. Operators shall have the means to test sanitizing solutions to assure adequate concentration.
- (13) The reuse of single-service utensils is prohibited.
- (14) The Health Department shall inspect each bed and breakfast establishment's food service operations at least once each year prior to seasonal opening for purposes of issuing a Certificate of Compliance, without which it shall be unlawful to operate such an establishment within the County. **Sections 18-2-5 through 18-2-17 of Article II** of this Chapter are hereby adopted pertaining to the issuance of Certificates, notices, the control of disease in employees and the embargo of food suspected of being unsafe.

(B) **Linen.** Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

18-3-4 **FIRE PREVENTION.** Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two-family dwellings. In addition, the following standards shall be required:

- (A) Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
- (B) All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage shall be permitted in and under stairways.
- (C) All trash containers shall be metal.
- (D) No cooking facilities shall be permitted in guest rooms.
- (E) All hallways and stairways shall be adequately lighted.
- (F) No portable heating devices shall be permitted in guest rooms.
- (G) The operator shall submit a floor plan of the bed and breakfast establishment to the local Fire Department or Fire Protection District.
- (H) Smoke detectors shall be provided in each guest room.

18-3-5 **LIABILITY INSURANCE.** The bed and breakfast establishment shall provide proof of at least **One Hundred Thousand Dollars (\$100,000.00)** in owner's, landlord's and tenant's liability insurance, including products, and submit evidence of renewal whenever required showing coverage while the establishment is in operation.

ARTICLE IV - PRIVATE SEWAGE DISPOSAL SYSTEM CODE

18-4-1 DEFINITIONS. The following definitions shall apply to this Article:

"Code" shall mean Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code.

"Domestic Sewage" shall mean wastewater derived principally from dwellings, business, or office buildings, institutions, food service establishments, and similar facilities.

"Effluent Receiving Trench" means a seepage line of gravel or gravel-less design used to receive the treated discharge from an aerobic treatment plant or sand filter prior to discharge to the ground surface or other location.

"Health Department" shall mean the Monroe County Health Department, an agency of the Monroe County Board of Health.

"Health Officer" shall mean the Administrator of the Monroe County Health Department or his authorized representative.

"Homeowner Installed System" shall mean a private sewage disposal system installed by a homeowner for his personal single-family residence.

"Human Wastes" shall mean undigested food and by-products of metabolism which are passed out of the human body.

"Immediate Sinkhole Drainage Area" shall mean any area that contributes surface water directly to the sinkhole(s); this does not include areas which contribute surface water indirectly to a sinkhole (via streams).

"Lower Elevation Segments of Sinkholes" shall include the floor of the sinkhole and the sides of the sinkhole up to a point where the slope of the sinkhole side is less than **five percent (5%)**.

"NRCS" shall mean the USDA Natural Resource Conservation Service.

"NSF" shall mean the National Sanitation Foundation.

"Permit" shall mean a written authorization issued by the Board of Health or its authorized representative.

"Person" shall mean any individual, group of individuals, association, trust, partnership, corporation, persons doing business under an assumed name in the State of Illinois or any Department thereof, or any other entity.

"Private Sewage Disposal System Contractor's Registration" shall mean a Registration Certificate issued by the Monroe County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Monroe County.

"Private Sewage Disposal System Installation Contractor" shall mean any person excavating, constructing, repairing, installing, modifying, or maintaining a private sewage disposal system.

"Private Sewage Disposal System Pumping Contractor" shall mean any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

"Private Sewage Disposal Systems" shall mean any sewage handling or treatment facility receiving domestic sewage from less than **fifteen (15) people** or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

"Property Owner" shall mean the person in whose name legal title to the real estate is recorded.

"Sewage" shall mean either human waste or domestic waste or both.

"Sinkhole" shall mean any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS 7 1/2 minute quadrangle topographic maps or as determined by field investigations.

"Soil Classifier" means one of the following:

(A) A certified soil classifier of the Illinois Soil Classifiers Association (ISCA) or a certified soil classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) or

(B) A person who is an associate member of either the Illinois Soil Classifiers Association (ISCA) or the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) provided that direct supervision is provided to this person by an ISCA or ARCPACS certified soil classifier who accompanies the person on at least **twenty-five percent (25%)** of the soil investigations and reviews and signs all of that person's soil investigation reports.

"Upper Elevation Segments of Sinkholes and Sinkhole Divides" shall mean areas having slopes of less than **five percent (5%)** but does not include the bottoms of sinkholes or subsidiary sinkholes within compound sinkholes.

"Zero Effluent Discharge Systems and Components" shall mean private sewage treatment systems and components that emit absolutely no effluent. Systems and components that are **one hundred percent (100%)** self contained or that meet or exceed the soil classification requirements of this Chapter, and are approved by Illinois Department of Public Health as zero discharge, shall be accepted as such system.

18-4-2 ADOPTION BY REFERENCE. In addition to those provisions set forth in the Monroe County Health Code, this Chapter hereby adopts, by reference, the provisions set forth in the unabridged form of the current Private Sewage Disposal Licensing Act and Code, 77 Illinois Administrative Code 905 and 906, and any subsequent amendments or revisions thereto, which publication is incorporated herein and adopted by reference as part of this Chapter.

18-4-3 PERMITS REQUIRED. It shall be unlawful for any person to construct, alter or extend a private sewage disposal system within Monroe County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. Said permit shall indicate a maximum permissible waste loading.

18-4-4 OPERATION AND CONSTRUCTION OF FACILITIES. All facilities for the disposal of human excreta or liquid sewage shall be so constructed, maintained, and operated, that there is:

(A) No access to this possible cause of sickness and source of filth by flies, rodents, or other vectors of disease or by persons or domestic pets;

(B) No unlawful pollution of any stream or other body of water;

(C) Adequate isolation to protect wells or other sources of water supply from contamination, and freedom from odor nuisance.

18-4-5 OWNER'S/TENANT'S RESPONSIBILITY.

(A) Property owners of all buildings or places where people live, work, or assemble shall provide for the sanitary disposal of all human waste and domestic waste. Human waste and domestic waste from each such building or place not disposed of by discharging into a sanitary sewer shall be disposed of into a private sewage disposal system in compliance with this Code.

(B) The owner of any property on which a private sewage disposal system or any of its components is located, shall maintain the system or components in a condition which does not pose a hazard to public health or safety, or a public nuisance.

(C) There shall be no discharge of untreated or inadequately treated sewage to the surface of the ground or to drain tiles, sinkholes, streams, rivers, lakes or other collectors of water. An action for violation of this Section may be brought against the owner, lessee, or a manager of the property wherein the violation occurs.

(D) When an existing system malfunctions, as defined in **Section 18-4-5**, the correction of which would require a permit from the Health Department and a sanitary sewer is reasonably available, connection to the sewer is mandatory. A sanitary sewer is considered reasonably available if it is located within **three hundred (300) feet** of a residential building, or within **one thousand (1,000) feet** of a commercial building. Operation of any private sewage disposal system shall be discontinued at that time.

(E) Under no circumstance shall any person maintain or operate a private sewage disposal system in such a manner that the Health Department, in its discretion, determines it to be an ongoing public nuisance or hazard to the public health or safety. Repeated pumping of a septic tank, which is defined as pumping more than once in a **sixty (60) day** time frame, to prevent such public nuisance or hazard is not an acceptable long term or ongoing remedy to a malfunctioning system.

18-4-6 INDIVIDUAL SERVICE. The use of a private sewage disposal system to serve more than **one (1) property** is prohibited, except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems. Any private sewage disposal system must be located on the same property as the building it serves.

18-4-7 CONSTRUCTION OF SEWAGE PLANTS. Nothing in these regulations shall prevent the construction of sewage treatment plants in accordance with approved plans, discharging treatment effluent to an approved outlet, and operated in such a manner that there is no menace to the public health, or unlawful pollution of waters of the State.

18-4-8 PERMIT BY PROPERTY OWNER. It shall be the responsibility of the property owner to obtain a Private Sewage Disposal System Permit before any construction is begun on the system. Failure of the property owner to obtain said permit before construction is begun shall constitute a violation of this Code and corrective action may be taken.

18-4-9 RESPONSIBILITY OF CONTRACTOR. It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Contractor to ensure that a Private Sewage Disposal System Permit has been issued and to follow the conditions of the permit. Failure of the Illinois Licensed Private Sewage Disposal System Contractor to ensure the permit has been issued or to violate the conditions of said permit shall constitute a violation of the Code, and penalty action may be taken.

18-4-10 APPLICATIONS MADE TO THE BOARD OF HEALTH. All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly authorized representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

18-4-11 FACILITIES NOT ALLOWED. Private sewage disposal systems shall not be approved for treatment of automotive type waste or waste generated by car wash facilities.

18-4-12 APPLICATION INFORMATION. Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

- (A) Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed;
- (B) Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Code; and

(C) Such other information as may be required by the Health Department to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Code.

18-4-13 **AVAILABILITY OF PUBLIC SEWER.** The Health Officer may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewerage system is available. A sewer shall be deemed available when a sanitary sewer line is in place within any street, alley, right-of-way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than **three hundred (300) feet** for a single-family residence and not greater than **one thousand (1,000) feet** for a commercial establishment or multi-family dwelling.

18-4-14 **TERM OF CONSTRUCTION PERMIT.** The permit to construct is valid for a period of **twelve (12) months** from date of issuance. If construction has not started within this period, the permit is void unless a renewal has been requested and granted.

18-4-15 **SANITARY DISPOSAL FACILITIES.** No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly, without adequate facilities for the sanitary and safe disposal of all human excreta, together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.

18-4-16 **CONTRACTOR'S REGISTRATION.** A contractor's registration shall be required by all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within limits of Monroe County. Individuals who are licensed by the State of Illinois shall provide a copy of their state license to the Monroe County Health Department annually.

18-4-17 **COMPLIANCE AND PERFORMANCE.** All private sewage disposal systems within the limits of Monroe County shall be installed, modified or serviced by an individual with a valid private sewage disposal system installation contractor's certificate, and all such systems shall be pumped, cleaned, and the contents disposed of by individuals with a valid private sewage disposal system pumping contractor's certificate; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his own personal single-family residence.

18-4-18 **MINIMUM STANDARDS.** The minimum performance standards for private sewage disposal system installation contractors and for a homeowner who installs a private sewage disposal system for his personal residence shall be the same as the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code, except that chamber systems will not be allowed a reduction in size. **(225 ILCS 225/1 et seq.)**

18-4-19 **CHAMBER SYSTEMS.** Chamber systems shall be sized the same as gravel-based systems.

18-4-20 **SUBSURFACE SEEPAGE FIELDS.** Where a subsurface seepage field is installed as a component of a private sewage disposal system, the seepage areas provided shall be minimum of **two hundred (200) square feet** of seepage area, and, unless serial trenches are used, a minimum of **two (2)** individual seepage lines are required.

18-4-21 **ENFORCEMENT.** Private sewage disposal systems constructed prior to the effective date of this Code shall comply with any provisions of this Code when deemed necessary by the Health Officer. It may not be deemed necessary if the private sewage disposal system meets the requirements of the prior ordinance and is not a health hazard.

18-4-22 **INSPECTION FOR COMPLIANCE.** The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

18-4-23 **ACCESS TO PROPERTY FOR INSPECTION.** It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code.

18-4-24 **PROPERTY OWNER RESPONSIBILITY.** The owner or contractor shall give reasonable (minimum **twenty-four (24) hours**) advance notice to the Health Department before installation of any component of a private sewage disposal system. A private sewage disposal system which has been installed shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.

18-4-25 **INSPECTION OF INSTALLATION.** The Authorized Representative may make inspections during the course of the construction of any private sewage disposal system, to ensure compliance with this Code.

18-4-26 **FAILURE TO PERMIT INSPECTION.** If any homeowner or contractor who installs a private sewage disposal system shall backfill any portion of the system and/or cover the same which will prevent the same from being readily viewed to determine if the system meets all requirements of the Code before receipt of written approval by the Health Officer, the Health Officer may give **fifteen (15) days'** notice, in writing, to such homeowner or contractor so violating the provisions of the Code to uncover such backfilled or covered portions of the system.

18-4-27 **TIME LIMIT FOR UNCOVERING.** If, at the end of such **fifteen (15) days**, the homeowner or contractor shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Officer may elect to have the system uncovered at the expense of the homeowner or contractor. Failure of the homeowner or contractor to pay such costs within **thirty (30) days** shall result in execution of a lien against the property.

18-4-28 **REPEATED VIOLATIONS; REVOCATION OF CERTIFICATE.** For serious or repeated violation of any of the requirements of this Code, or for interference with the Health Officer in the performance of his duties, the private sewage disposal contractor's Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. Prior to such action,

the Health Officer shall notify the contractor, in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Health Officer, by the holder, within such **five (5) day** period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

18-4-29 **LIMITING LAYER.** Subsurface seepage systems receiving septic tank effluent shall have at least **two (2) feet** of vertical separation distance between the bottom of the subsurface seepage system and the top of the limiting layer. For soils in Design Group I-VI or with a loading rate of greater than **0.62 gallons** per day per square foot a vertical separation of **three (3) feet** between the bottom of the subsurface seepage system and the top of the limiting layer is required.

18-4-30 **SOIL SUITABILITY.** The guidelines in the USDA Soil Survey of Monroe County will be followed. Subsurface seepage fields will not be permitted unless the absorption capacity and treatment capabilities of the soil shall be determined by as follows:

(A) **Soil Investigations.** Soil investigations shall be conducted as follows:

- (1) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier.
- (2) There shall be a minimum of **three (3) borings** per soil absorption system site. The soil borings shall be at least **fifty (50) feet** apart, and the proposed subsurface seepage system shall be within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials or underlying geology. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of **sixty (60) inches** below the natural ground surface.
- (3) Observation and determination of soil characteristics may be also determined from a pit dug by a backhoe or other excavating equipment. The Department or local health authority may require soil pits (backhoe excavations) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of **sixty (60) inches** below the natural ground surface.
- (4) Site characteristics to be described include zones of seasonal and permanent water saturation, USDA soil texture changes, USDA soil structural features, slope, compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.
- (5) When using soil suitability, private sewage disposal systems shall be sized based on Soils Suitability Index for On-Site Sewage Design shown in **Appendix A. (Appendix A is included as an attachment to this Chapter.)**

(B) Only those persons who meet the definition of soil classifier are qualified to conduct soil investigations.

(C) If conflicting soils investigation information is provided about a given site, an NRCS soil scientist may be requested to provide professional assistance.

18-4-31 **RESERVE AREA.** No private sewage disposal system shall be installed on property having insufficient replacement area to support a private sewage disposal system equal to the size and type of the original system. This replacement area shall be a separate area and shall not include the area between the trenches of a subsurface seepage system. This replacement area is intended for use only in the event of system failure. It is not intended to compensate for a building addition or change in use which results in increased flow of domestic waste. In all cases where commercial or industrial properties are proposed for development, there shall be room for a full-size replacement system. This replacement area shall be kept free of development, traffic or soil modification on all properties. This provision shall apply in all cases except where the subsurface seepage system is preceded by an aerobic treatment plan which complies with the requirements of IDPH Private Sewage Disposal Code.

18-4-32 **SITE SELECTION.**

(A) No private sewage disposal systems or components will be permitted within the Lower Elevation Segments of Sinkholes.

(B) Surface discharging private sewage disposal systems will not be permitted in areas where the drainage is directed towards sinkholes.

(C) Subsurface seepage fields will not be permitted within **seventy-five (75) feet** of the point where the slope of a sinkhole side exceeds **five percent (5%)**.

(D) Proven zero effluent discharge systems and components will be permitted within the Upper Elevation Segments of Sinkholes.

18-4-33 **SITE ACCESS.** The site selected shall be accessible for both installation and maintenance of all components.

18-4-34 **EFFLUENT DISCHARGES.**

(A) Surface discharging private sewage disposal systems must be installed in accordance with the Illinois Department of Public Health Private Sewage Disposal Code.

(B) Surface discharging private sewage disposal systems will not be permitted in areas where the drainage is directed towards sinkholes.

(C) A system that discharges to Waters of the United States will be required to obtain a NPDES permit prior to the issuance of a private sewage disposal permit from the Monroe County Health Department.

(D) The minimum distance allowed from any property line or road right-of-way for the end of the discharge line of any private sewage system discharging to the surface of the ground shall be **thirty (30) feet**.

18-4-35 **AERATION UNITS.**

(A) Property owners shall maintain the aeration unit in accordance with the manufacturer specifications and maintain all records on the system for **five (5) years**.

(B) Property owners shall be required to obtain and maintain at all times a continuing service policy with the manufacturer of the aeration unit, or a licensed installation contractor; or

(C) System effluent testing.

(1) In lieu of a continuing service policy, the property owner shall have an independent certified laboratory test the system effluent every **six (6) months** for the following:

(a) BOD₅.

(b) Suspended Solids.

(c) Color.

(d) Threshold Odor.

- (e) Oily Film.
 - (f) Foam.
 - (g) Chlorine Residual (if applicable).
 - (h) Fecal Coliform Count.
- (2) The effluent shall be in compliance with Code specifications.
- (D) Copies of the service contracts and copies of all test results shall be submitted to the Health Department annually.
- (E) Discharges entering waters of the United States will be required to have an NPDES permit with IEPA prior to installation.

18-4-36 POWERS AND DUTIES OF THE DEPARTMENT. In accordance with the provisions of the Chapter, the Department has the following powers and duties:

- (A) To make such inspections as are necessary to determine satisfactory compliance with the Private Sewage Disposal Code;
- (B) To cause investigations to be made when a violation of any provision of this Chapter is observed by or reported to the Health Department;
- (C) To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of the Chapter; and
- (D) To institute or cause to be instituted legal proceedings in the Circuit Court of Monroe County in cooperation with the State's Attorney's Office in cases of noncompliance with the provisions of the Private Sewage Disposal Code.

18-4-37 VIOLATION NOTICE. Whenever the Health Department determines, through inspections or other means, that there is a violation of any provision of the Chapter, the Health Department shall give notice of such alleged violation. Such notice shall:

- (A) Be in writing;
- (B) Include a statement of the reasons for the issuance of the notice;
- (C) Contain an outline of remedial action and allow a reasonable time to effect compliance with this Chapter; and
- (D) Be served upon the owner, operator or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail.

18-4-38 REVOCATION OR SUSPENSION OF PERMIT. The Health Department shall have the authority to revoke or suspend permits when they are issued in error, or where the provisions of this Article are violated. The reason for the revocation or suspension of a permit shall be posted, in writing, at the site or mailed to the applicant at the address provided in the permit application.

18-4-39 VARIANCES. If conditions exist at a proposed installation which make impractical or impossible compliance with the requirements of this Chapter, a variance may be requested by submitting to the Monroe County Health Department, a written proposal which is to be used in lieu of compliance with this Chapter. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns and distances to water supplies in order to support the request. The capability of the system to comply with the intent of this Chapter will be the basis for approval or denial of the variances. The Department or local authority will notify the applicant, in writing, of its decision to either grant or deny the variance. A variance shall be requested and approved before construction begins.

18-4-40 FEE STRUCTURE. The fee to be paid to the Health Department for installation permits shall be set by the Board of Health annually.

ARTICLE V - WATER SUPPLY AND GEOTHERMAL WELL CODE

18-5-1 **ADOPTION BY REFERENCE.** In addition to those provisions set forth herein, this Code hereby adopts, by reference, the provisions set forth in the **Illinois Water Well Construction Code Rules and Regulations, 77 Illinois Administrative Code 920, and the Illinois Water Well Pump Installation Code Rules and Regulations, 77 Illinois Administrative Code 925, and the Drinking Water Systems Code, 77 Illinois Administrative Code 900, and the Public Area Sanitary Practice Code, 77 Illinois Administrative Code 895,** and any subsequent amendments or revisions thereto.

18-5-2 **PERMITS REQUIRED.** It shall be unlawful for any person to construct and/or reconstruct any individual water supply system or geothermal well within Monroe County unless he holds a valid permit issued by the Health Officer. The fee for a water supply permit shall be **One Hundred Dollars (\$100.00)**. The fee for geothermal wells shall be **One Hundred Dollars (\$100.00)** for up to **ten (10)** bore holes and **Ten Dollars (\$10.00)** for each additional bore hole. Fees shall be payable to the Monroe County Health Department.

18-5-3 **PERMIT PRIOR TO CONSTRUCTION REQUIRED.** It shall be the responsibility of the property owner to obtain a permit before any construction is begun on the system. Failure of the property owner to obtain said permit before construction is begun shall constitute a violation of this Code, and corrective action may be taken.

18-5-4 **CONTRACTOR'S RESPONSIBILITY FOR PERMIT.** It shall be the responsibility of the Illinois Water Well and/or Pump Installation Licensed Contractor or geothermal installer to ensure that a permit has been issued and to follow the conditions of the permit. Failure of the licensed contractor to insure the permit has been issued or to violate the conditions of the permit shall constitute a violation of this Code, and penalty action may be taken.

18-5-5 **APPLICATIONS TO BOARD OF HEALTH.** All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly authorized representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

18-5-6 **APPLICATION INFORMATION.** Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

- (A) Name and address of the applicant and location of the proposed site of construction and/or reconstruction and
- (B) Such other information as may be required by the Health Officer to substantiate that the proposed construction and/or reconstruction complies with minimum standards of this Code.

18-5-7 **TERM OF PERMIT.** The permit to construct is valid for a period of **twelve (12) months** from date of issuance. If construction has not started within this period, the permit is void, unless a renewal has been requested and granted.

18-5-8 **ENFORCEMENT.** Individual water supply systems constructed prior to the effective date of this Code shall comply with any provision of this Code deemed necessary by the Health Officer.

18-5-9 **INSPECTIONS BY HEALTH OFFICER.** The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

18-5-10 **FREE ACCESS TO PROPERTY.** It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code.

18-5-11 **SYSTEM NOT TO BE COVERED.** An individual water supply system shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Officer.

18-5-12 **INSPECTIONS DURING CONSTRUCTION.** The Authorized Representative may make inspections during the course of construction of any individual water supply system, to ensure compliance with this Code.

18-5-13 **PENALTY ACTION.** Failure of the homeowners to receive Health Officer's written approval before covering or placing an individual water supply system in operation can result in penalty action being taken.

18-5-14 **SAFE WATER SUPPLIES.** All water supplies for human consumption which are available to the public shall be safe.

18-5-15 **CONTRACTOR'S REGISTRATION.** Individual water well and/or pump installation contractors shall register annually with the Monroe County Health Department.

18-5-16 **REVOCATION OF CONTRACTOR'S REGISTRATION.** For serious or repeated violations of any of the requirements of this Code, or for interference with the Health Officer in the performance of his duties, the Individual Water Well and/or Pump Installation Contractor's and/or Geothermal Contractor Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. A registration certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

ARTICLE VI - NUISANCE

18-6-1 **SCOPE.** The Board of Health is hereby authorized and empowered to inspect all buildings, lands, and places as to their condition affecting health and sanitation and, whenever any declared nuisance, or condition prejudicial to the public health is found to exist, the Board of Health shall have the power and the authority to order the owner, occupant, or agent thereof to make such alterations or changes necessary to correct and remove the nuisance, or condition prejudicial to public health, or to take action under **Article VIII** of the Monroe County Health Code.

18-6-2 **DECLARED NUISANCES.** The following are declared to be public nuisances prejudicial to public health, but are not inclusive of all conditions or acts that may rise to the creation or continued existence of a nuisance:

(A) To cause to suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others or carcasses of dead animals or any part of decaying animal matter not buried or destroyed or collected within **twenty-four (24) hours** after death;

(B) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, sinkhole, lake, pond, spring, well, or common sewer, street, or public highway;

(C) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others;

(D) Accumulations of manure, rubbish, garbage, refuse, junk vehicles, human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes;

(E) The housing of animals or fowl **fifteen (15) feet** from the property line to residences, schools, hospitals, public buildings, playgrounds, parks, and other places, if said animals create sanitary or health problems to persons or property in close proximity to them;

(F) To allow an abandoned refrigerator that does not have the doors, locks and/or latches removed to remain on any premises;

(G) To allow any open dug or bored well, sewage lagoon, cistern hole or pit to remain open without suitable protection such as fencing, warning devices, cover or barricade;

(H) To allow any abandoned building, mobile home, shed or other man-made structure to exist which is dangerous to public health because of its condition, faulty construction or lack of proper repair; or

(I) To allow the spillage, scatter or loss of refuse from any vehicle used to transport refuse.

(See Chapter 25 – Nuisances)

ARTICLE VII - SOLID WASTE CODE

18-7-1 **CONFORMANCE WITH PROVISIONS REQUIRED; UNLAWFUL DUMPING.**

All dumping of refuse within the County shall conform to the provisions of the **State of Illinois, Environmental Protection Act, Title V: Land Pollution and Refuse Disposal**, copies of which shall be on file in the Monroe County Health Department Office. Except in accordance with those provisions, it shall be unlawful to dump or deposit or permit to remain upon the ground within the limits of this County, any garbage, cans, rubbish, or other offensive matter that may attract or harbor flies, rodents, vermin, or mosquitoes. **(See 415 ILCS 5/20 et seq.)**

18-7-2 **PROHIBITED ACTS.**

No person shall place, leave, dump, or accumulate any garbage, rubbish or other refuse in any building, or on any premises, improved or vacant, or upon any open lot or alley or road in the County. No person shall burn garbage out of doors in the County except in a device approved by the Air Pollution Control Board which provides for complete combustion without smoke or odor. A copy of a permit received from the Board to use such a device must be on file with the Board of Health.

18-7-3 **UNLAWFUL ACCUMULATION AND STORAGE.**

No person shall accumulate or store on any premises, improved or vacant, or on any open lot or roadway in the County any of the following materials:

(A) **Salvage Material** shall mean any refuse, or waste, discharged or salvage materials, including junk autos, except in a junk yard; and/or

(B) **Unusual Materials** shall mean any materials other than those ordinarily associated with the use for which the premises are regularly intended.

18-7-4 **INSPECTION.**

The Health Officer shall have the right to enter any property to inspect any facility or condition thereon for the purpose of determining whether these regulations are being complied with. Refusal, by said owner, of right of entry shall cause the Health Officer to seek the permission of the court for right of entry.

ARTICLE VIII - ADMINISTRATIVE PROCEDURES

18-8-1 **RIGHT OF INSPECTION.** The Health Officer or authorized representative, after identification and subject to constitutional limitations, may enter at reasonable times upon private or public property for the purpose of investigating conditions relating to the administration and enforcement of this Code. The owner or occupant of the premises or the person in charge thereof shall give the Health Officer free access to all parts of the premises at all reasonable times for the purpose of investigating conditions relating to the administration and enforcement of these standards.

18-8-2 **ISSUANCE OF NOTICE.** Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation, unless stated elsewhere in this Code, the notice shall be in writing and shall:

- (A) Include a statement of the reasons for issuance of the notice;
- (B) Allow reasonable time as determined by the Health Department for performance of any act it requires;
- (C) Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of the State of Illinois, and contain an outline of remedial action which is required to effect compliance with this Code.

18-8-3 **HEARINGS BEFORE HEALTH OFFICER.**

(A) Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Code may file in the office of the Health Officer a written request for a hearing before the Health Officer within **thirty (30) days** of receipt of violation notice.

(B) Unless stated elsewhere in this Code, the Health Officer shall hold a hearing at a time and place designated by him within **thirty (30) days** from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Officer finds that strict compliance with the order or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Officer may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Code for the purpose of properly protecting the public health. The Health Officer shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the Office of the Health Officer as a matter of public record. Any person aggrieved by the decision of the Health Officer may seek relief therefrom through a hearing before the Board of Health.

18-8-4 **HEARINGS BEFORE BOARD OF HEALTH.**

(A) Any person aggrieved by the decision of the Health Officer rendered as the result of a hearing held in accordance with this Section may file in the Office of the Health Officer a written request for a hearing before the Board of Health within **thirty (30) days** of the date of the decision. At a time and place designated by the Secretary of the Board of Health, a hearing shall be held within **thirty (30) days** of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If as a result of facts elicited as a result of the hearing the Board of Health finds that strict compliance with the decision of the Health Officer would cause undue hardship on the

petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Officer, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Code, all for the purpose of properly protecting the public health.

(B) The Board of Health shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the Office of the Health Officer, and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

(C) A certified transcript of the record shall be provided at the expense of the person requesting the hearing. All witnesses called shall be required to testify under sworn oath.

(D) An appeal from a decision of the Board of Health may be made to the Circuit Court of Monroe County, pursuant to the provisions of the "Administrative Review Act" in force and effect at that time in the State of Illinois.

(See 735 ILCS 5/3-101 et seq.)

18-8-5 CHARGES FOR CLEANUP AND EXTERMINATION. In case the owner, agent, or occupant of any premises or lot neglects or fails to clean up and remove all garbage, rubbish, and other refuse, after due notice and time specified by the Health Officer, the Health Officer may arrange for removal of such materials, and the expense incurred shall be billed to the owner, agent, or occupant. In case the owner, agent, or occupant of any premises or lot neglects or fails to exterminate any infestations of vermin or rodents after due notice and time, as specified by the Health Officer, the Health Officer shall cause such vermin or rodents to be exterminated, and the expense incurred shall be billed to the owner, agent, or occupant. If the charge for cleanup, extermination remains unpaid, it shall be made a special lien against the property at the next tax roll.

18-8-6 VIOLATIONS AND PENALTIES. Any person who shall violate any provision of the Monroe County Health Code shall, upon conviction, be punished by a fine of not less than **One Hundred Dollars (\$100.00)** or more than **One Thousand Dollars (\$1,000.00)**, and each day's failure to comply with any such provision shall constitute a separate offense.

ARTICLE IX - MISCELLANEOUS PROVISIONS

18-9-1 **CONFLICT WITH OTHER ORDINANCES.** In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Monroe County, existing on the effective date of this Code, the provision which, in the judgment of the Health Officer, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Code is found to be in conflict with a provision of any other ordinance or code of Monroe County existing on the effective date of this Code which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Code shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Code.

LIQUOR

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CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 CONSTRUCTION OF CODE. This Code shall be liberally construed to the end that the health, safety and welfare of the people of the County, State of Illinois, shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquors.

21-1-2 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

"BEER" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 1-3.04)**

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

"CATERER RETAILER" means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. **(235 ILCS 5/1-3.34)**

"CLOSE" means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

"CLUB" means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Liquor Commissioner at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or

officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

"CORPORATION" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

"COUNTY CHAIRMAN" means the Local Liquor Control Commissioner as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the County Chairman unless otherwise provided.

"DISTILLED SPIRITS". See "Spirits".

"EVENT" means a single theme. **(Rules and Regulations 100.10(o))**

"HOTEL" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(235 ILCS 5/1-3.25)**

"MANAGER" OR "AGENT" means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. **(Rule 100.10(f))**

"MEAL" means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rules and Regulations 100.10(n))**

"ORIGINAL PACKAGE" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

"PACKAGE LIQUOR STORE" means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

"PARTNER" is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

"PREMISES/PLACE OF BUSINESS" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

"PRIVATE FUNCTION" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

"PUBLIC PLACE" means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms **"public place"** and **"public premises"** shall be interchangeable for the purposes of this Chapter.

"RESIDENT" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the city, village and county in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license and is a registered voter. **(Rule 100.10(a))**

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(235 ILCS 5/1-3.23)**

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

"SELL AT RETAIL" and "SALE OF RETAIL" refer to any mean sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(235 ILCS 5/1-3.30)**

"SPECIAL EVENTS RETAILER" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. **(235 ILCS 5/1-3.17.1)**

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq. of the Illinois Administration Code.]

21-1-3 SCOPE OF CODE. No person shall sell or possess any alcoholic liquor for beverage purposes, except as specifically provided in this Code, provided, however, that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possession or using alcoholic liquor in the strict practice of his profession, or any hospital, or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institutions; and provided further that any drug store employing a licensed

pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provided further that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite of religious ceremony conducted by such church shall not be prohibited by this Code.

21-1-4 **APPOINTMENT OF LOCAL LIQUOR CONTROL COMMISSIONER.** The Chairman of the Board of County Commissioners of this County is hereby designated as Local Liquor Control Commissioner and shall be referred to as Liquor Commissioner.

ARTICLE II - LICENSES

21-2-1 **LICENSE REQUIRED.** No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this County without having a license to do so, issued by the Liquor Commissioner of this County in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois.**

A similar valid license issued by the Liquor Commissioner of this County is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this County, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(235 ILCS 5/4-1)**

21-2-2 **APPLICATIONS.** The Liquor Commissioner is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this County upon the conditions and in the manner provided by this Code and by the **Act of the General Assembly of Illinois**, and not otherwise. Such license shall be in writing, signed by the Liquor Commissioner and attested by the County Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Liquor Commissioner an application in triplicate, in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

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

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid **Act of the General Assembly** or in this Chapter or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

(J) If the applicant is purchasing an existing business, a copy of the purchase or sales agreement.

(K) A copy of the lease to the property in question made to the applicant, or if the applicant is the owner of the property, proof of ownership, such as a copy of a deed or a copy of a tax bill.

(L) Where required, proof of zoning occupancy inspection by the Zoning Administrator

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **two (2) members** of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Liquor Commissioner, **one (1) copy** given to the Sheriff; the Sheriff shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Liquor Commissioner and the endorsement and comment of the Sheriff shall be considered by him as an aid in deciding whether the license should be issued or refused. **(235 ILCS 5/7-1)**

21-2-3 EXAMINATION OF APPLICANT. The Liquor Commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such 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 Commissioner under this Section, he may authorize his agent to act on his behalf. **(235 ILCS 5/4-5)**

21-2-4 PROHIBITED LICENSEES. Except as otherwise provided in paragraph (U) of this Section, no license of any kind shall be issued by the Liquor Commissioner to the following:

- (A) A person who is not a resident of this County;
- (B) A person who is not of good character and reputation in the community in which he resides;
- (C) A person who is not **twenty-one (21) years** of age;
- (D) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
- (G) A person whose license issued under this Act has been revoked for cause;
- (H) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application;
- (I) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance;
- (J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
- (K) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "**Business Corporation Act of 1983**" to transact business in Illinois;
- (L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;
- (M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation;
- (N) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;
- (O) Any law enforcing public official, including members of local liquor control commissions, any County Commissioner, and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official

in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Liquor Commissioner;

(P) A person who is not a beneficial owner of the business to be operated by the licensee;

(Q) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as prescribed by a statute replaced by any of the aforesaid statutory provisions;

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

(S) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in Section 5/6-21 of Chapter 235 of the Illinois Compiled Statutes;

(T) A person who is delinquent in the payment of any indebtedness or obligation to the County;

(U) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Liquor Commissioner shall determine if all provisions of this paragraph (U) have been met before any action on the corporation's license is initiated;

(V) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamps or federal wagering stamp by the federal government for the current tax period;

(W) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

(X) **Residency.** No person shall be granted a license unless he or she has been a resident of the State of Illinois for at least **twelve (12) months** immediately preceding the date of application for such license and unless such person shall also have been a resident of the County for at least **thirty (30) days** immediately preceding the date of application of such license.

(235 ILCS 5/6-2)

21-2-5 TERM; FEE SUBMITTED IN ADVANCE. Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **July 1st to June 30th** of the following year.

(A) The licensing fees stated in this Code shall be paid to the office of County Clerk at the time of making application therefor, irrespective of the date of application. Fee payment shall be in the form of remittance of a Bank Draft, Bank Cashier's Check, Bank Money Order, Personal Check or Cash. No fee shall be accepted by the County Clerk unless the application for license is in the prescribed form. All fees must be received in the Office of the County Clerk no later than **four thirty (4:30 P.M.) on June 30th**, prior to the expiration of an existing license.

(B) In the event a licensee shall fail to make payment for a renewal of his license within the time limit prescribed, the existing license of the licensee shall lapse at the termination of the licensing period of the licensee and the County Liquor Control Commissioner may then issue the license, within the total number of licenses permitted within the Class for which the license was issued, to another applicant therefor.

(C) Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

(D) With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted **within thirty (30) days**. Continuation of the license will be contingent upon a background check of the new manager as set out in this Code, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the license shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of the license. **(See 235 ILCS Sec. 5/4-1)**

21-2-6 **CLASSIFICATION - FEES.** There shall be **six (6) classes** of licenses which shall be referred to as:

(A) **Class One**, which shall authorize the sale at retail of alcoholic liquor for consumption on or off the premises where sold. The annual fee for such license shall be **Two Hundred Dollars (\$200.00)**.

(B) **Class Two**, which shall authorize the sale at retail of beer and wine only, for consumption on the premises only where sold. The annual fee for such license shall be **One Hundred Dollars (\$100.00)**.

(C) **Class Three**, which shall authorize the sale at retail of alcoholic liquor for consumption only off the premises where sold. The annual fee for such license shall be **Two Hundred Dollars (\$200.00)**.

(D) **Class Four**, which shall authorize the sale at retail of alcoholic beverages for a period of up to **fifteen (15) days**. The fee for such license shall be **Ten Dollars (\$10.00)**.

(E) **Class Five**, which shall authorize the supervised presentation of alcoholic beverages off-premises for the purpose of disseminating information and education for a period of up to **fifteen (15) days**. The fee for such license shall be **Ten Dollars (\$10.00)**.

(F) **Class Six**, which shall authorize current retail liquor license holders to hold a special off-premises event for a period of up to **fifteen (15) days**. The fee for such license shall be **Ten Dollars (\$10.00)**.

The number of Class One and Class Two licenses issued and in effect may not exceed **twenty-two (22)**, and the total number of both Class One and Class Two licenses shall be considered in determining whether such limit has been exceeded.

In addition to the annual license fees, each applicant shall pay to the Office of the County Clerk **Five Dollars (\$5.00)** as an issuance fee. **(Ord. No. 14-04; 09-02-14) (See 235 ILCS 5/4-1)**

21-2-7 **NATURE OF LICENSE.** A license issued under this Code shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Code authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(See 235 ILCS Sec. 5/6-1)**

21-2-8 **DISPLAY OF LICENSE.** Every licensee under this Code shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(See 235 ILCS Sec. 5/6-24)**

21-2-9 **RECORD OF LICENSES.** The Liquor Commissioner shall keep a complete record of all licenses issued or revoked by him and shall supply the County Clerk, the Treasurer and the Sheriff a copy of the same. **(See 235 ILCS Sec. 5/4-1)**

21-2-10 **SEPARATE LICENSE FOR EACH PREMISES - TRANSFER.** Licenses issued hereunder apply to the premises described in the application and in the license issued thereon, and only **one (1) location** shall be so described in each license. After a Commissioner, upon proper showing, may endorse upon said license therefrom to other premises approved by him, but in order to obtain such approval, the licensee shall file with the Liquor Commissioner a request in writing and a statement under oath which shall show that the premises to which removal is to be made comply in all respects with the requirements of this Code.

All licenses shall be issued for a particular location and to a particular retailer and shall be transferable from said location or retailer only with written consent of the County Liquor Commissioner.

21-2-11 **DRAMSHOP INSURANCE.** No license shall be issued hereunder 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 following coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(235 ILCS 5/6-21)**

ARTICLE III - REGULATIONS

21-3-1 HOURS. All places of business licensed under this Code shall be closed and not open for business, except between the hours of **6:00 A.M.**, on one day and **1:00 A.M.** on the following day, being further provided that such places of business shall vacate the premises of all patrons or other persons except the owner or his lawful employees by the hour of **1:00 A.M.**, and that no person, except the owner or his lawful employees shall be in or about the premises from **1:00 A.M.** to **6:00 A.M.** of the same day. **(See 235 ILCS 5/4-1)**

21-3-2 HAPPY HOUR RESTRICTIONS.
 (A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

- (1) Sell more than **one (1) drink** of alcoholic liquor for the price of **one (1) drink** of alcoholic liquor;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided by **235 ILCS 5/6-28.5**;
- (3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licenses premises; or
- (5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (4).

(C) Permitted happy hours and meal packages, party packages, and entertainment packages.

(1) As used in this Section:

- (a) **"Dedicated event space"** means a room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.
- (b) **"Meal package"** means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.
- (c) **"Party package"** means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are

served both food and alcohol for a fixed price in a dedicated event space.

- (2) A retail licensee may:
- (a) offer free food or entertainment at any time;
 - (b) include drinks of alcoholic liquor as part of a meal package;
 - (c) sell or offer for sale a party package only if the retail licensee:
 - (i) offers food in the dedicated event space;
 - (ii) limits the party package to no more than **three (3) hours**;
 - (iii) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
 - (iv) excludes individuals not participating in the party package from the dedicated event space;
 - (d) include drinks of alcoholic liquor as part of a hotel package;
 - (e) negotiate drinks of alcoholic liquor as part of a hotel package;
 - (f) provide room service to persons renting rooms at a hotel;
 - (g) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
 - (h) advertise events permitted under this Section;
 - (i) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (i) restricts dates of operation to dates during which there is an event at an adjacent stadium, (ii) restricts hours of serving alcoholic liquor to **two (2) hours** before the event and **one (1) hour** after the event, (iii) restricts alcoholic liquor sales to beer and wine, (iv) requires tickets for admission to the establishment, and (v) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
 - (j) discount any drink of alcoholic liquor during a specified time period only if:
 - (i) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
 - (ii) the period of time during which any drink of alcoholic liquor is discounted does not exceed **four (4) hours** per day and **fifteen (15) hours** per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
 - (iii) the drink of alcoholic liquor is not discounted between the hours of **10:00 P.M.** and the licensed premises' closing hour; and
 - (iv) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least **seven (7) days** prior to the specified time.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by **Article IV** of this Chapter. **(235 ILCS 5/6-28)**

21-3-3 **PROHIBITED LOCATIONS.** No license shall be issued for the sale of any alcoholic liquor at retail **within one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Code; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises **within one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(235 ILCS 5/6-11(e))

21-3-4 **CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the Code of this County. **(235 ILCS 5/7-14)**

21-3-5 **STORES SELLING SCHOOL SUPPLIES, LUNCHES, 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 such minors. **(235 ILCS 5/6-12)**

21-3-6 **TRANSPORTING, ETC., IN MOTOR VEHICLES.** No person shall, within this County, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 **OPEN LIQUOR - CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a "**cup-to-go**".

21-3-8 **DRINKING ON PUBLIC WAYS.** It shall be unlawful to drink any alcoholic liquor on any public streets, alleys, sidewalks and other public ways in the County unless authorized at a regular or special meeting of the County Board. **(See 235 ILCS 5/6-16)**

21-3-9 **LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein; or
- (B) If such vehicle contains at least one occupant **over twenty-one (21) years of**

age.

21-3-10 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the County in violation of the restrictions of the Zoning Code. **(See Chapter 40 of the Revised Code)**

21-3-11 **ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Code.

21-3-12 **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the County, to-wit:

- (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Liquor Commissioner.
- (B) Drink any alcoholic liquors in any public park, except with the permission of the Liquor Commissioner.
- (C) Drink any alcoholic liquors in any private property without permission of the owner thereof.
- (D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

21-3-13 **UNLAWFUL AND OBSCENE ENTERTAINMENT.** Acts or conduct on licensed premises in violation of this rule are deemed contrary to public welfare and morals, and therefore, no licensee, his agent, servant, or employee shall allow or permit any of the following acts or conduct on any licensed premises. Live entertainment is permitted on any licensed premises, except that:

- (A) No licensee shall permit any person to perform acts of or acts which stimulate:
 - (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - (2) The touching, caressing or fondling of the breast, buttocks, anus or genitals.
 - (3) The displaying of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - (4) Exposing to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (B) No licensee shall permit any person to use artificial devices or inanimate objects or depict any of the prohibited activities described above.
- (C) No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view, any portion of his or her genitals or anus.

21-3-14 **VISUAL DISPLAYS.** The following acts or conduct on licensed premises are deemed contrary to public welfare and morals, and therefore, no licensee, his agent, servant or employee shall allow or permit on any licensed premises, the showing of films, still pictures, electronic reproduction, or other visual reproductions depicting:

- (A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (B) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- (C) Scenes wherein a person displays the vulva or the anus or the genitals.
- (D) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(E) Scenes showing any person attired in any manner which is prohibited in any other section of this Article.

21-3-15 ATTIRE AND CONDUCT. The following attire or conduct on licensed premises are deemed contrary to public welfare and morals and therefore, no licensee, his agent, servant or employee shall allow or permit any of the following conduct or attire on any licensed premises:

(A) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(B) To employ or use the services of any hostess or any other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (A) above.

(C) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(D) To permit any employee or person to wear or use any device or covering exposed to view, which stimulates the breast, genitals, anus, pubic hair or any portion thereof.

21-3-16 OUTSIDE ENTERTAINMENT. No licensee, his agent, servant or employee shall permit or allow any performance or entertainment to be performed outside of the building after the hour of **12:00 midnight**. This Section does not apply to county picnics that are issued a **one (1) day** liquor license.

21-3-17 SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(410 ILCS 650/1 et seq.)**

21-3-18 DISEASED EMPLOYEES. It shall be unlawful to 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 disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(410 ILCS 650/10)**

21-3-19 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department that regulates health standards.

21-3-20 PEDDLING. It shall be unlawful to peddle alcoholic liquor in this County. **(235 ILCS 5/4-1)**

21-3-21 GAMBLING. It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except in the following instances:

(A) **Bingo.** When conducting or participating in the game commonly known as Bingo, when conducted in accordance with the Bingo License and Tax Act **(230 ILCS 25/1 et seq.);**

(B) **Video Poker.** Video Gaming Terminal games at a licensed establishment, licensed fraternal organization, or licensed veteran's establishment, when conducted in accordance with the Video Gaming Act. **(230 ILCS 40/1 et seq.) (Ord. No. 12-17; 12-17-12)**

21-3-22 DISORDERLY HOUSE. Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. **(235 ILCS 5/4-1)**

21-3-23 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(235 ILCS 5/6-16)**

21-3-24 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of **eighteen (18) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. **(235 ILCS 5/4-1)**

21-3-25 UNLAWFUL PURCHASE OF LIQUOR. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. **(235 ILCS 5/6-20)**

21-3-26 IDENTIFICATION REQUIRED. If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. **(235 ILCS 5/6-20)**

21-3-27 TRANSFER OF IDENTIFICATION CARD. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Code. The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. **(235 ILCS 5/6-20)**

21-3-28 POSTING WARNING. In every licensed business 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 County Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

"YOU ARE SUBJECT TO A FINE UP TO \$1,000 UNDER THE ORDINANCES OF THIS COUNTY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."

21-3-29 **EXCLUSIONARY PROVISION.** The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Code. **(235 ILCS 5/6-20)**

21-3-30 **INSPECTIONS.** It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Sheriff, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. **(235 ILCS 5/4-4)**

21-3-31 **BOOKS AND RECORDS--AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS.** It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Liquor Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(235 ILCS 5/6-10)**

21-3-32 **RESTRICTIONS ON LICENSEE.** In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(235 ILCS 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(235 ILCS 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(235 ILCS 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(235 ILCS 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a County except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(235 ILCS 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode v. Thomas 31 Ill. App. 3d 674, 1975)**

21-3-33 **SELLING FALSE IDENTIFICATION.** Any person who sells, gives, or furnishes to any person under the age of **twenty-one (21) years** any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of **twenty-one (21) years** evidence of age and identification of any other person is guilty of violating this Code. **(235 ILCS 5/6-16)**

21-3-34 **FALSE IDENTIFICATION.** Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of

ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(235 ILCS 5/6-16)**

21-3-35 **UNDERAGED DRINKING ON STREETS.** Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(235 ILCS 5/6-16)**

21-3-36 **RESIDENTIAL DRINKING.** Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

- (A) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic beverage; and
- (B) the possession or consumption of the alcohol by the person under **twenty-one (21)** is not otherwise permitted by this Code and
- (C) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(235 ILCS 5/6-16)**

21-3-37 **RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(235 ILCS 5/6-16)**

21-3-38 **LOANS.** No manufacturer or distributor shall, directly or indirectly, sell, supply, furnish, give or pay for, or loan or lease any furnishing, fixture or equipment on the premises of a place of business of another licensee authorized under this Code to sell alcoholic liquor at retail, nor shall be, directly or indirectly pay for such license or advance, furnish, lend or give money for payment of such license, nor shall such manufacturer or distributor directly or indirectly be interested in the ownership, conduct or operation of the business or any licensee authorized to sell alcoholic liquor to retail.

21-3-39 **ACCESS FROM LICENSED PREMISES TO DWELLING QUARTERS.** Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purpose which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family or personal guests.

21-3-40 **REFILLING ORIGINAL PACKAGES.** No person, except a manufacturer or distributor, or importing distributor, shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor, and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in original packages.

21-3-41 **ALTERCATIONS.** All owners and/or proprietors of establishments selling alcoholic liquor licensed by the County shall report all offenses contained in **730 ILCS** and this Code to the Sheriff's Department while occurring or within **twenty-four (24) hours** after they occur. They shall report the names of the person or persons involved in these offenses.

21-3-42 **BASSET TRAINING REQUIRED.**

(A) For all licenses issued on or after **October 1, 2016** and all original or renewal applications for Classes "A" to "F" liquor licenses shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purpose of alcoholic beverages, pursuant to that license.

(B) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by **235 ILCS 5/3-12(11.1)** and **6-27** and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(C) After **October 1, 2016**, any new owner, manager, employee, or agent requiring BASSET training, shall within **ninety (90) days** from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(D) A photocopy of certificate of completion for all owners, managers, employees, or agents required by this Section to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state and local liquor control authorities.

(E) The County will honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 **OWNER OF PREMISES PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(235 ILCS 5/10-2)**

21-4-2 **ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(235 ILCS 5/10-3)**

21-4-3 **REVOCAION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Liquor Commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. **(235 ILCS 5/10-4)**

21-4-4 **REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(235 ILCS 5/10-5)**

21-4-5 **MISBRANDING.** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(235 ILCS 5/10-6)**

21-4-6 **ABATEMENT OF PLACE USED IN VIOLATION.** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(235 ILCS 5/10-7)**

21-4-7 **USE OF PREMISES FOR ONE YEAR AFTER REVOCATION.** When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(235 ILCS 5/7-13)**

21-4-8 **REVOCATION OF LICENSES.** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(235 ILCS 5/4-4)**

21-4-9 **COMPLAINT BY RESIDENTS.** Any resident of the County shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. **(235 ILCS 5/7-7)**

21-4-10 **REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING.** The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act**, any valid ordinance adopted by the County, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A) **Fine as Opposed to Suspension or Revocation.** In addition to the suspension, the Local Liquor Control Commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for a first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period, and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand Dollars (\$15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury. (See P.A. 89-0063)

(B) **Revocation and Suspension: Notice.** However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor

Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) **Hearing.** The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(235 ILCS 5/7-5)**

21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER. Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action by appealed by any resident of the County under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(235 ILCS 5/7-9)**

21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR. In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period**, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period**. **(235 ILCS 5/7-9)**

21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION. Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the County from State Commission. **(235 ILCS 5/7-9)**

[See Section 1-1-20 for General Penalties]

APPLICATION FOR LIQUOR RETAILER'S LICENSE

TO: Monroe County Clerk
100 S Main
Waterloo, IL 62298

The undersigned hereby make(s) application for the issuance of a county retailer's license for the sale of alcoholic liquor for the term beginning _____, 20____, and ending _____, 20____, and hereby certify(ies) to the following facts:

- 1) Applicant's full name _____
(If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted:

- 2) Location of place of business for which license is sought _____
A) _____
Exact address by street and number/zip code
B) _____
(Full description of location, place or premises, specifying floor, room, etc.)
- 3) State principal kind of business _____
- 4) Class of license applied for _____
- 5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? _____
If so, are premises:
A) Maintained and held out to the public as a place where meals are actually and regularly served? _____
B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? _____
- 6) Does applicant own premises for which this license is sought? _____
- 7) Has applicant a lease on such premises covering the full period for which the license is sought? _____ If so, attach copy.
- 8) Is applicant licensed as a food dispenser? _____
- 9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? _____
- 10) Is any law enforcing public official, mayor, alderman, member of the city council or commission, or any president or member of a county board directly interested in the business for which this license is sought? _____
- 11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? _____

- 12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? _____

 If so, at what location or locations? _____
- 13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? _____
 If so, at what location or locations? _____
- 14) Will the business be conducted by a manager or agent? _____
 If so, give name and residence address of such manager or agent:
 Name _____
 Address _____
- 15) Do you hold any other current business licenses issued by the County? ___ If so, what type of license do you currently hold and what is the address of the licensed premises?
 (Type) _____
 (Address) _____

Individual Applicant:

- 16) A) Name _____
 Date of birth _____
 Month/Day/Year
- B) Residence address _____
 (give street and number)
 Telephone number _____
- C) Place of birth _____
- D) Are you a citizen of the United States? _____
 If a naturalized citizen, when naturalized? _____
 Month/Day/Year
 Where naturalized? _____
 (City and State)
 Court in which (or law under which) naturalized _____
- E) Have you ever been convicted of any felony under any Federal or State law?

 If so, give date and state offense _____
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
 If so, give dates and state offense _____
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
 If so, give dates and state offense _____
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____
- I) Have you made application for other similar license for premises other than described in this application? _____
 If so, give date, location of premises and disposition of application _____

- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

Co-partnership/Corporate Applicant:

- 17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)
Date of birth _____
Month/Day/Year
- B) Residence address _____
(City and State)
Telephone number _____
- C) Place of birth _____
Month/Day/Year
- D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(City and State)
Court in which (or law under which) naturalized _____
- E) Have you ever been convicted of any felony under any Federal or State law? _____
If so, give date and state offense _____
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
If so, give dates and state offense _____
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____

- If so, give dates and state offense _____
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____
- I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____

- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

APPENDIX IV

AFFIDAVIT

STATE OF ILLINOIS)
) **SS**
COUNTY OF MONROE)

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the County of Monroe or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this _____ day of _____, 20____.

(Signature of Applicant)

MANDATED POLICIES

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CHAPTER 22

MANDATED POLICIES

ARTICLE I – DISCLOSURE OF SOCIAL SECURITY INFORMATION

22-1-1 STATEMENT OF PURPOSE AND APPLICABILITY. Monroe County (hereinafter referred to in this policy as the “County”) adopts this Identity Protection Policy pursuant to the Identity Protection Act, **5 ILCS 179/1 et seq.** the Identity Protection Act requires each local and State government agency to draft, approve, and implement an Identity Protection Policy to ensure the confidentiality and integrity of Social Security Numbers that agencies collect, maintain, and use. It is important to safeguard Social Security Numbers (SSN’s) against unauthorized access because SSN’s can be used to facilitate identity theft. One way to better protect SSN’s is to limit the widespread dissemination of those Numbers. The Identity Protection Act was passed in part to require Local and State government agencies to assess their personal information collection practices and make necessary changes to those practices to ensue confidentiality. The judicial branch and Clerk of the Court is not subject to the provisions of this policy, pursuant to **5 ILCS 179/40.**

22-1-2 SOCIAL SECURITY NUMBER PROTECTION PURSUANT TO LAW. Whenever an individual is asked to provide the County with a SSN, the County shall provide that individual with a statement of the purpose for which the County is collecting and using the Social Security Number. The County shall also provide the Statement of Purpose upon request. That Statement of Purpose document may be in substantially such form as attached to this Policy or hereafter modified by the County.

The County shall not:

(A) Publicly post or publicly displaying in any manner an individual’s Social Security Number. “Publicly post” or “publicly display” means to intentionally communicate or otherwise intentionally make available to the general public.

(B) Print an individual’s Social Security Number on any card required for the individual to access products or services provided by the person or entity.

(C) Require an individual to transmit a Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.

(D) Print an individual’s Social Security Number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the Social Security Number to be on the document to be mailed. SSN’s may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

(E) In addition, the County shall not:

(1) Collect, use, or disclose a Social Security Number from an individual, unless:

(a) Required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the performance of the County’s duties and responsibilities;

(b) The need and purpose for the Social Security Number is documented before collection of the Social Security Number; and

- (c) The Social Security Number collected is relevant to the documented need and purpose.
- (2) Require an individual to use his or her Social Security Number to access an Internet website.
- (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.

The foregoing prohibitions do not apply where specifically exempted by laws including but, by way of limitation, those exemptions provided for in the Identity Protection Act (**5 ILCS 279/1 et seq.**). The County may disclose SSN's to other governmental agencies or to its own agents, employees, contractors, and subcontractors if the disclosure is necessary for the entity to perform its duties and responsibilities. However, if a government contractor or subcontractor requires the SSN of employees to perform the work for which they are contracted they will be required to present the County with a copy of their policy dealing with the protection of those SSN's.

22-1-3 **REQUIREMENT TO REDACT SOCIAL SECURITY NUMBERS.** The County shall comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security Number. The County shall redact social security number from the information or documents before allowing the public inspection or copying of the information or documents. However, the Act does not apply to documents that are recorded by the County Recorder or required to be open to the public under any law, rule, or the Constitution of the State of Illinois.

When collecting Social Security Numbers, the County shall request each SSN in a manner that allows the SSN to be easily redacted if required to be released as part of a public records request. "Redact" means to alter or truncate data so that no more than **five (5)** sequential digits of a Social Security Number are accessible as part of personal information.

22-1-4 **EMPLOYEE ACCESS TO SOCIAL SECURITY NUMBERS.** Only employees who are required to use or handle information or documents that contain SSN's in the performance of their essential duties will have access to such documents. All employees who have access to SSN's are trained to protect the confidentiality of SSN's from the time of collection through the time of destruction.

22-1-5 **OTHER PROTECTIONS.** In addition to the above protections the County will also take affirmative measures to protect SSN's in any format including, but not limited to, hardcopy, computer records, and computer transmissions. They will assure that all vendors to whom they provide or transmit SSN's have policies and equipment in place to reasonably protect the SSN information that is being provided to them. Electronic transmissions will be verified to be secure or SSN's will be encrypted.

A copy of this policy shall be available to employees or the general public upon request.

(Ord. No. 18-3; 01-16-18)

ARTICLE II – IDENTITY THEFT PREVENTION PROGRAM

22-2-1 **RISK REDUCTION.** The risk to the County, its employees and customers from data loss and identity theft is of significant concern to the County and can be reduced only through the combined efforts of every employee and contractor. The County will focus on detection and prevention of identity theft on all accounts where the County accepts deferred payments for goods or services.

22-2-2 **DETECTED RED FLAGS.** The County is committed to detecting situations in which identity theft may have occurred.

A “Red Flag” is a pattern, practice or specific activity that indicates the possible existence of identity theft. In order to identify relevant Red Flags, the County considered risk factors such as the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts and its previous experiences with identity theft.

Identity theft will be addressed by detecting Red Flags in connection with the opening of accounts and existing accounts, such as by:

- (A) Obtaining identifying information about, and verifying the identity of, a person opening an account.
- (B) Monitoring transactions with emphases on a change of address closely followed by a new service request or a material change in a customer’s credit use.
- (C) Verifying the validity of change of address requests, in the case of existing accounts in order to monitor the diversion of statements as a prelude to possible account manipulation.

22-2-3 **PREVENTING AND MITIGATING IDENTIFY THEFT.**

(A) In order to prevent and mitigate identify theft, the County will provide appropriate responses to the following Red Flags:

- (1) **Suspicious Documents.**
 - (a) Documents provided for identification that appear to have been altered, forged or are unauthentic.
 - (b) The photograph or physical description on the identification is not consistent with the appearance of the applicant or person presenting the identification.
 - (c) Receiving other documentation with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged).
 - (d) Receiving an application for service that appears to have been altered or forged.
- (2) **Suspicious Personal Identifying Information.**
 - (a) The person opening an account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - (b) Personal identifying information provided is not consistent with personal identifying information that is on file with the County.
 - (c) A person’s identifying information is the same as shown on other applications found to be fraudulent.
 - (d) A person’s identifying information is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address).
 - (e) A person’s social security number is the same as another customer’s social security number.
 - (f) A person’s address or phone number is the same as that of another person.

(g) A person's identifying information is not consistent with other information the customer provides.

(3) **Unusual Use Of, or Suspicious Activity Related to, an Account.**

(a) A change of address for an account followed by the County receiving a request for the addition of authorized users on the account or adding other parties.

(b) An account that has been inactive and then becomes active.

(c) Payments stop on an otherwise consistently up-to-date account.

(d) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.

(e) The County is notified of unauthorized charges or transactions in connection with a customer's account.

(f) A new account is used in a manner consistent with fraud (such as the customer failing to make the first payment or making the initial payment and no other payments).

(g) An account being used in a way that is not consistent with prior use (such as late or no payments when the account has been timely in the past).

(h) The County receives notice that a customer is not receiving his/her paper statements.

(i) The County is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

(B) In order to detect any of the Red Flags identified above with the opening of a new account, County personnel will take the following steps to obtain and verify the identity of the person opening the account:

(1) Requiring certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, social security number, driver's license or other identification.

(2) Verifying the customer's identity, such as by copying and reviewing a driver's license or other identification card.

(3) Reviewing documentation showing the existence of a business entity.

(4) Independently contacting the customer.

(C) In order to detect any of the Red Flags identified above for an existing account, County personnel will take the following steps to monitor transactions with an account:

(1) Verifying the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail).

(2) Verifying the validity of requests to change billing addresses.

(3) Verifying changed in banking information given for billing and payment purposes.

(D) Responses to these Red Flags are commensurate with the degree of risk posed based on the County's risk assessment. Appropriate responses may include the following:

(1) Monitoring an account for evidence of identity theft or suspicious activity by placing on the County's watch list;

(2) Contacting the customer;

(3) Reopening an account with a new account number;

(4) Not opening a new account;

(5) Closing an existing account;

(6) Not attempting to collect on an account or not sending an account to a debt collector;

(7) Notifying law enforcement; or

(8) Determining that no response is warranted under the particular circumstances.

(E) If a notice of change of address for an existing account is received and then within **thirty (30) days** a request for a change to the account is made, the County will assess the validity of the change of address or requested change to the account.

22-2-4 **UPDATING THE PROGRAM.** The County will periodically review and update this policy (including the Red Flags determined to be relevant) to reflect changes in risks to customers or to the safety and soundness of the County from identity theft, based on factors such as:

- (A) Experiences with identity theft;
- (B) Changes in methods of identity theft;
- (C) changes in methods to detect, prevent, and mitigate identity theft;
- (D) Changes in the types of accounts or services that the County offers or maintains;

and

(E) Changes in our business arrangements, including services provided and service provider arrangements.

After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Board of County Commissioners with his or her recommended changes, and the Board of County Commissioners will make a determination of whether to accept, modify or reject those changes to the Program.

22-2-5 **PROGRAM ADMINISTRATION.**

(A) The ultimate oversight of the Program is the Monroe County Board of Commissioners. The Monroe County Board of Commissioners has assigned specific responsibility for the Program's implementation to the Program Administrator.

(B) The Program Administrator will report to the Board of County Commissioners, at least annually, on compliance by the County with all identity theft issues.

(C) The report will address material matters related to the Program and evaluate issues such as:

- (1) The effectiveness of the policies and procedures of the County in addressing the risk of identity theft in connection with the opening of accounts and with respect to existing accounts;
- (2) Service provider arrangements;
- (3) Significant incidents involving identity theft and management's response; and
- (4) Recommendations for material changes to the Program.

The Monroe County Board of Commissioners will take any additional steps necessary to support this Program.

22-2-6 **SERVICE PROVIDER ARRANGEMENTS.** The County will oversee any service provider who performs an activity in connection with one or more accounts. The County will take steps to ensure that the activity of the service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft and require the service provider to report any Red Flag to the Program Administrator.

22-2-7 **TRAINING.** The County staff responsible for implementing the Program will be trained to recognize and detect Red Flags and properly react to unauthorized or fraudulent attempts to obtain customer information. The County directs the Program Administrator to conduct annual training for all employees regarding identity theft and to supplement that training throughout the year as more schemes are uncovered.

22-2-8 **OTHER APPLICABLE LEGAL REQUIREMENTS.** As part of the overall Program, the County will include other legal requirements when needed, such as implementing any requirements under which accounts may be created, changed or altered when the County detects a fraud or active duty alert.

(Ord. No. 09-03; 07-06-09)

ARTICLE III - FREEDOM OF INFORMATION POLICY

22-3-1 PUBLIC RECORDS AVAILABLE. To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the County shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

22-3-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.

(A) The County Clerk is hereby designated to act as Freedom of Information Officer. The Officer shall receive requests submitted to the County under the Freedom of Information Act, insure that the County responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the County shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the County receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the County, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

22-3-3 PROCEDURES. The County shall prominently display at the County Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the County, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the County, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

22-3-4 REQUESTS TO INSPECT OR COPY. All requests to inspect or copy records or documents prepared, maintained or under the control of the County shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the County.

(B) The written request shall be submitted to the County Clerk or to the State's Attorney. If neither the County Clerk nor the State's Attorney is available, the request shall be submitted to any employee of the County acting under the direction of the County Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the County, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the County may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the County agree to extend the period for compliance, a failure by the County to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at County Building. If the person making the request asks the County to mail the documents, he or she shall provide the County with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the County shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the County shall furnish it in the format in which it is maintained by the County, or in paper format at the option of the person making the request.

22-3-5 REQUEST FOR COMMERCIAL PURPOSES. The County shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the County to provide the records requested and an estimate of the fees to be charged, which the County may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the County shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the County Code.

22-3-6 FEES. The County Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-3-7 PUBLIC FILE. The County Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-3-8 GRANTING OR DENIAL OF REQUESTS. A request for all records within a category shall be granted unless the request constitutes an undue burden upon the County. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the County and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the County. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-3-9 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING. If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-3-10 NOTICE OF DENIAL OF REQUEST; APPEALS.
(A) If the County denies the request, the County shall notify the person making the request in writing of:

- (1) the decision to deny the request;
- (2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3) the names and titles or positions of each person responsible for the denial;
- (4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the County asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1) a copy of the request for access to records;
- (2) the proposed response from the County;
- (3) a detailed summary of the County's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the County to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

ARTICLE IV - FAIR HOUSING CODE

22-4-1 **DECLARATION OF POLICY.**

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the County may be ensured, it is hereby declared the policy of the County to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the County that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the County, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

22-4-2 **DEFINITIONS.** Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) **"Decent, Sanitary, Healthful Standard Living Quarters"**. "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) **"Discriminate"**. The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) **"Financial Institution"**. The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D) **"Housing Accommodation"**. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E) **"Owner"**. An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker"**. The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property"**. The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the County.

22-4-3 **PROHIBITED ACTS.** It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the County:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the County or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

22-4-4 **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **One Thousand Dollars (\$1,000.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the County to specifically enforce, by any legal means, any of the provisions of this Code.

ARTICLE V – ETHICS ACT

22-5-1 **DEFINITIONS.** For the purposes of this Article, the following terms shall be given these definitions:

(A) **"Campaign for Elective Office"** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action; (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

(B) **"Candidate"** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (**10 ILCS 5/1-3**).

(C) **"Collective Bargaining"** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (**5 ILCS 315/3**).

(D) **"Compensated Time"** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

(E) **"Compensatory Time Off"** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

(F) **"Contribution"** has the same meaning as that term is defined in Section 9-1.4 of the Election Code (**10 ILCS 5/9-1.4**).

(G) **"Employee"** means a person employed by the Monroe County Government, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(H) **"Employer"** means the Monroe County Government.

(I) **"Gift"** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

(J) **"Leave of absence"** means any period during which an employee does not receive (1) compensation for employment, (2) service credit towards pension benefits, and (3) health insurance benefits paid for by the employer.

(K) **"Officer"** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

(L) **"Political Activity"** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

(M) **"Political Organization"** means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

- (N) **"Prohibited Political Activity"** means:
- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
 - (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
 - (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
 - (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
 - (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
 - (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
 - (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
 - (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
 - (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
 - (10) Preparing or reviewing responses to candidate questionnaires.
 - (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
 - (12) Managing or working on a campaign for elective office or for or against any referendum question.
 - (13) Serving as a delegate, alternate, or proxy to a political party convention.
 - (14) Participating in any recount or challenge to the outcome of any election.
- (O) **"Prohibited Source"** means any person or entity who:
- (1) is seeking an official action (a) by an officer or (b) by an employee, or by the officer or another employee directing that employee;
 - (2) does business or seeks to do business (a) with the officer or (b) with an employee, or the officer or another employee directing that employee;
 - (3) conducts activities regulated (a) by the officer or (b) by an employee, or by the officer or another employee directing that employee; or
 - (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

22-5-2 PROHIBITED POLITICAL ACTIVITIES.

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Monroe County Government in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by the Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

22-5-3 **GIFT BAN.** Except as permitted by his Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

22-5-4 **EXCEPTIONS.** Section 22-5-1 is not applicable to the following:

(A) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the market value.

(C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(2) whether the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of the Section,

"catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) **Intra-Governmental and Inter-Governmental Gifts.** For the purpose of this provision, "**intra-governmental gift**" means any gift given to an officer or employee from another officer or employee, and "**inter-governmental gift**" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

22-5-5 DISPOSITION OF GIFTS. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

22-5-6 ETHICS ADVISOR. The Monroe County Government Chairman, with the advice and consent of the Monroe County Government Board hereby designates the Monroe County Ethics Advisor to act on its behalf in all matters pertaining to this Article. The duties of the Ethics Advisor may be delegated to an officer or employee of the Monroe County unless the position has been created as an office by Monroe County.

22-5-7 DUTIES. The Monroe County Ethics Advisor shall provide guidance to the officers and employees of the Monroe County Government concerning the interpretation of and compliance with the provisions of this Article and State ethics law. The Ethics Advisor shall perform such other duties as may be delegated by Monroe County.

22-5-8 ETHICS COMMISSION. The Monroe County Government hereby designates Monroe County's Ethics Commission to act on its behalf in all matters pertaining to this Article.

22-5-9 MEMBERSHIP. There is a commission known as the Ethics Commission of Monroe County. The Commission is comprised of **three (3) members** appointed by Monroe County with the advice and consent of the Monroe County Board. No person is appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of Monroe County. No more than **two (2) members** of the Commission belong to the same political party at the time such appointments are made. Party affiliations are determined by affidavit of the person appointed.

22-5-10 TERMS; MEETINGS. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. **Two (2)** commissioners shall serve **two (2) year** terms, and the **third (3rd)** commissioner shall serve a **one (1) year** term. Thereafter, all commissioners shall be appointed to **two (2) year** terms. Commissioners may be reappointed to serve

subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any **two (2)** commissioners. A quorum shall consist of **two (2)** commissioners, and official action by the Commission shall require the affirmative vote of **two (2)** members.

22-5-11 REMOVAL OF COMMISSIONERS. The Monroe County Board Executive, with the advice and consent of the Monroe County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (10) days'** notice. Vacancies shall be filled in the same manner as original appointments.

22-5-12 POWERS AND DUTIES OF COMMISSION. The Commission shall have the following powers and duties:

(A) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(B) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with **Section 22-5-14(C)** of this Article and refer violations of **Section 22-5-2** and **Section 22-5-3** of this Article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.

(C) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.

(D) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Monroe County Government to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(E) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

22-5-13 COMPLAINTS.

(A) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.

(B) Within **three (3) business days** after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within **three (3) business days** after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(C) Upon not less than **forty-eight (48) hours'** public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within **seven (7) business days** after receiving the complaint. If the complaint is deemed sufficient to allege a violation of **Section 1-7-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within **four (4) weeks** after the complainant's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be

adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public. If the complaint is deemed sufficient to allege a violation of **Section 1-7-2** of this Article, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(D) On the scheduled date and upon at least **forty-eight (48) hours'** public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(E) Within **thirty (30) days** after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the Monroe County Government, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(F) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within **seven (7) business days** after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within **fourteen (14) days** after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least **forty-eight (48) hours'** public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within **seven (7) days** thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Monroe County Government, or impose a fine upon the violator, or both.

(G) If a complaint is filed during the **sixty (60) days** preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under paragraph (E) within **seven (7) days** after the complaint is filed, and during the **seven (7) days** preceding that election, the Commission shall render such decision before the date of that election, if possible.

(H) The Commission may fine any person who intentionally violates any provision of **Section 1-7-3** of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may recommend any appropriate discipline up to and including discharge.

(I) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.

22-5-14 PENALTIES.

(A) Any person who intentionally violates any provision of **Section 1-7-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B) A person who intentionally violates any provision of **Section 1-7-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C) Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D) A violation of **Section 1-7-2** of this Article shall be prosecuted as a criminal offense by an attorney for the Monroe County Government by filing in the circuit court information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of

criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of **Section 1-7-3** of this Article may be prosecuted as a quasi-criminal offense by an attorney for the Monroe County Government, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 1-7-2** or **Section 1-7-3** of this Article is subject to discipline or discharge.

ARTICLE VI – INVESTMENT POLICY

22-6-1 **INVESTMENT POLICY.** It is always prudent for any public unit to have an Investment Policy in place for the purpose of safeguarding funds, equitably distributing the investments and maximizing income of the governmental unit. The following policy is adopted for the Treasurer’s office.

22-6-2 **SCOPE OF INVESTMENT POLICY.** This Investment Policy applies to the investment activities of all funds under the jurisdiction of the Treasurer. This Investment Policy will also apply to any new funds or temporary fund placed under the jurisdiction of the Treasurer. The Illinois Compiled Statutes will take precedence except where this policy is more restrictive wherein the policy will take precedence.

22-6-3 **OBJECTIVES.** The purpose of this Investment Policy of the Treasurer is to establish cash management and investment guidelines for the stewardship of public funds under the jurisdiction of the Treasurer. The specific objectives of this investment policy will be as follows:

- (A) Safety of principal.
- (B) Diversity of investments to avoid unreasonable risks.
- (C) The portfolio shall remain sufficiently liquid to meet all operating costs which may be reasonably anticipated.
- (D) The highest interest rate will always be the objective of this policy combined with safety of principal, which is left to the discretion of the Treasurer, which includes whether or not the Treasurer will require collateralization of any deposits.
- (E) In maintaining its investment portfolio, the Treasurer shall avoid any transaction that might impair public confidence in the Treasurer’s office.
- (F) The Treasurer will give consideration to the financial institutions positive community involvement when consideration is given to the financial institution to be used as a depository.
- (G) All funds will be invested for a period of **one (1) day** or longer, depending on the requirement for the disbursement of funds.
- (H) All funds shall be deposited within **two (2) working days** at prevailing rates or better in accordance with Illinois Compiled Statutes.

22-6-4 **RESPONSIBILITY.** All investment of funds under the control of the Treasurer is the direct responsibility of the Treasurer. The Treasurer shall be responsible for all transactions and shall establish a system of controls of the activities of all subordinates who are directly involved in the assistance of such investment activities.

22-6-5 **PRUDENCE.** The standard of prudence to be used by investment officials shall be the “prudent person” and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for any individual securities credit risk or market price changes, provided that deviations from expectation are reported in a timely fashion, and appropriate action is taken to control adverse developments.

22-6-6 **ACCOUNTING.** All investment transactions shall be recorded by the Treasurer or the Treasurer's staff. A report will be generated, at least monthly, listing all active investments. Information regarding securities in portfolio by class or type, book value, interest earned and market value as of report date. This report will be made available to the County Board and Treasurer.

22-6-7 **FINANCIAL INSTITUTIONS.** The Treasurer will have the sole responsibility to select which financial institutions will be depositories for Treasurer funds. The Treasurer will take into consideration security, size, location, condition, service, fees and the community relations involvement of the financial institution when choosing a financial institution.

At no time will the Treasurer investments exceed **sixty-five percent (65%)** of the financial institutions Capital and surplus.

All financial institutions having any type of financial relationships; deposits, investments, loans, etc. are required to provide a complete and current "Call Report" required by their appropriate regulatory authority each calendar quarter within **thirty (30) days** of the "Call" request date.

22-6-8 **INVESTMENT VEHICLES.** The Treasurer will use investments approved for governmental units as set forth in the most current issue of the Illinois Compiled Statutes.

22-6-9 **COLLATERAL.** It shall be the discretion of the Treasurer to determine whether or not collateral will be required of financial institutions receiving funds from the Treasurer. At all times the Treasurer will require that deposits in excess of **thirty-five percent (35%)** of the capital and surplus of a financial institution will be collateralized. The Treasurer may request collateral for any part of deposits in financial institutions when the Treasurer determines it to be in the best interests of safeguarding the funds on deposit.

When collateral is required, **one hundred ten percent (110%)** of the deposit will be required. Only the following collateral will be accepted:

- U.S. Government direct securities
- Obligations of Federal Agencies
- Obligations of Federal Instrumentalities
- Obligations of the State of Illinois
- Obligations of the County of Monroe
- Obligations of municipalities located within the County of Monroe, subject to acceptance by the Monroe County Treasurer

Acceptable Collateral as identified in the Illinois Compiled Statutes for use by the Treasurer of the State of Illinois.

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

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the Treasurer's portfolio. Pursuant to the Public Funds Investment Act at **30 ILCS 235/2.5** and other provisions included in that Act, along with all other Statutes and Constitutional provisions regarding conflicts of interest and ethical considerations.

22-6-10 **SECURITY CONTROLS.** Only the Treasurer should be authorized to establish financial accounts for the office of Treasurer. At all times either the Treasurer, singly or signatories as designated by the Treasurer should be authorized to sign on financial accounts of the office of the Treasurer.

ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 **ADOPTION OF CODES.** The County hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

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

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

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

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

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

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

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

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

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K) **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-7-2 **NON-DISCRIMINATORY PRACTICES.** The County will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-7-3 **CONTRACTING WITH NON-COMPLAINTS.** The County will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

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

- (1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:
- (a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
 - (b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
 - (c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
 - (d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
 - (e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.
 - (f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain

compliance with the Act and the Department's Rules and Regulations.

- (g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-7-4 **OUTREACH TO ALL.** The County assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-7-5 **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the County as well as surrounding areas.

22-7-6 **ACCOMMODATIONS FOR DISABLED.** The County will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-7-7 **COMPLIANCE BY EMPLOYEES.** All County employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out County program activities.

22-7-8 **DESIGNATED ENFORCERS.** The County designates the County Board Chairman and the County Board to carry out the EEO/AA plan.

ARTICLE VIII - POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

The County wishes to provide all employees a work environment that encourages productive activity and mutual respect. To accomplish this, the County will not tolerate harassment or inappropriate conduct described in this policy by any person and will deal severely with anyone who engages in such conduct. Therefore, it shall be the County's policy to prohibit harassment of or discrimination directed toward employees because of their race, color, religion, sex, sexual orientation, gender-identity, pregnancy, childbirth, medical or common conditions relating to pregnancy or childbirth, national origin, ancestry, age, citizenship status, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, genetic information, physical or mental disability or any other protected status. This policy is in effect whenever an employee is involved in County activities to include business trips, County events, etc.

22-8-1 STATEMENT OF POLICY. It is Monroe County's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. Monroe County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, appointed officials, co-workers, or non-employees with whom Monroe County has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for Monroe County, an apprentice, an applicant for apprenticeship, or an unpaid intern. The County has appointed the State's Attorney as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and he/she is referred to in this policy as "Ethics Officer." The County reserves the right to change the Ethics Officer from time to time.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. Monroe County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. Monroe County will take disciplinary action, up to and including termination, against an employee who violates this policy.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

- (A) Submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
- (B) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
- (C) The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee as well as the harasser may be woman or a man. The employee does not have to be of the opposite sex.
- The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The employee does not have to be the person harassed but could be any one affected by the offensive conduct.

- Unlawful sexual harassment may occur without economic injury to the discharge of the employee.
- The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that Monroe County deems inappropriate and in violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes regarding disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by Monroe County and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

22-8-2 RESPONSIBILITIES.

(A) **Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

- (1) Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct.
- (2) Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
- (3) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
- (4) Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
- (5) Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney or to the Ethics Officer; and
- (6) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

(B) **Employees.** Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

- (1) Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
- (2) Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting

the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, appointed officer, co-worker, volunteer, vendor, member of public).

- (3) Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line in most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of his own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

Monroe County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

22-8-3 APPLICABLE PROCEDURES. Monroe County takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the Monroe County's complaint procedure to advise Monroe County of any perceived violation of this policy as soon as it occurs.

(A) **Bringing a Complaint.** Any employee of Monroe County who believes that there has been violation of this policy may bring the matter to the attention of Monroe County in one of the following ways:

- (1) Advising his or her supervisor or the Ethics Officer; or
- (2) Advising the offending employee's supervisor, the State's Attorney or the County Board of Commissioners in the event that the alleged harasser is the State's Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the State's Attorney.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

The County will take steps to ensure that complaints are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

(B) **Resolution of a Complaint.** Promptly after a complaint is submitted, Monroe County will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following:

- (1) A meeting between the employee making the complaint and an individual designated by Monroe County to investigate such complaints.

Important data to be provided by the complaining employee includes the following:

- (a) A description of the specific offensive conduct;
 - (b) Identification of all person(s) who engaged in the conduct;
 - (c) The location where the conduct occurred;
 - (d) The time when the conduct occurred;
 - (e) Whether there were any witnesses to the conduct;
 - (f) Whether conduct of a similar nature has occurred on prior occasions;
 - (g) Whether there are any documents which would support the complaining employee's allegations;
 - (h) What impact the conduct had on the complaining employee.
- (2) While not required, Monroe County encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
 - (3) After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of Monroe County. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.
 - (4) After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged individual may be interviewed separately.
 - (5) Once this investigation is completed, Monroe County will take such action as is appropriate based upon the information obtained in the investigation. In the event that Monroe County finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
 - (a) Verbal or written reprimand;
 - (b) Placing the offending employee on a corrective action plan for a period of time to be identified;
 - (c) Delay in pay increases or promotions;
 - (d) Suspending the offending employee from work without pay;
 - (e) Demotion;
 - (f) Immediate termination.
 - (6) Upon completion of the investigation, Monroe County will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, Monroe County looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

(C) **Non-Retaliation.** Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct charge and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, the State's Attorney or County Board. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, **740 ILCS 174/15** and the Illinois Human Rights Act, **775 ILCS 5/6-101**.

(D) **False Reports Prohibited.** It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in **Section 22-8-3(B)(5)** above.

If you have any questions concerning Monroe County's policies on this matter, please see your supervisor or the State's Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed with these state agencies. For matters involving the abuse of minors, contact the Illinois Department of Children and Family Services (DCFS), 800-25-ABUSE.

Please acknowledge receipt and review of this policy by completing the acknowledgement located in the rear of the handbook and returning it to the Human Resource Office.

ARTICLE IX – POLICY PROHIBITING SEXUAL HARASSMENT

22-9-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this Village to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-9-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made a term or condition of an individual’s employment, either explicitly or implicitly; or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

(B) Conduct which may constitute sexual harassment includes, but is not limited to:

- (1) **Verbal Harassment.** Sexual innuendoes, suggestive comments, insults, humor, jokes about: sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements of a sexual nature about other employees, even outside of their presence.
- (2) **Non-verbal Harassment.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.
- (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) **Physical Harassment.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) **Textual/Electronic Harassment.** “Sexting” (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/ video messages, intranet/on-line postings, blogs, instant messages and posts on social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

22-9-3 **PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.**

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

(1) **Electronic/Direct Communication.** If there is sexual harassment behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the village manager or administrator, or the chief executive officer of the Municipality.

The employee experiencing what he/she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.

(3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **three hundred (300) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within **three hundred (300) days**.

(4) **Allegations Made Against an Elected Official by Another Elected Official.** In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the village manager or administrator or the chief elected official of the Village. The official receiving the request shall take immediate action in keeping with the procurement process of the Village to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-9-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal office shall take any retaliatory action against any municipal employee or official due to a municipal employee's or official's:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) Providing information related to an investigation or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance with or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's or official's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against, even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (**5 ILCS 430/15-10**) provides whistleblower protection from retaliatory action, and this policy prohibits retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any officer, member, agency or other employee that the employee reasonably believes is in violation of a law, rule, or regulation; or
- (2) Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule or regulation by any officer, member, agency or other employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.

(E) Pursuant to the Whistleblower Act (**740 ILCS 174/15(a)**), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, before a legislative commission or committee or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule or regulation. (**740 ILCS 174/15(b)**).

(F) According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within **three hundred (300) days** of the alleged retaliation.

22-9-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Five Thousand Dollars (\$5,000.00)** per offense, applicable disciplinary actions or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-9-6 **CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT.** A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the Illinois State Police, a State's Attorney, the Attorney General or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Five Thousand Dollars (\$5,000.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. No. 17-11; 12-18-17)

ARTICLE X – WHISTLEBLOWER PROTECTION POLICY

22-10-1 PURPOSE. The County provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must submit a written report to the Auditing Official within **sixty (60) days** of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

22-10-2 DEFINITIONS.

(A) **Whistleblower** means an employee, as defined in this Section, of the County who:

- (1) reports an improper governmental action as defined under **50 ILCS 105/4.1** (hereinafter Section 4.1);
- (2) cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(B) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the County whose duties may include receiving, registering, and investigating complaints and information concerning misconduct, inefficiency and waste within the County; investigating the performance of officers, employees, functions and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the County.

The Auditing Official shall be the State’s Attorney until replaced by the County.

(C) **Employee** means anyone employed by the County, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1.

(D) **Improper governmental action** means any action by an employee of the County; an appointed member of a board, commission, or committee; or an elected official of the County that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee’s, elected official’s, board member’s, commission member’s or committee member’s official duties to be subject to claim of “improper governmental action.”

- (1) Improper governmental action does not include the County’s personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(E) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee’s employment status or the terms and conditions of employment that results from an employee’s protected activity under Section 4.1. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantial letters of reprimand or unsatisfactory performance

evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under Section 4.1.

22-12-3 DUTIES OF AN AUDITING OFFICIAL. Each Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints filed under Section 4.1. Each Auditing Official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures, and all other provisions of Section 4.1.

The Auditing Official must provide each employee a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

22-12-4 DUTIES OF AN EMPLOYEE. All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

22-12-5 DEFEND TRADE SECRETS ACT (18 U.S.C. § 1836) COMPLIANCE. Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(A) **Immunity.** An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that (1) is made (a) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (b) solely for the purpose of reporting or investigating a suspected violation of law; or, (2) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(B) **Use of Trade Secret Information in Anti-Retaliation Lawsuit.** An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual (1) files any document containing the trade secret under seal; and (2) does not disclose the trade secret, except pursuant to court order."

22-12-6 EMPLOYEE ACKNOWLEDGEMENT. Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the County. The form that follows on **Addendum "A"** will satisfy this requirement upon receipt.

ADDENDUM "A"

EMPLOYEE ACKNOWLEDGEMENT OF WHISTLEBLOWER PROTECTION POLICY

I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of the County.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about this Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official.

Print Name: _____

Employee Signature: _____

Date: _____

MAPPING AND PLATTING

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CHAPTER 23

MAPPING AND PLATTING

ARTICLE I – GENERAL REGULATIONS

23-1-1 **LOTS DESIGNATED.** All lots in any municipality or regularly recorded subdivision need only be designated by the number of the lot or lots and the name of the subdivision or addition to any subdivision. **(Ord. No. 89-7; 06-05-89)**

23-1-2 **ADEQUATE BEARINGS.** Any portion of lot or lots should have adequate bearings and dimensions or be tied into street or road intersections and lot lines on a recorded plat. **(Ord. No. 89-7; 06-05-89)**

23-1-3 **UNRECORDED PLAT.** No description shall refer to an unrecorded plat. **(Ord. No. 89-7; 06-05-89)**

23-1-4 **IDENTIFIED POINTS.** Metes and bounds descriptions of all tracts must begin at some known point of beginning that can be readily identified and is so established and witnessed that it can be relocated with certainty if the marker or monument that identifies the point should be destroyed or removed, and markers or monuments referred to for a beginning point must be highway or street intersections on a recorded plat, section corners, quarter section corners and boundaries or a stone or other permanent marker, properly located and witnessed. **(Ord. No. 89-7; 06-05-89)**

23-1-5 **DESCRIPTION REQUIRED OF PLATS.** All calls in the metes and bounds description must have an angular bearing or course that is defined by degrees, minutes, and seconds and must have a distance measured in chains, rods or feet and inches. Following the course of a public road is an acceptable bearing, if said bearing relates to the location of the road as of the date of the deed. The description must close; that is, if the courses and distances of the description are followed step by step from corner to corner, one must come back to place of beginning, the error of closure not greater than **one (1)** in **five thousand (5,000)**. **(Ord. No. 89-14; 09-18-89)**

Plats being submitted under the (b)(9) exception portion of the State Plat Act shall accompany the original deed and must be scaled to the size of 8 1/2" x 11 for recording. If the deed and plat are submitted for e-recording, the size restriction for the plat will not apply.

23-1-6 **CURVED LINE DESCRIPTIONS.** All calls in the description which follow a curved line must refer to the point of tangency of the curve as well as to the radius of the curve, the bearing and dimension to the radius point or must follow the curve of a street or highway as established on a recorded plat. The distance given on the call of a curved line should be identified as being measured along the curve or on the arc of the curve. **(Ord. No. 89-7; 06-05-89)**

23-1-7 **TAX DISTRICTS.** When a tract lies in **two (2)** or more tax districts, the acreage shall be divided by the assessor and improvements on such tract shall be assessed in the district in which the major portion of such improvement lies. **(Ord. No. 89-7; 06-05-89)**

23-1-8 **TRACT EXCEPTIONS.** When there is an exception to a tract, the exception must be fully described in the deed to be transferred and comply with the aforementioned requirements. **(Ord. No. 89-7; 06-05-89)**

23-1-9 **ADDRESSES OF TAXPERSONS.** All deeds and transfer declarations must list the name and address of the person or persons to whom the tax bills will be sent, and the address of the property conveyed.

23-1-10 **TRANSFERS AND REFERENCES.** All deeds will require a reference to the previous transfer by giving the book and page number, and no instrument by which the title to real estate or any interest therein or lien thereon is conveyed, created, encumbered, assigned or otherwise disposed of, shall be recorded by the Recorder of Deeds unless the name, address and telephone number of the person who, or government agency which, drafted such instrument is printed, typewritten, stamped or written thereon in a legible manner. **(Ord. No. 89-14; 09-18-89)**

23-1-11 **PERMANENT PARCEL NUMBER ON INSTRUMENT.** The instrument shall contain the permanent parcel index number of the parcel conveyed on the face of the instrument immediately under the property description. **(Ord. No. 89-7; 06-05-89)**

23-1-12 **COUNTY LINES.** When a metes and bounds description is used, and the parcel being described crosses over a county boundary line, the description should describe the area of the parcel in each county. **(Ord. No. 89-7; 06-05-89)**

23-1-13 **REAL ESTATE TRANSFER DECLARATION.** A deed that is being recorded which requires a Real Estate Transfer Declaration, such declaration shall accompany the deed when the deed is being recorded. The deed must be marked as acceptable by mapping and platting before either one may be recorded. **(Ord. No. 89-7; 06-05-89)**

23-1-14 **TRANSFER BY WILL OR COURT ORDER.** When a will or other court action transfers ownership or interest in a parcel, a deed shall be recorded in the Recorder of Deeds Office under the guidelines stated in this Chapter. **(Ord. No. 89-7; 06-05-89)**

23-1-15 **REQUIREMENTS OF SUBDIVISION CODE.** No plat of a subdivision shall be marked as approved for recording unless the plat has previously been approved through the provisions of the Monroe County Subdivision Code. **(Ord. No. 89-7; 06-05-89) (See Ch. 34 of County Code)**

23-1-16 **ROAD APPROVAL CRITERIA.** For purposes of deed or plat approval under the provisions of this Code a road shall be identified and determined acceptable only when it meets the following criteria:

- (A) Road must have been platted and recorded in the County Clerk's office prior to **July 1, 1989**; or
- (B) Must be shown as a maintained county or road district road, as certified to the Superintendent of Highways by the respective road district commissioner, and maintained in a booklet in the Superintendent of Highway's Office.

Any plat or deed making reference to a road not meeting the above criteria must be approved through the procedures of the Monroe County Subdivision Code. **(Ord. No. 90-01; 01-02-90)**

23-1-17 **REQUIRED APPROVAL SEAL.** Upon passing this Code it shall be required that any deed or plat prior to being recorded must be checked and approved for compliance of the provisions of the Plat Act and of this Code. The Commissioners of Monroe County shall appoint a person, and establish an office of Mapping and Platting, setting forth the authority to approve or disapprove any deed or plat that does not meet the requirements of the Plat Act or of this Code. Any deed or plat not carrying the required approval seal shall not be recorded by the County Clerk and Recorder. **(Ord. No. 89-7; 06-05-89)**

23-1-18 **FEE.** A fee shall be levied against every deed or plat that is recorded in the County. This fee shall consist of a **Ten Dollar (\$10.00)** charge which shall be added to and collected at the time the deed or plat is reviewed. County, State and Federal Governments will be exempt from this fee. The monies collected by this fee shall then be deposited into the County's general fund to reimburse the County for providing this service. **(Ord. No. 89-14; 09-18-89)**

ARTICLE II - ADMINISTRATION

23-2-1 **OFFICE CREATED.** There is hereby created the office of Director of Mapping & Platting, who shall hereinafter be referred to as the "Director". The Director shall be appointed by the County Commissioners at the regular December meeting each year.

23-2-2 **DUTIES AND RESPONSIBILITIES.** The Director or a designated representative shall be responsible for the following:

- (A) Review all deeds, before they are recorded, to insure they comply with the State Plat Act and the County Code pertaining to Mapping & Platting;
- (B) Review all plats, prior to recording, to insure they have the required information to comply with the State Plat Act and County Subdivision Code;
- (C) Update property maps for the County, whenever a plat is filed, property is divided, corporate lines are changed, or any other map corrections are approved;
- (D) Issue new parcel numbers and prepare property record cards, whenever property is divided or a plat is filed;
- (E) Prepare and keep updated a prior deed list for every parcel in the County; and
- (F) Run a complete set of maps yearly for the Mapping & Platting Office, and County Clerk's Office, in addition to, individual maps on a daily basis for the general public.

[See also Chapters 1, 34 and 40]

MOTOR VEHICLE CODE

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CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I – DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled “**Title and Definitions**”, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the County, the provisions thereof shall be controlling within the County. **(See 55 ILCS 5/5-6001 et seq.)**

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the Sheriff’s Department, Special Deputies, and Auxiliary Deputies assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Code 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 cases of emergency, it shall be unlawful for any person not authorized by law to direct traffic. **(See 625 ILCS 5/11-203)**

24-2-2 **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 has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Sheriff’s Department.

24-2-3 **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 County or in accordance with the laws of the State of Illinois except upon direction of a police officer or Sheriff’s deputy. All signs and signals established by direction of the governing body shall conform to the **Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways**. **(See 625 ILCS 5/11-301)**

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal. **(See 625 ILCS 5/11-310)**

24-2-5 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal. **(See 625 ILCS 5/11-311)**

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the County any sign, signal, marking or device other than a traffic sign or signal authorized by the County Board or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapter 40 - Zoning Code)**

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **THROUGH STREETS.** The streets and parts of streets of the County designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer.

24-3-2 **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. **(See 625 ILCS 5/11-208)**

24-3-3 **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. **Schedule "A"** shall list all stop intersections. **(See 625 ILCS 5/11-302)**

24-3-4 **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **Schedule "A"** shall list all applicable yield right-of-way intersections. **(See 625 ILCS 5/11-302)**

24-3-5 **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS 5/11-304)**

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Article II**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the County and the provisions thereof shall be controlling within the County except for the following changes, deletions and omissions:

- (A) **Omissions:**
- (1) Omit Sections 5/11-202, 5/11-204, 5/11-207, 5/11-208, 5/11-208.1, 5/11-208.2, 5/11-209, 5/11-211, 5/11-302, 5/11-303, 5/11-500 to and including 5/11-504, 5/11-602, 5/11-603, 5/11-604, 5/11-606(b), 5/11-608, 11-1419.02, and 11-1422.
- (B) **Changes and Additions:**
- (1) Change 5/11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
 - (2) Change 5/11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 **DRIVING RULES.**

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the County in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) **Drag Racing Unlawful.** No person shall be a participant in drag racing as defined in **Section 5/11-504 of the Illinois Compiled Statutes.**

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in a peace officer's uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official emergency vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** The Department of Local Authorities with reference to traffic-control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths of an inch (3/8")** or more than **three-fourths of an inch (3/4")** in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department, deputy sheriffs, contractors and their employees engaged in highway construction, contract or work on the highway approved by the Department, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified. **(See 625 ILCS 5/11-313)**

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the County and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. **(See 625 ILCS 5/11-608)**

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the County Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street, unless otherwise posted. **(Schedule "C" shall be an integral part of this Section.) (See 625 ILCS 5/11-604)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This Section shall not be applicable unless appropriate signs are posted upon streets and maintained by the County or State wherein the school zone is located. **(See 625 ILCS 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and roads of this County at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or roads. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and it is the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the County has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets or roads in the County.

(K) **Traffic Lane.** A vehicle shall be driven within the boundaries of the traffic lane that the driver is using.

24-4-3 TRANSPORTING LIQUOR IN VEHICLES. No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in the County except in the original container and with the seal unbroken. **(See 625 ILCS 5/11-502)**

24-4-4 EXCESSIVE NOISE - STOPPED VEHICLE. No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-5 EXCESSIVE NOISE - WHEELS. No operator of a motor vehicle shall, when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-6 EXCESSIVE NOISE - SQUEALING TIRES. No operator of a motor vehicle shall accelerate the engine thereof when shifting the gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS 5/11-505)**

24-4-7 RECKLESS, NEGLIGENT OR CARELESS DRIVING. It shall be unlawful to operate any vehicle in the County in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-8 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

24-4-9 **ELECTRONIC COMMUNICATION DEVICES.** As defined in this Section, "electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or device that is physically or electronically integrated into the motor vehicle.

(A) **Prohibited Use.** A person may not operate a motor vehicle on any street or other public way while using an electronic communication device. The term "use" shall include without limitation:

- (1) Talking or listening to another person on the telephone.
- (2) Text messaging.
- (3) Sending, reading or listening to an electronic message.
- (4) Browsing the internet.

(B) **Exemptions.** This Section does not apply to:

- (1) A law enforcement officer or operator of emergency vehicle while performing his or her official duties.
- (2) A driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during an emergency situation.
- (3) A driver using an electronic communication device in a hands-free or voice operated mode, which may include the use of a headset.
- (4) A driver of commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed **ten (10) inches** tall by **ten (10) inches** wide in size.
- (5) A driver using an electronic communication device while parked on the shoulder of a roadway.
- (6) A driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park.
- (7) A driver using two-way or citizens band radio services.
- (8) A driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in amateur radio service.
- (9) A driver using an electronic communication device by pressing a single button to initiate or termination of a voice communication.
- (10) A driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal assistant for a purpose that is not otherwise prohibited in this Section.

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Article 5/12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the County and the provisions thereof shall be controlling within the County, except for the last sentence of Sections 5/12-205, beginning with "the" and ending with "act", 5/12-605, and 5/12-605.1.

24-5-2 **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise.

24-5-3 **SOUND AMPLIFICATION SYSTEM.** No driver of any motor vehicle within this Village shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the device is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This Section shall not apply to authorized emergency vehicles. **(See 625 ILCS 5/12-611)**

24-5-4 **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for an operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the Village that emits excessive noise unless it is an emergency. The Superintendent is authorized and directed to post signs stating: "**EXCESSIVE ENGINE BRAKING NOISE PROHIBITED**" at appropriate locations. **(See 625 ILCS 5/12-602.1)**

ARTICLE VI - PARKING RULES

24-6-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 **PARKING FOR SALE OR REPAIR.** No person shall park a vehicle upon any street or road for the purpose of:

- (A) displaying such vehicle for sale; or
- (B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

24-6-3 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer, deputy sheriff, or official traffic-control devices, no person shall:

- (1) **Stop, Stand or Park a Vehicle:**
 - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (b) On a sidewalk;
 - (c) Within an intersection;
 - (d) On a crosswalk;
 - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (h) On any railroad tracks;
 - (i) At any place where official signs prohibit stopping;
 - (j) On any controlled-access highway;
 - (k) In the area between roadways of a divided highway, including crossovers;
 - (l) In any alley that is open and maintained;
- (2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):
 - (a) In front of a public or private driveway;
 - (b) Within **fifteen (15) feet** of a fire hydrant;
 - (c) Within **twenty (20) feet** of a crosswalk at an intersection;
 - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway;
 - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted);
 - (f) At any place where official signs prohibit standing or parking;
- (3) **Park a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
 - (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;

- (b) at any place where official signs prohibit parking;
 - (c) that is classed as a recreational vehicle on a public street, highway, or road.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. **(See 625 ILCS 5/11-1303)**

24-6-4 PARKING FOR THE HANDICAPPED.

(A) **Designated Parking.** Certain parking spaces within the confines of the County shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the County.

(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(See 625 ILCS 5/11-1301.2)**

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency or a County Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes.** The registered owner of the vehicle, as ascertained by the registration plates of the vehicle, will be presumed to be in control of the vehicle and will be fined **Two Hundred Dollars (\$200.00)** for violation of this Article. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle.

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H"**.

24-6-5 LOAD LIMITS. All vehicles whose gross weight results in an axle load or more than **eight thousand (8,000) pounds** or a load or more than **four hundred (400) pounds** per inch of tire, and if the vehicle has dual tires, the load per inch of tire shall not exceed **three hundred (300) pounds**, and in all cases of tires equipped with chains or other non-skid devices the load per inch of tire shall not exceed **two hundred (200) pounds**, are hereby prohibited upon several County Highways during the months of February to April, provided that the County Engineer shall cause to be erected and maintain signs designating the provisions of this Section at each end of any highway that requires the invoking of the terms of this Section to prevent the County Highways from being seriously damaged or destroyed. The signs to be erected shall be in the following form:

"WARNING"

LOAD RESTRICTIONS

"No vehicle shall be operated over this Route No. _____ between _____ and _____ whose gross weight results in an axle load of more than 8,000 pounds or a load of more than 400 pounds per inch of tire and if the vehicle has dual tires the load per inch of tire shall not exceed 300 pounds, and in all cases of tires equipped with chains or other non-skid devices the load per inch of tire shall not exceed 200 pounds.

**Ordered by Ordinance of the Monroe County Board of Commissioners by authority of Section 134 of "An Uniform Act to Regulate Traffic on Highways", approved July 9, 1935.
By Authority of Ordinance on file in the office of the County Engineer of Monroe County, Illinois."**

The County Engineer shall maintain in his office at all times for public inspection, a map showing the County Highways or Section thereof on which such load restrictions are being invoked.

24-6-6 TOWING CARS AWAY. The Sheriff's Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours** or more. Vehicles towed away shall be stored on any County property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the County in removing and storing such vehicle(s).

24-6-7 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

ARTICLE VII – ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES

24-7-1 ABANDONMENT OF VEHICLES PROHIBITED.

(A) The abandonment of a vehicle or any part thereof on any highway in this County is unlawful and subject to penalties as set forth under **Section 1-1-20** of this Code.

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this County is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the County, after a waiting period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

(C) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the County or a law enforcement agency. **(625 ILCS 5/4-201)**

24-7-2 ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.

When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this County, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of any County having a duly authorized police department, or the State Police or the county sheriff when the vehicle is outside the corporate limits of the County. Upon receipt of such notification, the municipal police will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

24-7-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.

(A) When a vehicle is abandoned on a highway in an urban district **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C) 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 or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

24-7-4 POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT. When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The police headquarters or office of the law officer authorizing the towing 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, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

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

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-204)**

24-7-5 RECORD SEARCHES FOR UNKNOWN OWNER.

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

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

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

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

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

24-7-6 IDENTIFYING AND TRACING OF VEHICLE. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 24-7-5** of this Code. **(625 ILCS 5/4-206)**

24-7-7 RECLAIMED VEHICLES; EXPENSES.

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.

(A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. 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 on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.

(B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(C) In those instances where the certified notification specified in **Section 24-7-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided for in **Section 24-7-8** without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Article, or when any such vehicle is towed at the request or with the

consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen 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, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
 - (2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.
- (C) **Antique Vehicle.** A vehicle classified as an antique vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it. **(625 ILCS Sec. 5/4-209)**

24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

24-7-11 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

24-7-12 POLICE RECORD FOR DISPOSED VEHICLE. When a vehicle in the custody of the County or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.

(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction 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 treasury of the County.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

24-7-14 LIABILITY OF LAW ENFORCEMENT OFFICERS.

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a 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, lienholder or any other person

legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

24-7-15 VIOLATIONS OF ARTICLE.

(A) Any person who violates **Section 24-7-1** of this Article or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of **Five Hundred Dollars (\$500.00)**; and
- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 24-7-3(A) and (E)**.

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

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle; or
- (2) the vehicle was sold or transferred, and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

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

(See also 625 ILCS 5/4-201 et seq.)

ARTICLE VIII - BICYCLE REGULATIONS

24-8-1 APPLICABILITY OF TRAFFIC REGULATIONS.

(A) The regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this Chapter.

(B) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by this title applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those regulations which by their nature can have no application.

(C) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer or sheriff's deputy.

(D) Whenever authorized signs are erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

24-8-2 RIDING RESTRICTIONS.

(A) A person propelling a bicycle shall not ride other than astride a permanent or regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at **one (1) time** than the number for which it is designed and equipped.

24-8-3 RIDING PROCEDURES ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than **two (2) abreast** except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

24-8-4 SPEED RESTRICTION. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

24-8-5 PROCEDURE ON ENTERING PUBLIC WAYS. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

24-8-6 RESTRICTIONS ON CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least **one (1) hand** upon the handlebars.

24-8-7 **PARKING RESTRICTIONS.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at a curb, in such a manner as to obstruct pedestrian traffic.

24-8-8 **PROCEDURE WHEN RIDING ON SIDEWALK.** Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

24-8-9 **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front and with a red reflector on the rear of a type approved by the Illinois Department of Transportation which shall be visible from all distances of **one hundred (100) feet** to **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred (200) feet.**

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of **five hundred (500) feet** and shall be essentially colorless or red or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least **three-sixteenths (3/16)** of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front facing reflector.

24-8-10 **REGISTRATION.**

(A) All groups of **fifty (50)** or more planning to ride on the Monroe County Highway System are required to obtain a permit from the Monroe County Sheriff at least **thirty (30) days** prior to said ride. No more than **three hundred (300) participants** total per day shall be permitted during events on the County Highway System.

(B) A group is defined as a number of individuals who by invitation, planning or design are using the Monroe County Highway System on the same day, regardless of whether they ride/walk/run in a contiguous formation.

(C) The Sheriff, with the advice and consent of the County Engineer, shall consider relevant factors, including, but not limited to, road conditions, traffic volume, construction, special events and compliance with rules during previous rides, when determining whether to issue a permit. The Sheriff shall issue or deny the permit within **ten (10) days** of application.

(D) Permit applications shall contain the following information:

- (1) The name of the organization sponsoring the event, if any.
- (2) The date of the event.
- (3) The number of participants estimated to participate in the event.
- (4) The proposed route of the event.

(5) The location of all rest stops.

(E) Persons participating in the event shall obey all traffic and other laws of the State of Illinois and all ordinances of the County of Monroe and shall not enter upon private property without permission of the owner.

(F) Participating in a group event without having first obtained a permit pursuant to this Section is a violation of this Code.

(Ord. No. 16-2; 05-16-16)

ARTICLE IX - PENALTY

24-9-1 **PENALTY.** A fee of **Thirty Dollars (\$30.00)** shall be added to all fines imposed for violation of **625 ILCS 5/11-501** (Driving Under the Influence of Alcohol), of the Illinois Vehicle Code, and committed in Monroe County, Illinois. Such fee shall be used to finance the court system in Monroe County. **(Ord. No. 86-18; 10-06-86)**

LIST OF SCHEDULES

<u>SCHEDULE</u>	<u>TITLE</u>	<u>PAGE</u>
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"B"	No Parking Streets/Roads	MV-10
"C"	Speed Zone Areas	MV-11

NOTES:

The following abbreviations shall apply to these Schedules:

FAS	Federal Aid Secondary
C.H.	County Highway
T.R.	Township Route
MPH	Miles Per Hour

SCHEDULE "A"

THROUGH, STOP AND YIELD STREETS/ROADS

In accordance with the provisions of Section 24-3-1 and Section 24-3-3, the following streets are hereby declared to be stop and through intersections.

Kaskaskia Road (County Highway No. 1) Through Road.

G Road Stop at Intersection.
Lemen Road Stop at Intersection.
KK Road (Burksville) (2) Stop at Intersection.
Sprankel Road Stop at Intersection.
LL Road (2) Stop at Intersection.
MM Road Stop at Intersection.
Henning Road Stop at Intersection.
Fults Road Stop at Intersection.
Grant Road Stop at Intersection.
County Highway No. 4 Stop at Renault Intersection.
Southfork Yield at Intersection.

G Road (County Highway No. 1) Through Road from Renault to VV Road.

VV Road Stop at Intersection.
County Highway No. 9 Stop at G Road Intersection.

Renault (County Highway No. 1) Main Street, 2nd Street, Washington Street

All Renault Side Roads Stop at Intersection.
Southfork Yield at Main Street.

VV Road (County Highway No. 1) Through Road from the Intersection of G Road to Ames Road.

G Road Stop at Intersection (2).
Carr Road Stop at Intersection (2).
McBride Road Stop at Intersection.

Floraville Road (County Highway No. 2) Through Road.

Martini Road Stop at Intersection.
Kopp Road Stop at Intersection.
Gilmore Lake Road Stop at Intersection.
Grand Prairie Drive Stop at Intersection.
Sunflower Drive Stop at Intersection.
Covered Bridge Drive Stop at Intersection.
Lake Lucille Drive Stop at Intersection.

Rogers Street (County Highway No. 2) Through Road from Covington Drive to Country Club.

Hannah Stop at Intersection.
Bradford Stop at Intersection.
Benjamin Stop at Intersection (2).

Bluff Road (County Highway No. 3) Through Road South of Old Route 156 to Maeystown Road.

Harris Road Stop at Intersection.
Baer Road Stop at Intersection.
KK Road Stop at Intersection (Monroe City Road).
KK Road Stop at Intersection (West).
Outlet Road Stop at Intersection.
Maeystown Road (W) TR 32 Stop at Intersection.

Bluff Road (County Highway No. 3) Through Road South of Maeystown Road.

Chalfin Bridge, West Stop at Intersection.
Steffen Road Stop at Intersection.
Ivy Road (Fults) Stop at Intersection.
Fults Road Stop at Intersection (2).
Kidd Lake Road Stop at Intersection.
Kaskaskia Road Stop at Intersection (2).
G Road Stop at Intersection (County Highway No. 9).

Ames Road (County Highway No. 5) Through Road.

MM Road Stop at Intersection.
South Fork Road Stop at Intersection.
Faust Road Stop at Intersection (2).
VV Road Stop at Intersection (Ames) (2).

Ames Road Connector Through Road.

Ames Road Stop at Intersection (2).

Palmer Road (County Highway No. 6) Through Road DD Road to North Bound Route 3 Approach.

Southport Drive Stop at Intersection.
South Bound Exit Ramp Route 3 Stop at Intersection.
North Bound Exit Ramp Route 3 Stop at Intersection.

Bluff Road (County Highway No. 6) Through Road DD Road to Old Route 156.

Sandbank Stop at Intersection.
Old Bluff Road Stop at Intersection.
Valmeyer Road Stop at Intersection.
Bottom Road Stop at Intersection.
Steppig Road (Easts) Stop at Intersection.
Steppig Road (West) Stop at Intersection.
Sandalwood Drive Stop at Intersection.
Harris Road Stop at Intersection.
Hanover Road (County Highway No. 8) Stop at Intersection.
B Road Stop at Intersection.
HH Road Stop at Intersection (2).
Fountain Road Stop at Intersection.
Herbst Road Stop at Intersection.
Ziebold Road Stop at Intersection.
Trout Hollow Road Stop at Intersection.
Woodland Ridge (County Highway 11) Stop at Intersection.
Old Bluff Road Stop at Intersection.
Quarry Road Stop at Intersection (2).
Mar Graphics Stop at Intersection.
School Street Stop at Intersection (2).

Sandbank Road (County Highway 6B) Through Road.

Old Bluff Road Stop at Intersection.

Maeystown Road/Baum Road (County Highway No. 7) Through Road Waterloo City Limits to Mill Street (South).

JJ Road Stop at Intersection.
Ahne Road Stop at Intersection.
LRC Road Stop at Intersection.
KK Road Stop at Intersection (2).
Koch Road Stop at Intersection (2).

Mill Street (North) Stop at Intersection.
Baum Road Stop at Intersection.
Hornbeck Road Stop at Intersection.

Maeystown Road (County Highway No. 7) Through Road Mill Street to Bluff Road. (C.H. 3).
Brandt Road Stop at Intersection.
Bluff Road (S) Stop at Intersection.

Hanover Road (C.H. 8) Through Road.
D Road Stop at Intersection (2).
Andy Road Stop at Intersection.
High Meadows Drive Stop at Intersection.
Eda Lane Stop at Intersection.
Gall Road Stop at Intersection (2).
FF Road Stop at Intersection.
Huch Lane Stop at Intersection.
Hanover Industrial Drive Stop at Intersection.

Old Route 3 (C.H. 10) Through Road.
JJ Road Stop at Intersection.

Route 156 (County Highway No. 12) Through Road.
West Street Stop at Intersection.
Brian Street Stop at Intersection.
John Casper Stop at Intersection.
Lagoon Street Stop at Intersection.
Lake Street Stop at Intersection (2).
First Street Stop at Intersection (2).
Second Street Stop at Intersection.
Bluff Road (C.H. 6) Stop at Intersection.
Third Street Stop at Intersection.
Fourth Street Stop at Intersection (2).
Miller Street Stop at Intersection.
Bluff Road (C.H. 3) Stop at Intersection.
School Street Stop at Intersection (2).
Park Street Stop at Intersection.
Bluffside Stop at Intersection.
Quarry Stop at Intersection.

Road District No. 1.

Nike Road (T.R. 85 & T.R. 98) Through Road Hecker to County Line.
M Road Yield at Intersection (T.R. 96).
Kaiser Road Stop at Intersection (T.R. 94).
Beck Road Stop at Intersection (T.R. 98).

Wiegand Road (T.R. 89) Through Road Route 159 to M Road.
M Road Stop at Intersection (South T.R. 96).

LL Road (T.R. 119) Through Road Doyle Road to Route 159.
Doyle Road Stop at Intersection (T.R. 138).
L Road Stop at Intersection (T.R. 136).
Powell Road Stop at Intersection (T.R. 140).

LL Road (T.R. 119 & T.R. 121) Through Road Route 159 to Brickey Road.
Brickey Road Stop at Intersection (T.R. 119).

Brickey Road (T.R. 119) Through Road Obst Road to Prairie Road.
Obst Road Yield at Intersection (T.R. 142).
Prairie Road Stop at Intersection (2) (T.R. 144).

Road District No. 2.

Coxeyville Road (T.R. 51) District Limits to Gilmore Lake Road.
Fernwood Drive Stop at Intersection.
Gilmore Lake Road (North) Stop at Intersection (T.R. 66A).

Gilmore Lake Road (T.R. 51) Coxeyville Road to Floraville Road.
Keim Road Stop at Intersection (T.R. 53).
Country Club Road Stop at Intersection (T.R. 55).

Kopp Road (T.R. 82) Martini Road (T.R. 59) Intersection.
Stop 4-Way No Through Road.

Konarcik Road (T.R. 71) 171 ft. east of Osterhage Drive to Kopp Road.
Country Lakes Lane Stop at Intersection.
Heck Drive Stop at Intersection.
Kopp Road Stop at Intersection (T.R. 82).

Goeddeltown Road (T.R. 75, T.R. 90 & T.R. 73) Route 156 to County Line.
H Road Stop at Intersection (T.R. 88).
K Road Stop at Intersection (T.R. 75).
Konarcik Road Stop at Intersection (T.R. 90).

H Road (T.R. 88) Goeddeltown Road to District Limits.
Willow Bend Lane Stop at Intersection.
Lakeside Drive Stop at Interseciton.

Fernwood Drive (T.R. 224) Through Road.
Fawn Drive Stop at Intersection (T.R. 224A).

Country Lakes Lane (T.R. 71E) Through Road.
Country Lakes Lane Stop at Intersection (T.R. 71E).

Heck Drive (T.R. 71B) Through Road.
East Haven Court Stop at Intersection (T.R. 71G).

Road District No. 3.

Old Red Bud Road (T.R. 79) Route 3 to Quarry Road.
Old Red Bud Road Stop at Intersection (T.R. 106).

KK Road (T.R. 91) District Limits to Sportsman Road.
G Road Stop at Intersection (T.R. 110).
G Road Stop at Intersection (T.R. 128).

LL Road (T.R. 129) G Road to R Road.
G Road Stop at Intersection (T.R. 128).

Sportsman Road (T.R. 108) Route 3 to S Road.
Grandview Terrace Stop at Intersection (T.R. 108B).
KK Road Stop at Intersection (T.R. 101).
KK Road Stop at Intersection (T.R. 91).
Second Street Stop at Intersection (T.R. 91).

Sportsman Road (T.R. 115) S Road to LL Road.
LL Road Stop at Intersection (T.R. 115).

Kern Road (T.R. 81) KK Road to LL Road.
KK Road Stop at Intersection (T.R. 101).

LL Road (T.R. 115) Sportsman Road to Route 3.
Kern Road Stop at Intersection (2) (T.R. 81).

J Road (T.R. 102) Route 156 to Crook Road.
Lake Forest Drive Stop at Intersection (T.R. 102A).
Lake Forest Drive Stop at Intersection (T.R. 102A).
KK Road Stop at Intersection (T.R. 81).
J Road Stop at Intersection (T.R. 83).

J Road (T.R. 134) SS Road to LL Road.
SS Road Stop at Intersection (T.R. 83).
LL Road Stop at Intersection (T.R. 115).
J Road Stop at Intersection (T.R. 119).
LL Road Yield at Intersection (T.R. 119).

Edge Water Drive (T.R. 75E) Through Road.
Spring Lake Drive Stop at Intersection (T.R. 75G).

Old Stille Drive (T.R. 75F) Through Road.
Edge Water Drive Stop at Intersection (T.R. 75E).

Old Stille Drive (T.R. 75F) and Lake Forest Drive (T.R. 102A).
Stop 3-Way No Through Road.

KK Road (T.R. 81) Route 3 to J Road.
Winding Path Lane Stop at Intersection (T.R. 82A).

Winding Path Lane (T.R. 82A) Through Road.
Illini Trail Stop at Intersection (T.R. 82B).
Woodland Trail Stop at Intersection (T.R. 82C).
Briar Trail Stop at Intersection (T.R. 82D).
Mohawk Trail Stop at Intersection (T.R. 82E).
Redbird Lane Stop at Intersection (T.R. 82F).

LL Road (T.R. 115) Route 3 to J Road.
Dusty's Trail Stop at Intersection (T.R. 115A).

Oak Valley Drive (T.R. 78) Through Road.
Willow Oak Lane Stop at Intersection (2) (T.R. 78A).

Red Oak Drive (T.R. 78C).
Pin Oak Drive Stop at Intersection (2) (T.R. 78D).

Oak Falls Drive (T.R. 78B).
Pin Oak Drive Stop at Intersection (2) (T.R. 78D).

Road District No. 5.

BB Road (T.R. 1) Levee Road to Columbia City Limits.
Bixby Road Stop at Intersection (T.R. 1D).

Bottom Road (T.R. 13) Through Road.
Levee Road Stop at Intersection (T.R. 28).
DD Road Stop at Intersection (2) (T.R. 7).

Valmeyer Road (Municipal Street) Through Road.
D Road Stop at Intersection (T.R. 56).

D Road (T.R. 56A) Columbia City Limits to District Line.
Croatia Drive Stop at Intersection (T.R. 57).
Steppig Road Stop at Intersection (T.R. 25).

Gall Road (T.R. 68B) Columbia City Limits to District Line.
Steppig Road Stop at Intersection (T.R. 25).
Sweet Briar Lane Stop at Intersection (T.R. 25D).
Red Brick Lane Stop at Intersection (T.R. 25G).

Hill Castle Road (T.R. 70) Through Road.
Hill Castle Court Stop at Intersection (T.R. 70B).

FF Road (T.R. 39) Through Road.
Coachstop Stop at Intersection (T.R. 39D).

EE Road (T.R. 29) Route 3 to Gilmore Lake Road.
Booster Station Stop at Intersection (T.R. 29A).
Caring Way Stop at Intersection (T.R. 29C).
Christopher Lake Drive Stop at Intersection (T.R. 29D).

Gilmore Lake Road (Municipal Street & T.R. 27) Route 3 to EE Road.
Meadow Court Stop at Intersection (T.R. 27A).
Centerville Road Stop at Intersection (T.R. 64).

Gilmore Lake Road (T.R. 66) Through Road.
EE Road Stop at Intersection (T.R. 29).

EE Road (T.R. 29) Gilmore Lake Road to County Line.
Gilmore Lake Road Stop at Intersection (2) (T.R. 29).

Sweetbriar Lane (T.R. 25D) Through Road.
Rosewood Lane Stop at Intersection (T.R. 25 & 25A).

Christopher Lake Drive (T.R. 29D) Through Road.
Andrew Court Stop at Intersection (T.R. 29E).

Road District No. 6.

D Road/HH Road (T.R. 47) HH Road to HH Road.
D Road Stop at Intersection (T.R. 52).

D Road (T.R. 56B)/D Road (T.R. 47) Hanover Road to HH Road.
HH Road Stop at Intersection (T.R. 47).
Prairie Lake Drive Stop at Intersection (T.R. 56C).
Estate Drive Stop at Intersection (T.R. 35B).

HH Road (T.R. 47) D Road to Waterloo City Limits.
Deer Hill Road Stop at Intersection (T.R. 80).
Buck Run Stop at Intersection (T.R. 222).
Prairie Rose (W) Stop at Intersection (T.R. 222C).
Prairie Rose (E) Stop at Intersection (T.R. 222C).
Andy Road Stop at Intersection (T.R. 72).
Briar Creek Lane Stop at Intersection (T.R. 74A).
Gall Road Stop at Intersection (T.R. 74).
Gall Road Stop at Intersection (T.R. 61).

GG Road (T.R. 49) Eastbound – Moore Street Intersection.
GG Road Yield at Intersection (T.R. 49) Westbound.

Deer Hill Road (T.R. 50)/Trout Camp Road (T.R. 69) Route 156 to Route 156.
Trout Camp Road Yield at Intersection (T.R. 69) (W).
Deer Hill Road Yield at Intersection (T.R. 80).
Camp Vandeventer Stop at Intersection.

Gall Road (T.R. 61) Southbound – Ann Briar Golf Course.
Gall Road Yield at Intersection (T.R. 61) Westbound.

Coxeyville Road (T.R. 51C) Through Road.
Trolley Road Stop at Intersection (T.R. 51B).
Coxeyville Road Stop at Intersection (T.R. 51B).

Coxeyville Road/Summer Road (T.R. 51B) Through Road.
Coxeyville Road Stop at Intersection (T.R. 51).

Hanover Industrial Drive (T.R. 41) Through Road.
Midway Boulevard Stop at Intersection.

Andy Road (T.R. 72) Through Road.
Rose Berry Drive Stop at Intersection (T.R. 72C).
White Oak Stop at Intersection (T.R. 72A).

Prairie Lake Drive (T.R. 56C) Through Road.
Blue Bell Lane Stop at Intersection (T.R. 56D).

Buck Run (T.R. 222) Through Road.
White Tail Circle Stop at Intersection (T.R. 222A).

Briar Creek Lane (T.R. 74A).
Wood Ridge Court Stop at Intersection (T.R. 74B).
Parkview Lane Stop at Intersection (T.R. 74C).

Trout Camp Road (T.R. 69) Through Road.
Woodhill Run Stop at Intersection (T.R. 76).

Estate Drive (T.R. 35B) Through Road.
Henke Court Stop at Intersection (T.R. 35C).

Autumn Ridge (T.R. 72E) Through Road.
High Meadows Drive (T.R. 72D).

Road District No. 7.

KK Road (T.R. 91) Deer Hill Road to Maeystown Road.
Maey Road Stop at Intersection (T.R. 118).

KK Road (T.R. 91) Maeystown Road to Kaskaskia Road.
Bushy Prairie Road Stop at Intersection (T.R. 126).

LL Road (T.R. 129) Altes Road to Maus Road.
Altes Road Stop at Intersection (T.R. 120).
Rolling Hills Stop at Intersection (T.R. 148A).
Maus Road Stop at Intersection (T.R. 126).

JJ Road (T.R. 77) Maeystown Road to Route 3 Connector.
Lemen Road Stop at Intersection (T.R. 112).

Old Baum Church Road (T.R. 116) Through Road.
Chantilly Bend Stop at Intersection (T.R. 116A).
Clover Dell Lane Stop at Intersection (T.R. 116D).

Clover Dell Lane (T.R. 116D) Through Road.
Chantilly Bend Stop at Intersection (T.R. 116A).
Monarch Crossing Stop at Intersection (T.R. 116E).

Chantilly Bend (T.R. 116A) Through Road.
Weeping Willow Court Stop at Intersection (T.R. 116C).
Stable Ridge Run Stop at Intersection (T.R. 116B).

Monarch Crossing (T.R. 116E) Through Road.
Acorns Crossing Stop at Intersection.

Road District No. 8.

Sutterville Road (T.R. 120 & T.R. 131) Bluff Road to Maus Road.
Fults Road Yield at Intersection (T.R. 141).
Brandt Road Yield at Intersection (T.R. 10).
Altes Road Yield at Intersection (T.R. 120).
Maus Road (South) Yield at Intersection (T.R. 126).

Fults Road (T.R. 141) Grant Road to Kaskaskia Road.
Maus Road Yield at Intersection (T.R. 126).

LL Road (T.R. 129) Road District No. 7 Maintenance Altes Road to Maus Road.
Altes Road Stop at Intersection (T.R. 120).

LL Road (T.R. 129) Maus Road to Kaskaskia Road.
LL road (West) Stop at Intersection (T.R. 129).
Maus Road Stop at Intersection (T.R. 126).

Road District No. 9.

HH Road (T.R. 47) Through Road.

HH Road Yield at Intersection (T.R. 47A).

D Road (T.R. 52) Through Road.

Trout Hollow Road Yield at Intersection (T.R. 67).

Road District No. 10.

Route 156 (T.R. 12) Through Road.

B Road Stop at Intersection (2) (T.R. 20).

A Road Stop at Intersection (T.R. 6).

Levee Road (T.R. 6) Walnut Road, South.

Levee Road Yield at Intersection (T.R. 6).

SCHEDULE "B"

NO PARKING STREETS/ROADS

In accordance with the provisions of Section 24-6-2 and Section 24-6-3 the following roads and streets are hereby declared to be "no-parking zones".

That portion of County Highway No. 1 (Kaskaskia Road) in Burksville along the east side of the road at the intersection with Burksville Street within twenty-five (25) feet of either side of the intersection.

That portion of Bluff Road (South), County Highway 3, from five hundred (500) feet northwest of Ivy Road to two thousand four hundred (2,400) feet northwest of Ivy Road on the west side. **(Ord. No. 00-08; 03-20-00)**

That portion of Fountain Road (T.R. 6) Union Pacific Rail Road to Bluff Road North Side of Roadway along levee.

That portion of County Highway 12 (Route 156) in Valmeyer along North Side of Road at First Street.

SCHEDULE "C"

SPEED ZONE AREAS

In accordance with Section 24-4-2, the following streets and highways are hereby designated as maximum speed limit zones, to-wit:

<u>STREET (SPEED)</u>	<u>LOCATION</u>
<u>COUNTY HIGHWAYS</u>	
C.H. #1 - Kaskaskia Rd at Burksville (30 MPH)	From 0.11 mile South of KK Road to Lemen Road
C.H. #1 - Kaskaskia Rd at St. Joe (30 MPH)	From 0.35 mile North of LL Road to 0.71 mile North of LL Road
C.H. #1 - Kaskaskia Rd at Renault (30 MPH)	From 0.56 mile North of VV Road to 0.25 mile North of C.H. #4
C.H. #2 – Country Club Lane – FAS 850 (30 MPH)	Illinois Route 3 to Mile Post 0.20
C.H. #2 – Country Club Lane – FAS 850 (40 MPH)	From mile post 0.20 east 0.25 mile to Rogers St. (#19-2; 07-01-19)
C.H. #5 - Ames Road at Ames (30 MPH)	From 0.12 mile South of VV Road Intersection to 0.30 mile North of VV Road Intersection
C.H. #6 – Bluff Road at Valmeyer (25 MPH)	From Rte. 156 (C.H. #12) North 0.30 mile
C.H. #6 – Bluff Road at Valmeyer (35 MPH)	From 0.30 mile North of Rte. 156 (C.H. #12) to 0.03 mile North of Quarry Road
C.H. #6 – Bluff Road at Valmeyer (45 MPH)	From 0.03 mile North of Quarry Road to 0.37 mile North of Quarry Road
C.H. #6 – Bluff Road (45 MPH)	From Sand Bank Road South 1.05 miles to Bottom Road
C.H. #6 – Bluff road (35 MPH)	From DD Road South 0.25 mile
C.H. #6 – Palmer Road (35 MPH)	From DD Road to just South of Southport Drive (#18-04)
C.H. #6 – Palmer Road (40 MPH)	From just South of Southport Drive to Quarry Road (#18-04)
C.H. #6B – Sand Bank Road (30 MPH)	From Bluff Road (C.H. #6) East 0.22 mile
C.H. #7 – Maeystown Road (45 MPH)	From 0.15 mile North to 0.20 mile South of Ahne Road in Wartburg
C.H. #7 – Baum Road (30 MPH)	Sta. 79+50 to Sta. 109+19.85 (#04-01)

STREET (SPEED)	LOCATION
C.H. #7 – Maeystown Road (40 MPH)	Sta. 74+00 to Sta. 79+50 (#04-01)
C.H. #8 – Hanover Road (45 MPH)	From Route 3 West 0.90 mile (#99-07)
C.H. #11 – Woodland Ridge (45 MPH)	From Bluff Road (C.H. #6) East 1.29 miles
C.H. #11 – Woodland Ridge (30 MPH)	From 1.29 miles East of Bluff Road to 0.03 mile East of Willow Ridge
C.H. #12 – Route 156 (Main St.) (30 MPH)	From 0.16 mile East of Quarry Road to 0.05 mile West of West Road

ROAD DISTRICT NO. 2

T.R. #55 – Country Club Lane (40 MPH)	County Maintenance to Waterloo City Limits
T.R. #71 and T.R. #90 – Konarcik Road (45 MPH)	Waterloo City Limits to Goeddeltown Road
T.R. #88 – H Road (45 MPH)	Goeddeltown Road south to district line (#2021-7)
Goeddeltown Road (45 MPH)	171 ft. east of Osterhage Drive to Waterloo Easterly city Limits.

SUBDIVISION STREETS

Rolling Meadows (25 MPH)
Country Lakes (25 MPH)
Grandview Acres (25 MPH)
Willow Lake (25 MPH)

ROAD DISTRICT NO. 3

T.R. #88 – H Road (45 MPH)	Illinois Route 156 north to district line (#2021-8)
T.R. #110 – G Road (35 MPH)	Kaskaskia Road South 0.90 mile
T.R. #115 – LL Road (45 MPH)	Route 3 to J Road

SUBDIVISION STREETS

Lake of the Woods (25 MPH)
Clancey's Creek (25 MPH)
New Design (25 MPH)
Oak Valley Estates (25 MPH)

ROAD DISTRICT NO. 5

T.R. #56 – D Road (30 MPH)	Valmeyer Road to Columbia City Limits
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SUBDIVISION STREETS

Eagle Lake Estates (25 MPH)
Country Manor Meadows (25 MPH)
Hill Castle Estates (25 MPH)
Gilmore Lake Subdivision (30 MPH)
Christopher Lakes (25 MPH)

STREET (SPEED)**LOCATION**

ROAD DISTRICT NO. 6

T.R. #56B – D Road (30 MPH)

New Hanover

T.R. #47 – HH Road (45 MPH)

Waterloo City Limits West 0.5 miles

T.R. #69E – Old Orchard Lane (25 MPH)

SUBDIVISION STREETS

Hanover Road Tracts (30 MPH)

Hanover Pointe (25 MPH)

Prairie Lake Meadows (30 MPH)

Deer Run Estates (25 MPH)

Bluestem Farm (25 MPH)

Briarwood Estates (25 MPH)

Hanover Estates (25 MPH)

Wessel Farm Estates (25 MPH)

ROAD DISTRICT NO. 7

T.R. #112 – Lemen Road (35 MPH)

Kaskaskia Road West and North 0.3 mile

T.R. #91 – KK Road (40 MPH)

Bushy Prairie Road to Kaskaskia Road

SUBDIVISION STREETS

Chantilly Village (25 MPH)

Rolling Hills (25 MPH)

16 West (25 MPH)

ROAD DISTRICT NO. 10

T.R. #12 – Route 156 (Harrisonville) (45 MPH)

From 0.50 mile North of Harris Road to Harris Road Intersection

NUISANCES

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CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the County for any person within the limits of the County to permit the following, but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well, or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome or pollute the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore in any building within **five hundred (500) feet** of any valuable building erected at the time such business may be commenced. **(See Zoning Code, Ch. 40)**

(F) **Powder Magazines.** To establish powder near incorporated towns at a point different from that according to law by the corporate authorities of the magazines appointed town, or within **one thousand (1,000) feet** of any occupied dwelling house. **(See Zoning Code, Ch. 40)**

(G) **Noxious Odors.** To erect, use, or continue to use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on or affixing them to fences or other private property or on rocks or other natural objects without the consent of the owner, or, if on the highway or other public place, without permission of the proper authorities.

(I) **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J) **Burn-out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner, except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K) **Discarded Materials.** To permit concrete bases, machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and/or carry on any offensive or unwholesome business within the limits of the County.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer, or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the County from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the County.

(S) To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(T) To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(U) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents.

(V) **Bringing Nuisances into the County.** To bring into the County or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the County, or which may or shall be dangerous or detrimental to health.

(W) **Offensive Liquids.** To keep any nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the County authorities of this County from declaring what shall be nuisances and abating them within the County limits.

(740 ILCS 55/221)

25-1-2 **NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained, or operated in the County if such use, keeping, maintenance of same shall be dangerous or detrimental to health.

25-1-3 **NOTICE TO ABATE.** Whenever the Sheriff or his designated representative finds that a nuisance exists, he shall direct the County Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) A statement suggesting how such abatement might be accomplished;
- (E) The date by which abatement must be completed;
- (F) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (G) A statement that the responsible party has a right to appeal the abatement order to the County Board.
- (H) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this County will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Sheriff or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the County Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Sheriff or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-5 **APPEAL.** Any party aggrieved by the decision of the Sheriff may appeal to the County Board. Such appeal shall be taken by filing with the County Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the County Board at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 **ABATEMENT BY COUNTY.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this County may perform the required action to abate. Any County official who is authorized to abate any nuisance as defined in this Chapter shall have authority to engage in the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the County Clerk who shall pay such expenses on behalf of this County and the costs shall then be assessed against the property and/or a fine will be imposed.

25-1-7 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The Sheriff or the County Clerk shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(740 ILCS 55/221 and 55/222)

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "**Weeds**" as used in this Code include, but not be limited to the following:

Burdock, Ragweed (giant), Thistle, Ragweed (common), Cocklebur, Jimson, Blue Vervain, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds as defined by the State.

25-2-2 **DECLARED NUISANCE.** It is hereby declared to be a nuisance for the owner or owners of subdivision lots in zoned residential areas and platted subdivisions in the unincorporated areas of the County or any part thereof, to refuse or neglect to cut weeds, as defined in **25-2-1** when such weeds and vegetation have reached a height in excess of **twelve (12) inches**.

25-2-3 **NOTICE OF NUISANCE.** The County Weed Commissioner or any other person so designated by the County Board Chairman may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or owners within **ten (10) days** after such notice has been duly served.

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of each owner or owners.

25-2-5 **ABATEMENT.** If the owner or owners so notified does not abate the nuisance within **ten (10) days**, the Weed Commissioner may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

25-2-6 **LIEN-IMPOSED.** The cost of abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within **sixty (60) days** after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name files notice of lien in the County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting out:

- (1) A description of the subdivision lot sufficient for identification thereof,
 - (2) The amount of money representing the cost and expense incurred or payable for the service, and
 - (3) The date or dates when said cost and expense was incurred by the County.
- However, the lien shall not be valid as to any purchaser whose rights in and to such subdivision lot have arisen subsequent to the weed-cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgement creditor or other lien or whose rights in and to such subdivision lot arise prior to the filing of such notice.

25-2-7 **PAYMENT.** Notice of such lien or claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense by the owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and release shall be filed of record in the same manner as filing notice of the lien.

25-2-8 FORECLOSURE OF LIEN. Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County after lien is in effect for **sixty (60) days.**

25-2-9 NOXIOUS WEEDS. Control and eradication of noxious weeds shall be governed by the current provisions of **505 ILCS 100/1 (Noxious Weed Law).**

(55 ILCS 5/5-1099)

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

25-3-2 **NOTICE TO PERSON.** The Sheriff or his deputy may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years or older** found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the County Board may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the County shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the County and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-3-6 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(See 55 ILCS 5/5-1118)

ARTICLE IV - INOPERABLE MOTOR VEHICLE

25-4-1 **INOPERABLE MOTOR VEHICLES A NUISANCE.** Inoperable motor vehicles, whether located on public or private property and in view of the general public, are hereby declared to be a nuisance for which the provisions and penalties hereof shall apply.

25-4-2 **INOPERABLE MOTOR VEHICLE DEFINED.** As used in this Article "inoperable motor vehicle" means 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. "Inoperable motor vehicle" shall not include (a) a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations; (b) any motor vehicle that is kept within a building when not in use; (c) to operate historic vehicles over **twenty-five (25) years of age**; or (d) to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

25-4-3 **REMOVAL OF INOPERABLE MOTOR VEHICLES.** When an inoperable motor vehicle is discovered within the corporate limits of the County, it shall be the responsibility of the Sheriff to determine the registered owner and/or party in lawful possession thereof, and to serve on such person or party, in person or by certified mail, a written notice stating that said person or party shall dispose of said inoperable motor vehicle under their control within **seven (7) days** of the date of issuance of said notice or be subject to the penalties herein provided. If the Sheriff cannot determine the owner or other party in lawful possession thereof or if the owner or other party in lawful possession thereof fails to remove said inoperable motor vehicle from public view within the time aforesaid, then the Sheriff is hereby authorized to impound and remove the inoperable motor vehicle as an abandoned motor vehicle in accordance with the provisions of **625 ILCS 5/4-201 et seq.**

(See also 55 ILCS 5/5-1092)

COUNTY OF MONROE

NOTICE OF NUISANCE VIOLATION

TO: _____

You are hereby notified that the Sheriff or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at _____, within the limits of this County contains an unlawful nuisance(s) as defined by **Chapter 25** of the Revised Code of Ordinances as follows:

You are required pursuant to **Chapter 25, Article I, Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this Notice as follows:

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the County Chairman and County Board of the County in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the County Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the County within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the County receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the County, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the County contends which constitute a nuisance and violation of County Ordinances within **five (5)** after having received notification of the Board's decision.

If you fail to comply and the nuisance is not abated within the time prescribed the County shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the County Ordinances and State law as well as institute a suit seeking a judicial order permitting the County to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The County Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the County shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

SHERIFF
COUNTY OF MONROE

Dated this _____ day of _____, 20____.

MONROE COUNTY WEED CONTROL AUTHORITY
INDIVIDUAL NOTICE TO CONTROL OR ERADICATE WEEDS

NAME _____ DATE _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

Location(s): _____

Section _____ Township _____ Range _____

Parcel No(s). _____

Noxious Weed: _____

Dear Landowner/Tenant:

Inspection of lands owned or operated by you at the above location shows that the noxious weed named above is present on this property. THE ILLINOIS NOXIOUS WEED LAW defines your duty to control or eradicate these weeds and prevent them from propagating. IN THE EVENT OF YOUR FAILURE TO CONTROL OR ERADICATE THESE WEEDS, THE WEED CONTROL SUPERINTENDENT SHALL ENTER AND HAVE THEM CONTROLLED OR ERADICATED; THE COST OF DOING SO TO BE A LIEN AGAINST THE PROPERTY UNTIL PAID BY THE OWNER.

In addition, you shall be subject to a fine of not more than One Hundred Dollars (\$100.00) for the first offense and not more than Two Hundred Dollars (\$200.00) for each subsequent offense.

You are hereby given notice to control these weeds within ten (10) days from the above date as follows:
See attached sheet

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME AT (618) 939-8681 EXT 297 OR E-MAIL CHOWELL@MONROECOUNTYIL.GOV

CHRIS HOWELL
WEED CONTROL SUPERINTENDENT
MONROE COUNTY WEED CONTROL AUTHORITY

COUNTY OF MONROE

NOTICE OF UNLAWFUL GARBAGE AND/OR DEBRIS OR TRASH

TO: _____

You are hereby notified that the Sheriff has determined that property owned by you and/or occupied by you, or under your control as the case may be located at _____, within the limits of this County contains garbage and/or debris or trash as defined by **Chapter 25, Article III** of the Revised Code of Ordinances of the County. The accumulation of said garbage, debris, or trash on said premises is hereby declared to be a nuisance and unlawful.

You are required to remove all such material within **five (5) days** from the date you receive this Notice.

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the Chairman and County Board of the County in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said garbage, debris, and trash. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the County within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after receipt of your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf, and cross-exam any witnesses presented by the County, that the formal rules of evidence shall not apply. If your appeal is denied, you are then required to remove all said garbage, debris, or trash within **five (5) days** after having received notification of the Board's decision. If you fail to comply the County shall proceed to issue the appropriate citation, which may subject you to the penalties prescribed by the county ordinances and State law as well as institute a suit seeking a judicial order permitting the County to remove all materials and items in violation of law from your premises and dispose of same at your expense.

The county authorities shall keep an account of the expense incurred for said abatement, charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses thereof incurred by the County shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

SHERIFF
COUNTY OF MONROE

Dated this _____ day of _____, 20_____.

COUNTY OF MONROE
NOTICE OF INOPERABLE VEHICLE

TO: _____

You are hereby notified that the Sheriff's Department has determined that an "inoperable vehicle(s)" owned by you and/or stored by you, or under your control as the case may be is located at _____, within the limits of this County. That this constitutes an unlawful nuisance(s) as defined by **Chapter 25, Article IV, Section 25-4-1** of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable vehicles within **seven (7) days** from the date of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the Chairman and County Board of the County in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said inoperable vehicle(s) that constitute a violation of the County Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the County within said **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the County receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the County, that the formal rules of evidence shall not apply.

If your contest or request for extension is denied, you shall then be required to remove all the inoperable vehicles which the County contends constitute a nuisance and a violation of County Ordinances within **seven (7) days** after having received notification of the Board's decision.

If you fail to comply and the nuisance is not abated within the time prescribed, the County shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the County Ordinances and State law as well as institute a suit seeking a judicial order permitting the County to removal all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The County Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the County shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

SHERIFF
COUNTY OF MONROE

Dated this _____ day of _____, 20_____.

COUNTY OF MONROE
NOTICE OF DERELICT

TO: _____

You are hereby notified that the Sheriff or other person designated by him to act on his behalf, has received a complaint, or a member of the Sheriff's Department has personally observed or has reasonable and probable cause to believe and conclude that a derelict _____ owned, stored, housed, or possessed by you or under your control as the case may be, is presently located _____, within the limits of the County, that same is in view of the general public and is an unlawful nuisance(s) as defined by **Chapter 25, Nuisances, Article IV, et seq.** of the County Revised Code of Ordinances. This/these _____ is/are hereby declared to be a nuisance.

Pursuant to said ordinance you are ordered and required to abate said nuisance by removing and disposing of the object(s) described herein within **seven (7) days** after you receive a copy of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the County in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the County Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the County within **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the County received your request before a person appointed by the Mayor. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the County, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the County contends which constitute a nuisance and violation of County Ordinances within **seven (7) days** after having received notification of the decision.

If you fail to comply and the nuisance is not abated within the time prescribed the County shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the County Ordinances and State law as well as institute a suit seeking a judicial order permitting the County to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The County Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the County shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

SHERIFF
COUNTY OF MONROE

Dated this _____ day of _____, 20____.

COUNTY OF MONROE

NOTICE OF DANGEROUS AND/OR UNSAFE BUILDING/STRUCTURE

TO: _____

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned **County of Monroe, Illinois**, that said property has upon it a building/ structure which is:

(A) Dangerous and/or unsafe in that said building or structure has become so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living, that it is unfit for human habitation or is likely to cause sickness or disease, so as to cause injury to the health, morals, safety, or general welfare of those living therein now or hereafter; or

(B) Dangerous and/or unsafe in that said building or structure has light, air or sanitation facilities which are inadequate to protect the health, morals, safety, and general welfare of human beings who live or may live therein; or

(C) Dangerous and/or unsafe in that the condition of the building or structure is unsafe, unsanitary, or dangerous to the health, morals, safety, and general welfare of the people of this County; or

(D) Dangerous and/or unsafe in that the building or structure is uncompleted and/or abandoned; or

(e) Dangerous and/or unsafe pursuant to any of the terms and provisions of the County Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance**.

This building has been found to be a dangerous and unsafe building by the County officials. This Notice shall remain on this building until it is repaired, vacated, or demolished in accordance with the Notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this Notice until such notice is complied with.

That said building/structure is hereby declared to be a public nuisance and shall be repaired, vacated, or demolished as provided in the County Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance**.

The property is hereby legally described as follows: _____

Unless such building/structure is repaired, put into safe condition or demolished and all debris removed within **ninety (90) days** of the receipt of this Notice, the County shall apply to the Circuit Court for an order authorizing such action to be taken by the County with respect to the above-described building/structure. Any costs incurred by the County to restore the buildings to a safe condition or to demolish the building and remove debris shall be recovered from the owners of the above-described property pursuant to Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.

That the said costs incurred by the County shall be a lien on the property which lien shall be subordinate to all prior existing liens and encumbrances. The County shall file Notices of Lien in the office of the County Recorder of Deeds. Said lien may be enforced by proceeding to foreclosure as in the case of mortgages or mechanics of lien. A suit to foreclosure this lien shall be commenced within **three (3) years** after the date of filing Notice of Lien.

Dated this ____ day of _____, 20__.

NURSING HOME REGULATIONS

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CHAPTER 26

NURSING HOME REGULATIONS

ARTICLE I – GENERALLY

26-1-1 **ADOPTION BY REFERENCE.** The regulations applicable to the Monroe County Nursing Home are hereby included by reference and are on file at the County Clerk’s office.

OFFENSES

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CHAPTER 27

OFFENSES

ARTICLE I – DEFINITIONS

27-1-1 **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-22**, as approved, adopted and amended are hereby adopted by the County, as fully as if set out herein.

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the County; the provisions thereof shall be controlling within the corporate limits of the County; provided, however, the penalties as provided by this Code shall apply.

ARTICLE II - GENERALLY

27-2-1 **DISTURBING DEPUTIES OR POLICE OFFICER.** No person shall, by violent conduct, disturb any Sheriff's deputy or police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the County owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace.

27-2-2 **IMPERSONATION OF OFFICER.** No person in the County shall falsely represent himself to be an officer of the County or shall, without being duly authorized by the County, exercise or attempt to exercise any of the duties, functions or powers of the County deputy, or hinder, obstruct, resist or otherwise interfere with any County officer in the discharge of the duties of his office. **(See 720 ILCS 5/32-5.1)**

27-2-3 **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

27-2-4 **MOB ACTION.** A person commits mob action when he or she engages in any of the following:

- (A) the knowing or reckless use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law;
- (B) the knowing assembly of **two (2)** or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor; or
- (C) the knowing assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

(See 720 ILCS 5/25-1)

27-2-5 **LOOTING BY INDIVIDUALS.** A person commits looting when he or she knowingly without authority of law or the owner enters any home or dwelling or upon any premises of another, or enters any commercial, mercantile, business, or industrial building, plant, or establishment, in which normal security of property is not present by virtue of a hurricane, fire, or vis major of any kind or by virtue of a riot, mob, or other human agency, and obtains or exerts control over property of the owner. **(See 720 ILCS 5/25-4)**

27-2-6 **DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the County by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct.

27-2-7 **ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 **SALE OF CIGARETTES OR TOBACCO TO MINORS.**
 (A) No person under **twenty-one (21)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any person under **twenty-one (21) years of age.**

(B) No person under **sixteen (16) years of age** may sell any tobacco product at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

(C) No person under **twenty-one (21) years of age** in the furtherance or facilitation of obtaining any tobacco product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(D) No person under **twenty-one (21) years of age** shall possess any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms.

(E) A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age:

- (1) within a retail establishment selling tobacco products, unless the retailer has verified the purchaser's age with a government issued identification;
- (2) from a lunch wagon; or
- (3) on a public way as a promotion or advertisement of a tobacco manufacturer or tobacco product.

This subsection (E) does not apply to the distribution of a tobacco product sample in any adult-only facility.

(F) Tobacco products listed in this Section may be sold through a vending machine only if such tobacco products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

- (1) places to which persons under **twenty-one (21) years of age** are not permitted access.
- (2) places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.
- (3) places where the vending machine can only be operated by the owner or an employee over age **twenty-one (21)** either directly or through a remote control device if the device is inaccessible to all customers.

(G) The sale or distribution by any person of a tobacco product in this Section, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.

(See 720 ILCS 675/1)

27-2-9 SMOKELESS TOBACCO.

(A) **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under Twenty-One (21).** No person shall sell any smokeless tobacco product to any person under the age of **twenty-one (21)**.

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **twenty-one (21)**, without charge or at a nominal cost, any smokeless tobacco product. **(See 720 ILCS 680-1 et seq.)**

27-2-10 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

(C) It shall be unlawful to urinate on public ways.

(D) It shall be unlawful to urinate on private property when such conduct could be seen from a public way or from private property open to the public.

(E) It shall be unlawful to throw or deposit any glass, cans, paper objects, bottles, tacks, nails or other refuse material on the streets or roads of the county public ways or on the property abutting said streets or public ways.

27-2-11 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. **(See 720 ILCS 5/31-7)**

27-2-12 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(See 720 ILCS 5/31-6(C))**

27-2-13 FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-14 RENTING PREMISES FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-15 **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-16 **POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-17 **INTOXICATION IN PUBLIC.** No person shall, in the County, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this County or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the County, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner.

27-2-18 **BEGGING.** No person shall beg or solicit alms within the County without having obtained permission in writing from the Mayor.

27-2-19 **CONCEALED WEAPONS.** No person shall, within the County, carry or wear under his clothes, or concealed about his person, any pistol or handgun, without being the holder of an Illinois Concealed Carry License. Additionally, no person, shall within the County, carry or wear under his clothes or conceal about his person any sling-shot, cross knuckles, knuckles of lead, brass or other metal, switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal. **(See 430 ILCS 66/1 et seq.)**

27-2-20 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the County or so that the bullet, arrow, missile or projectile therefrom enters the County without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

27-2-21 **GAMES IN STREET.** No person shall, upon any County street or road, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-22 **STORAGE OF EXPLOSIVES.**
(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the County, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the County in any quantity exceeding **five (5) pounds**.

27-2-23 THROWING ROCKS. No person in the County shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-24 DESTRUCTION OF PUBLIC PROPERTY. No person in the County shall deface, destroy, or in any way, injure any public property, or any other apparatus of the County.

27-2-25 FORTUNE TELLING. No person in the County shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-26 ABANDONED REFRIGERATORS OR ICEBOXES. It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(See 720 ILCS 505/1)**

27-2-27 HALLOWEEN CURFEW. It shall be illegal for any person to engage in Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the County, either masked or unmasked, except on a day designated by the County Board and no later than **8:00 P.M.**

27-2-28 THEFT OF RECYCLABLES UNLAWFUL. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the County or from any specified recycling center within the County limits unless said person is acting as an agent for the County or acting as an agent for a waste hauler licensed by the County.

27-2-29 THROWING OBJECTS FROM MOTOR VEHICLES. Pursuant to the police powers it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the County Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

27-2-30 DEPOSITING OF SNOW AND ICE RESTRICTED. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts.

27-2-31 **PROTECTIVE COVERING OR FENCING.** Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(See 720 ILCS 605/1)**

27-2-32 **CURFEW HOURS FOR MINORS.**

(A) **Definitions.** Whenever used in this Section.

- (1) **"Curfew hours"** means:
 - (a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
 - (b) 12:01 A.M. until 6:00 A.M. on Saturday; and
 - (c) 12:01 A.M. until 6:00 A.M. on Sunday.
- (2) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
- (4) **"Guardian"** means:
 - (a) A person who, under court order, is the guardian of the person of a minor; or
 - (b) A public or private agency with whom a minor has been placed by a court.
- (5) **"Minor"** means any person under **eighteen (18) years** of age.
- (6) **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **"Parent"** means a person who is:
 - (a) A natural parent, adoptive parent, or stepparent of another person; or
 - (b) At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9) **"Remain"** means to:
 - (a) linger or stay; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

- (B) **Offenses.**
- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the County during curfew hours.
 - (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the County during curfew hours.
 - (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

- (C) **Defenses.**
- (1) It is a defense to prosecution under subsection (B) that the minor was:
 - (a) Accompanied by the minor's parent or guardian;
 - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) In a motor vehicle involved in interstate travel;
 - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (e) Involved in an emergency;
 - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization or another similar entity that takes responsibility for the minor;
 - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.
 - (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present. **(See 720 ILCS 555/1)**

27-2-33 **SANCTITY OF FUNERAL AND MEMORIAL SERVICES.** It shall be unlawful for a person to violate any of the following provisions of this Section:

- (A) Engaging in any loud protest of singing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates. **(See 720 ILCS 5/26-6)**

27-2-34 USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS
PROHIBITED.

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

- (1) on unenclosed exterior porches or balconies;
- (2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

- (1) wood, metal, or plastic furniture;
- (2) outdoor patio furniture with weather-resistant cushions;
- (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

27-2-35 NOISE.

(A) **Prohibited; Enumeration.** The creating of any unreasonably loud, disturbing and unnecessary noise within the County limits is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited. The following, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- (1) **Blowing Horns.** The sounding of any horn or signal device on any automobile, motorcycle or bus, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) **Radios, Etc.** The playing of any radio, music player such as a boom box, tape cassette, disc player or television, audio system or musical instrument or live band in such a manner or with such volume, between the hours of **10:00 P.M.** and **7:00 A.M.** Sunday through Thursday and **11:00 P.M.** and **7:00 A.M.** Friday and Saturday in such a manner as to be plainly audible beyond the boundaries of the premises upon which such equipment is operated or used, shall be prima facie evidence of a violation of this Section.

27-2-36 **FALSE REPORT OF THEFT AND OTHER LOSSES.** It is unlawful for a person to knowingly make a false report of a theft, destruction, damage or conversion of any property to a law enforcement agency or other governmental agency with the intent to defraud an insurer. **(See 720 ILCS 5/26-1.1)**

27-2-37 **HARASSING AND OBSCENE COMMUNICATIONS.**

(A) **Definitions.** As used in this Section:

- (1) **Electronic communication** means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.
- (2) **Family or household member** includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between **two (2)** individuals in business or social contexts shall be deemed to constitute a dating relationship.
- (3) **Harass or harassing** means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

(B) **Transmission of Obscene Messages.**

- (1) A person commits transmission of obscene messages when he or she sends messages or uses language or terms which are obscene, lewd or immoral with the intent to offend by means of or while using a telephone or telegraph facilities, equipment or sires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois.
- (2) The trier of fact may infer intent to offend from the use of language or terms which are obscene, lewd or immoral.

(C) **Harassment by Telephone.**

- (1) A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes:
 - (a) making any comment, request, suggestion or proposition which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
 - (b) making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
 - (c) making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
 - (d) making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
 - (e) making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under **thirteen (13) years of age**, regardless of whether the person under **thirteen (13) years of age**

consents to the harassment, if the defendant is at least **sixteen (16) years of age** at the time of the commission of the offense; or

- (f) knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.
- (2) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this Section. The notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word "WARNING". All telephone companies in this State shall cooperate with law enforcement agencies in using their facilities and personnel to detect and prevent violations of this Article.

(See 720 ILCS 5/26.5)

27-2-38 TOBACCO AND ELECTRONIC SMOKING DEVICES.

(A) **Definitions.** For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) **Tobacco Products.** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, nicotine gels and dissolvable nicotine products or any electronic smoking device.
- (2) **Electronic Smoking Device.** An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other regulated substances. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, hookah pen, vape pens or any other product name or descriptor. An electronic smoking device excludes any product approved by the United States Food and Drug Administration as a nontobacco product used for medicinal purposes and is being marketed and sold solely for that approved purpose.

(B) **Purchases by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to purchase tobacco products or electronic smoking devices, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products and electronic smoking devices.

(C) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to possess any tobacco products or electronic smoking devices, provided that the possession by a person under the age of **twenty-one (21) years** under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(D) **Use in County Parks.** It shall be unlawful for any person to smoke tobacco products and electronic smoking devices in the County Parks.

27-2-39 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below **eight (8) feet** in height and no electrically charged fence shall be erected or maintained, except in an agricultural or conservation zone district. (See Chapter 40 – Zoning)

27-2-40 CRIMINAL HOUSING MANAGEMENT. It shall be unlawful for any person in the County to commit the offense of criminal housing management. A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner, or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered.

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ARTICLE III - OFFENSES AGAINST PROPERTY**27-3-1****PETTY THEFT.** A person commits theft when he or she knowingly:

- (A) obtains or exerts unauthorized control over property of the owner; or
- (B) obtains by deception, control over property of the owner; or
- (C) obtains by threat, control over property of the owner; or
- (D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; or
- (E) obtains or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen; and
 - (1) intends to deprive the owner permanently of the use or benefit of the property; or
 - (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or
 - (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
- (F) It shall be unlawful to commit a theft.

(See 720 ILCS 5/16-1)**27-3-2****CRIMINAL DAMAGE TO PROPERTY.** A person commits criminal damage to

property when he or she:

- (A) knowingly damages any property of another;
- (B) recklessly by means of fire or explosive damages property of another;
- (C) knowingly start a fire on the land of another;
- (D) knowingly injure a domestic animal of another without his or her consent;
- (E) knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building;
- (F) knowingly damages any property, other than as described in paragraph (2) of subsection (a) of Section 20-1, with intent to defraud an insurer;
- (G) knowingly shoots a firearm at any portion of a railroad train;
- (H) knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private fire-fighting equipment or any apparatus appertaining to firefighting equipment; or
- (I) intentionally, without proper authorization, opens any fire hydrant.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding nor not exceeding the specified value. **(See 720 ILCS 5/21-1)**

27-3-3**INJURY TO UTILITY WIRES AND POLES.**

It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric light post, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-4 **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the County.

27-3-5 **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(See 720 ILCS 5/32-9)**

27-3-6 **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(See 720 ILCS 5/21-1.1)**

ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY

27-4-1 **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he or she knowingly:

(A) does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(B) transmits or causes to be transmitted in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that such fire exists;

(C) transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;

(D) transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;

(E) transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;

(F) transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or

(G) calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;

(H) transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;

(I) transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, and ID/DD Community Care Act, or the MC/DD Act;

(J) transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;

(K) transmits or causes to be transmitted a false report under Article II of Public Act 83-1432;

(L) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(M) while acting as a collection agency as defined in the Collection Agency Act or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.

(See 720 ILCS 5/26-1)

27-4-2 **RESISTING OR OBSTRUCTING A PEACE OFFICER.** A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(See 720 ILCS 5/31-1)**

27-4-3 **REFUSING TO AID AN OFFICER.** A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

- (A) apprehending a person whom the officer is authorized to apprehend; or
- (B) preventing the commission by another of any offense.

(See 720 ILCS 5/31-8)

27-4-4 **ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.**

(A) **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least **two (2) inches or more** in height and readable:

“CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER.”

ARTICLE V - ANTI-LITTER

27-5-1 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A) advertise for sale any merchandise, product, commodity or thing; or
- (B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the County.

"VEHICLE" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 **LITTERING PROHIBITED.** No person shall deposit any litter within the County except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 **PREVENTION OF SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 **RECEPTACLES - UPSETTING OR TAMPERING.** No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 **SIDEWALKS AND ALLEYS FREE FROM LITTER.** Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 **OWNER TO MAINTAIN PRIVATE PREMISES.**
 (A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
 (B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 **LITTERING FROM VEHICLES.**
 (A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.
 (B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the County unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the County, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 **LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the County.

27-5-9 **LITTER IN PARKS.** No person shall deposit litter in any park within the County except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 **HANDBILLS.**
 (A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.
 (B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to

prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.
(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.
(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Sheriff or his designated representative shall be responsible for the implementation of this enforcement program.

(See 415 ILCS 105/1 et seq.)
(See Chapter 25 – Nuisances)

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(See Chapter 7 – Business Code)

ARTICLE VII - PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

"ACTS OF VANDALISM AND SIMILAR OFFENSES" shall include any of the following acts:

- (A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the County, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or
- (B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or
- (C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or
- (D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or
- (E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

"LEGAL GUARDIAN" shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act**.

"MINOR" shall include a person who is above the age of **seven (7) years**, but not yet **eighteen (18) years** of age.

"PARENT" shall include the lawful father and mother of a minor child whether by birth or adoption.

"PROPERTY" shall include any real estate including improvements thereon and tangible personal property.

27-7-2 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

- (A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and
- (B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the County, following said adjudication or non-judicial sanctions; and
- (C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

(See 740 ILCS 115/1 et seq. and 740 ILCS 115/4)

ARTICLE VIII – TRUANCY AND CURFEW CODE

27-8-1 DEFINITIONS. As used in this Article unless the context requires otherwise the following words and phrases shall mean:

"COUNTY CURFEW HOURS" means the period of time specified in **Section 27-2-32** of the Chapter.

"COURT" means the 20th Judicial Circuit; Monroe County, Illinois.

"CUSTODIAN" means:

- (A) a person who under court order is the custodian of the person of a minor or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor; or
- (C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **eighteen (18) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(See 105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agency which provides service to improve education performance and/or attendance.

27-8-2 **CURFEW RESTRICTIONS.**

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(C) It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section 27-8-4** (hereinafter) that the minor was:

- (1) accompanied by the child’s parent, guardian, or custodian.
- (2) accompanied by an adult specified by the child’s parent, guardian, or custodian.
- (3) Participating in, going to, or returning from:
 - (a) Lawful employment;
 - (b) A school-sanctioned activity;
 - (c) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (d) A religious event;
 - (e) An activity involving the exercise of the child’s rights protected under the First Amendment to the United States Constitution, the Constitution of the State of Illinois, or both, such as freedom of speech and the right of assembly; or
 - (f) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- (4) Engaged in interstate or international travel from a location outside Illinois to another location outside Illinois.

27-8-3 **TRUANCY RESTRICTIONS.**

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present without valid cause from such attendance for a school day or portion thereof.

(B) It is unlawful for any parent, guardian, or custodian of a minor to knowingly permit or by insufficient control to allow the minor to be absent without valid cause from such attendance for a school day or portion thereof.

(C) It is a defense to a violation under **Section 27-8-3(A) or (B)** or **Section 27-8-4** that the child engaged in the prohibited conduct while:

- (1) Accompanied by the child’s parent, guardian, or custodian.
- (2) Accompanied by an adult specified by the child’s parent, guardian, or custodian.
- (3) Participating in, going to, or returning from:
 - (a) Lawful employment;
 - (b) A school-sanctioned activity;
 - (c) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (d) A religious event;
 - (e) An activity involving the exercise of the child’s rights protected under the First Amendment to the United States Constitution, the Constitution of the State of Illinois, or both, such as freedom of speech and the right of assembly; or
 - (f) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.

- (4) Engaged in interstate or international travel from a location outside Illinois to another location outside Illinois.

27-8-4 ENFORCEMENT.

(A) Every member of the Police/Sheriff's Department while on duty is hereby authorized to temporarily detain any minor alleged to be in violation of the provisions of this Article (regardless of whether a citation is immediately issued) until the parent, guardian, or custodian of the minor shall take him or her into custody. Such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, guardian, or custodian of the minor unless Subsection (E) hereinafter is applicable. A parent, guardian, or custodian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars (\$25.00)** per hour as hereinafter provided.

(B) Before taking any enforcement action, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest unless the officer reasonably believes an offense has occurred and that, based on any response and other circumstances, no defense contained in **Section 27-8-2(C) or 27-8-3(C)** is present.

(C) **Citation.** A citation issued hereunder this shall be in writing and shall:

- (1) state the name of the person being cited and the person's address if known.
- (2) set forth the specific section of this Article that was violated, the date, time and location of the violation and a brief description of the violation.
- (3) be signed by the issuing Police Officer (County or City), Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Article, a minor's parent, guardian, or custodian shall be provided a copy of the citation notifying the parent, guardian, or custodian of the charge made against the minor.

(D) A minor cited for a violation under this Article must attend a court hearing on the citation and must be accompanied at the hearing by his or her parent, guardian, or custodian, or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person, directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police/Sheriff's Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-2 or 27-8-3** of this Article, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-8-5 VIOLATIONS AND PENALTIES.

(A) Any person who so absents himself/herself without said permission shall be guilty of the offense of truancy and shall be subject to the penalty set forth below.

- (1) Upon the first conviction, the payment of a fine in an amount not to exceed **Seventy-Five Dollars (\$75.00)** in addition to court cost;
- (2) Upon the second conviction within a **one (1) year** period, the payment of a fine of not less than **One Hundred Fifty Dollars (\$150.00)** in addition to court cost; and
- (3) Upon the third conviction within a **one (1) year** period, the payment of a fine of not less than **Two Hundred Dollars (\$200.00)**, in addition to court cost.

(B) In addition to any penalty imposed pursuant to Subsection (A)(1), (2) or (3) above, the minor, parents, guardian, custodian, or other adult person having legal care or custody of the minor may be ordered to pay all costs associated with this Article.

(C) In addition to any penalty imposed pursuant to Subsection (A)(1), (2) or (3) above, the minor, parents, guardian, custodian, or other adult person having legal care or custody of the minor may be ordered to fulfill community service hours as directed by the court.

(D) In addition, the failure to pay the costs previously described shall constitute a violation of this Article and subject the violator to the penalties described in subsection (C) above.

27-8-6 **COLLECTED FUNDS.** Monies collected through this Article shall be earmarked for the Monroe County Community Service Fund.

(Ord. No. 09-01; 02-02-09)

ARTICLE IX - OPEN BURNING

27-9-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash, garbage, vehicle tires, shingles and all other items prohibited by the Illinois Environmental Protection Agency.

27-9-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the local Fire Chief or the Sheriff have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

27-9-4 **BURNING PERMITTED.**

(A) The use of fire for the preparation of food on a barbeque grill or the use of an open fire on private property or other locations approved for cooking is permitted, provided such fire may only utilize wood or charcoal and be of such size so as not to endanger property in the immediate area.

(B) The use of indoor/outdoor fireplaces or fire pits are permitted, provided such fire shall utilize wood or charcoal and be of such size so as not to endanger the property in the immediate area.

(C) Bonfires used for ceremonial purposes or recreational events by families, schools, and other organizations are permitted, provided such bonfires may only utilize wood and be of such size so as not to endanger the properties in the immediate area.

(See 415 ILCS 5/1 et seq.)

ARTICLE X – ADULT USES REGULATED

27-10-1 PURPOSE AND ADDITIONAL FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The County Board finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.
- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this Article.

27-10-2 DEFINITIONS. As used in this Article:

(A) **"Adult Oriented Business"** means an establishment as defined in the County

Code.

(B) **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) **"Nude"** means the showing of:

- (1) Human male or female genitals or pubic area with less than a fully opaque covering; or
- (2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
- (3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) **"Person"** means any live human being aged **ten (10) years** of age or older.

(E) **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-10-3 PROHIBITION. It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-10-4 LIMITATION. This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

27-10-5 ADULT ENTERTAINMENT FACILITY. It is prohibited within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

- (A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or
- (B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. **(See Chapter 7 for Licensing Provisions)**

ARTICLE XI - OBSCENITY

27-11-1 OBSCENITY.

(A) **Elements of the Offense.** A person commits an obscenity offense when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- (6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate.

27-11-2 HARMFUL MATERIAL.

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) Definitions.

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.
- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

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

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) Affirmative Defenses.

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
 - (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail,

telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

“NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor.”

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor.

27-11-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS. Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(720 ILCS 5/11-22)**

ARTICLE XII – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

27-12-1 **DEFINITIONS.** The following words and phrases shall, for the purposes of this Section have the meanings respectively ascribed to them by this Section, as follows:

(A) **Adult-Use Cannabis Business Establishment.** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(H) **Person.** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

27-12-2 **CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.** The following Adult-Use Cannabis Business Establishments are prohibited in the County. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of any of the following:

- (A) Adult-Use Cannabis Craft Grower
- (B) Adult-Use Cannabis Cultivation Center
- (C) Adult-Use Cannabis Dispensing Organization
- (D) Adult-Use Cannabis Infuser Organization or Infuser
- (E) Adult-Use Cannabis Processing Organization or Processor
- (F) Adult-Use Cannabis Transporting Organization or Transporter

27-12-3 **PUBLIC NUISANCE DECLARED.** Operation of any prohibited Cannabis Business Establishment within the County in violation of the provisions of this Section is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(See Section 1-1-20 for Penalties)

ARTICLE XIII – DRUG PARAPHERNALIA

27-13-1 **DEFINITIONS.**

(A) The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or marketed for use with illegal cannabis or drugs, as defined by the **Illinois Compiled Statutes**, or designed for use in planting, propogating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, **720 ILCS 570/100 et seq.**, "Drug paraphernalia" includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in the planting, propogating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment, used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (b) Water pipes;
 - (c) Carburetion tubes and devices;
 - (d) Smoking and carburetion masks;
 - (e) Roach clips or other objects used to hold burning materials, such as a marijuana cigarette which has become too small or short to be held in the hand;
 - (f) Miniature cocaine spoons and cocaine vials;

- (g) Chamber pipes;
- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chilams;
- (l) Bongs;
- (m) Ice pipes or chillers.

27-13-2 DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other relevant factors, the following:

- (A) Statements by an owner or anyone in control of the object concerning its use;
- (B) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any controlled substances;
- (C) The proximity of the object, in time and place, to a direct violation of this Article;
- (D) The proximity of the object to controlled substances;
- (E) The existence of any residue of controlled substances on the object;
- (F) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonable know, intend to use the object to facilitate a violation of this Article; and the innocence of any owner or anyone in control of the object, as to a direct violation of this Article, shall not prevent a finding that the object is intended or designed for use as "drug paraphernalia";
- (G) Instructions, oral or written, provided with the object concerning its use;
- (H) Descriptive materials accompanying the object which explain or depict its use;
- (I) National and local advertising concerning the object's use;
- (J) The manner in which the object is displayed for sale;
- (K) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;
- (M) The existence and scope of legitimate uses for the object in the community;
- (N) Expert testimony concerning the object's use.

27-13-3 OFFENSES AND PENALTIES.

(A) **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or possess with the intent to use, drug paraphernalia to plant, propogate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the **Illinois Controlled Substance Act, (720 ILCS 570/100 et seq.)**. Any person violating this Section is guilty of a crime and, upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)** and not more than **One Thousand Dollars (\$1,000.00)**.

(B) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or other wise introduce into the human body a controlled substance in violation of the **Illinois Controlled Substance Act, (720 ILCS 570/100 et seq.)**. Any person violating this section is guilty of a crime, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)** and not more than **One Thousand Dollars (\$1,000.00)**.

(C) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates subsection (B) of this Section by delivering, selling, or giving drug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **One Thousand Dollars (\$1,000.00)**.

(D) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this Section is guilty of a crime and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **One Thousand Dollars (\$1,000.00)**.

27-13-4 FORFEITURE OF PROPERTY.

(A) All articles defined in subsection (B)(1) shall be subject to forfeiture.

(B) Property subject to forfeiture under this Article may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:

- (1) If the property subject to seizure has been the subject of a prior judgment in favor of the County in an ordinance violation proceeding;
- (2) If there is probable cause to believe that the property is either directly or indirectly dangerous to health or safety.

(C) In the event of seizure pursuant to subsection (B), proceedings under subsection (D) shall be promptly instituted.

(D) Property taken or detained under this Article shall not be subject to replevin, but is deemed to be in the custody of the Sheriff, subject only to the orders of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Article, the Sheriff may:

- (1) Place the property under seal; or
- (2) Remove the property to a place designated by him; or
- (3) Take custody of the property and remove it to an appropriate location for destruction.

27-13-5 PROHIBITION OF POSSESSION OF WEAPONS, LIQUOR AND DRUGS IN COUNTY BUILDINGS. Except for evidence purposes, it shall be unlawful for any person other than police officers to possess within County buildings:

(A) a dangerous weapon as defined in **720 ILCS 5/33A-1**, as now and hereafter amended or renumbered, or

(B) alcoholic liquor as defined in Chapter 21 of this Code,

(C) a controlled substance as, defined in **720 ILCS 570/102**, as now and hereafter amended or renumbered, or

(D) cannabis, as defined in the "**Cannabis Control Act**", **720 ILCS 550/1 et seq.**, as now and hereafter amended and renumbered.

ARTICLE XIV - SYNTHETIC DRUGS

27-14-1 SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine** includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methylenedioxypropylone, (a psychoactive drug), or cathinone derivatives.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
 - (a) the nature or attendant circumstances of his/her conduct described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
 - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
 - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **"Bath salts"** a substance that contains methylenedioxypropylone (MDPV) or contains a norepinephrine-dopamine reuptake inhibitor (NDRI).
- (5) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.
- (6) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (7) **Possession.** Possession may be either actual or constructive.
 - (a) actual possession means exercising physical dominion.
 - (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

(B) **Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **One Thousand Dollars (\$1,000.00)**.

- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

27-14-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
 - (a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
 - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
 - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.
- (5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (6) **Possession.** Possession may be either actual or constructive.
 - (a) actual possession means exercising physical dominion.
 - (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.
- (7) **Produce or Production.** Planting, cultivating, tending or harvesting.

(B) **Possession of Synthetic Cannabis Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cannabis.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred**

Fifty Dollars (\$250.00) and no more than **One Thousand Dollars (\$1,000.00)**.

- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

ARTICLE XV - REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

27-15-1 **DEFINITIONS.** The following definitions apply to this Section:

(A) A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (1) Sexual exploitation of a child (**720 ILCS 5/11-9.1**);
- (2) Predatory criminal sexual assault of a child (**720 ILCS 5/12-14.1**);
- (3) Indecent solicitation of a child (**720 ILCS 5/11-6**);
- (4) Public indecency committed on school property (**720 ILCS 5/11-9**);
- (5) Child luring (**720 ILCS 5/10-5(b)(10)**);
- (6) Aiding and abetting child abduction (**720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10)**);
- (7) Soliciting for a juvenile prostitute (**720 ILCS 5/11-15.1**);
- (8) Patronizing a juvenile prostitute (**720 ILCS 5/11-18.1**);
- (9) Exploitation of a child (**720 ILCS 5/11-19.2**);
- (10) Child pornography (**720 ILCS 5/11-20.1**);
- (11) Criminal sexual assault (**720 ILCS 5/12-13**);
- (12) Aggravated criminal sexual assault (**720 ILCS 5/12-14**);
- (13) Aggravated criminal sexual abuse (**720 ILCS 5/12-16**);
- (14) Kidnapping or aggravated kidnapping (**720 ILCS 5/10-1 or 5/10-2**);
- (15) Unlawful restraint or aggravated unlawful restraint (**720 ILCS 5/10-3 or 5/10-3.1**).

(B) **"School"** means any real property used primarily for educational or childcare purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C) **"Loiter"** shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of **eighteen (18) years**.

(D) **"Park"** includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the County has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-15-2 **PROHIBITED ACTS.**

(A) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(B) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of

eighteen (18) years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**;

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

27-15-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **One thousand Dollars (\$1,000.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **One Thousand Dollars (\$1,000.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-15-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

27-15-4 OTHER PROVISIONS.

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

ARTICLE XVI – SMOKE FREE AIR CODE

27-16-1 BACKGROUND. Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the County, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

27-16-2 PURPOSE. This Article may be cited as the "Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within **twenty-five (25) feet** of all public entrances to such places, in open air public dining areas and within **twenty-five (25) feet** of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

27-16-3 DEFINITIONS. For the purposes of this Article, the following terms shall have the following meanings:

"Business" means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.

"Club" means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

"Employee" means any person who is employed or retained by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

"Employer" means any business that employs one or more employees.

"Enclosed Area" means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

"Open Air Dining Area" means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engaged in purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

"Outdoor Event" means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

"Outdoor Venue" means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

"Place of Employment" means an area under the control of a public or private employer within the County that employees normally frequent during the course of employment, and includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

"Park" means a public park or recreation area that is open to and used by the general public.

"Public Entrance" means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

"Public Place" means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

- (A) vehicles of public conveyance;
- (B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;
- (C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and County-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.

(D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the County where there is in progress any public meeting.

"Public place" shall not include:

(A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

(B) hotel or motel rooms designated as smoking, provided that no more than **twenty percent (20%)** of the available rooms for rent in any single building shall be designated as smoking rooms.

"School Grounds" mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

27-16-4 PROHIBITION IN ENCLOSED PUBLIC PLACES.

(A) It is unlawful to smoke in any enclosed area of any public place.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

27-16-5 **PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.**

- (A) It is unlawful to smoke in the following unenclosed public places:
- (1) The seating areas of all outdoor arenas, stadiums and amphitheaters.
 - (2) Public parks and recreation areas.
 - (3) School grounds.
 - (4) Public sidewalks within **fifteen (15) feet** of a public entrance but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
 - (5) Public sidewalks within **fifteen (15) feet** of an open-air dining area but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
- (B) It is unlawful to smoke in or within **fifteen (15) feet** of an outdoor venue during the time that an outdoor event is taking place.

27-16-6 **PROHIBITION IN PLACES OF EMPLOYMENT.**

- (A) It is unlawful to smoke in any enclosed area of any place of employment.
- (B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

27-16-7 **PROHIBITION IN OPEN AIR DINING AREAS.**

- (A) It is unlawful to smoke in open air dining area.
- (B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open-air dining area to knowingly permit smoking in the area available for open air dining.
- (C) it is unlawful to smoke within **fifteen (15) feet** of an open-air dining area.

27-16-8 **PROHIBITION AT PUBLIC ENTRANCES.**

- (A) It is unlawful to smoke within **fifteen (15) feet** of a public entrance to a public place or to a place of employment.
- (B) It is unlawful for any person or persons to gather or congregate for the purpose of smoking within **fifteen (15) feet** of a public entrance.

27-16-9 **DESIGNATION OF OTHER NO-SMOKING AREAS.** Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

27-16-10 **NO RETALIATION.** No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

27-16-11 **SIGNS.**

- (A) Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous "No Smoking" signs in the enclosed area of any public place where smoking is prohibited. Such "No Smoking" signs shall have a white field with the words "No Smoking" printed in red letters, **four (4) inches** high with a **one-half (1/2) inch** face, or shall bear the international "No Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar

across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.

(B) Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school ground, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C) Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

27-16-12 EXEMPTIONS. The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

27-16-13 PENALTIES.

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

- (1) A fine of not less than **Twenty-Five Dollars (\$25.00)** for a first violation.
- (2) A fine of not less than **Fifty Dollars (\$50.00)** for a second violation.
- (3) A fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars (\$100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars (\$250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars (\$500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars (\$1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars (\$2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

27-16-14 SEVERABILITY. If any provision or part of this Article or application thereof to any person or circumstance is held to be invalid, the remainder of the Article and the application of the provision or part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

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CHAPTER 30

PUBLIC SAFETY

ARTICLE I – EMERGENCY MANAGEMENT AGENCY (EMA)

30-1-1 **ESTABLISHMENT; PURPOSE; MEMBERSHIP; STATUTORY AUTHORITY.**

(A) There is hereby created within the County governmental organization an entity to be known as the “Monroe County Emergency Management Agency,” hereinafter referred to as the “Monroe County EMA.” This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, and the state and federal government in accordance with the provisions of the Illinois Emergency Management Agency Act (**20 ILCS 3305**), hereinafter “the Act.”

(B) The purpose of the Monroe County EMA shall be the coordination of emergency services functions that may be necessary for or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes.

(C) The Monroe County EMA shall consist of the Coordinator and such additional members as may be selected by the Coordinator and approved by the Monroe County Board.

(D) All emergency services functions of the Monroe County EMA shall at all times be in accordance with the provisions of the Act and all rules and regulations promulgated thereunder.

30-1-2 **LIMITATIONS.** Nothing in this Article shall be construed to:

(A) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this Article or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety.

(B) Interfere with dissemination of news or comment of public affairs; but any communications facilities or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster.

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the Armed Forces of the United States, or of any personnel thereof, when on active duty; but State and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management.

(D) Limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the Constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act; limit any home rule unit; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution.

30-1-3 **DEFINITIONS.** As used in this Article, the following terms shall have the meanings indicated:

(A) **Coordinator.** The staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

(B) **Disaster.** An occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or technological cause, including but not limited to fire, flood, earthquake, wind, storms, hazardous materials spills or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action.

(C) **Disaster Training Exercise.** A planned event designed specifically to simulate an actual disaster, which will provide emergency operations training for emergency response personnel. Actual response by EMA volunteers to local emergency situations not qualifying as disasters, as defined in

this Section, is considered a disaster training exercise; provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a disaster training exercise.

(D) **Emergency Management.** The effort of the State and the political subdivision to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

(E) **Emergency Management Agency.** The agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.

(F) **Emergency Operations Plan.** The written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

(G) **Emergency Services.** The coordination of such functions by the State and its political subdivisions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection together with all other activities necessary or incidental to protecting life or property.

(H) **Illinois Emergency Management Agency or IEMA.** The agency established by this Act within the executive branch of state government responsible for coordination of the overall emergency management program of the state and with private organizations, political subdivisions and the federal government.

(I) **Mobile Support Team.** The utilization of personnel to be dispatched by the Governor, or, if he so authorizes the Coordinator to supplement local political subdivisions for emergency management programs in response to a disaster.

(J) **Municipality.** Any city, village and incorporate town.

(K) **Political Subdivision.** Any county, city, village, incorporated town.

(L) **Principal Executive Officer.** Chairman of the County Board, mayor of a city or incorporated town, president of a village or, in their absence or disability, the interim successor as established pursuant to Section 7 of the Emergency Interim Executive Succession Act. **(See 5 ILCS 275/7)**

30-1-4 FUNCTION; STATUTORY RESPONSIBILITIES.

(A) The Monroe County EMA shall not have jurisdiction within a political subdivision that has its own emergency management agency but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within its borders.

(B) The Monroe County EMA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency management agency in order to facilitate the cooperation and protection of that municipality within the County EMA in which it is located in the work of disaster mitigation, preparedness, response and recovery.

(C) The Principal Executive Officer of the County shall notify IEMA of the manner in which the County is providing or securing emergency management, identify the executive head of the EMA and furnish additional information relating thereto as the IEMA requires.

(D) The EMA shall prepare and keep current an emergency operations plan for its geographic boundaries. It shall be submitted to the IEMA for review and approval in accordance with Paragraph (g) of Section 10 of the Act.

(E) The ESDA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(F) The EMA shall coordinate emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the IEMA and, in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under Subparagraph (5) of Paragraph (c) of Section 6 of the Act.

(G) The County, upon advice from the EMA, may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, the County may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, the entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

30-1-5 EMA COORDINATOR; OFFICE.

(A) The EMA shall have a Coordinator who shall be appointed by the County Board in the same manner as are the heads of regular governmental departments.

(B) The EMA Coordinator shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of the County Board.

(C) The EMA Coordinator shall complete the FEMA Professional Developmental Series and all required NIMS classes within **six (6) months** of taking office.

(D) The EMA Coordinator must apply for and complete all requirements of the emergency management performance grant each year.

(E) The EMA Coordinator is responsible for constructing and updating the emergency operations plan and all contracts that are required by that plan.

(F) The EMA Coordinator is responsible for keeping the agency accredited with IEMA.

(G) The EMA Coordinator can enact any emergency powers, rules and/or regulations permitted by the Governor under the authority of the Act with the advice of the County Board. Such emergency powers, rules and/or regulations can include but are not limited to:

- (1) Curfew.
- (2) Closing of all retail liquor stores, including taverns, bars and private clubs.
- (3) Discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- (4) Discontinuance of selling, distributing or giving away of gasoline, diesel fuel or any other flammable liquid or combustible products.
- (5) Issue such orders as are imminently necessary for the protection of life and property.

(H) The EMA Coordinator shall have the authority to purchase materials, supplies, equipment and laborers for such equipment in the event of a disaster up to the amount of **Five Thousand Dollars (\$5,000.00)** without the authorization of the County Board.

(I) The EMA Coordinator or any member of the staff may be called upon by the Governor, IEMA Director or Regional Coordinator to assist on an incident management team (IMT). Any member of an IMT that is a County employee or officer while serving on call to duty by the Governor, IEMA Director or Regional Coordinator shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the County, while so serving, shall receive from the state a reasonable compensation as provided by law.

(J) The EMA Coordinator or his or her Deputy may issue no-burn orders due to drought conditions. This order will be made at the request of the Fire Department Chiefs, city mayors, village presidents or the County Board members. Such orders will prohibit all open burning but shall not prohibit a cooking fire in an enclosed device. During the no-burn order, with the approval of the jurisdictional Fire Department Chief, a controlled/prescribed burn may be conducted strictly in accordance with all the provisions of the Illinois Prescribed Burn Act (**525 ILCS 37**) and the Illinois Administrative Code (Title 17, Part 1565).

30-1-6 LOCAL DISASTER DECLARATIONS.

(A) A local disaster may be declared only by the Principal Executive Officer of the County, or his interim emergency successor, as provided in Section 7 of the Emergency Interim Executive Succession Act (**5 ILCS 275/7 et seq.**). It shall not be continued or renewed for a period in excess of **seven (7) days** except by or with the consent of the governing board of the County. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

(B) The effect of a declaration of a local disaster is to activate the emergency operations plan of the County and to authorize the furnishing of aid and assistance thereunder.

30-1-7 TESTING OF DISASTER WARNING SYSTEMS.

(A) The EMA shall be allowed to test warning systems including outdoor warning sirens on the first Tuesday of each month at **10 o'clock** in the morning.

(B) The EMA may also test disaster warning systems including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by EMA.

30-1-8 MUTUAL AID BETWEEN POLITICAL SUBDIVISIONS.

(A) The EMA Coordinator may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this State and the STARRS Region for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the State EPO and State emergency management program, and in the event of such a disaster as described in Section 4 of the Act, it shall be the duty of the EMA to render assistance in accordance with the provisions of such mutual aid arrangements.

(B) The EMA Coordinator may, subject to the approval of the Coordinator of IEMA, assist in the negotiation of mutual aid agreements between this and other states.

30-1-9 IMMUNITY. Neither the State, any political subdivision of the State, nor, except in cases of negligence or willful misconduct, the Governor, the Coordinator, the Principal Executive Officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the Act or any rule or regulations promulgated pursuant to the Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under the Act under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-1-10 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

(A) Whenever the federal government or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the County services, equipment, supplies, materials, or

funds by the way of gift or grant, for purposes of emergency management, the County, acting through the Principal Executive Officer, may accept such offer and upon such acceptance, may authorize an officer of the County to receive such services, equipment, supplies, materials or funds on behalf of the County.

(B) The County, acting through the Principal Executive Officer, shall have the authority to establish a special fund if needed to accept such gifts, grants, or loans. The establishment of such a special fund shall be in accordance with all County ordinances relating to this subject matter and the laws of the State of Illinois. All services, gifts, grants or loans accepted pursuant to the Section shall be subject to County auditing procedures.

30-1-11 ORDERS, RULES AND REGULATIONS.

(A) The County Board shall have the authority to promulgate orders, rules and regulations upon the advice of the EMA Coordinator for the purpose of emergency management in times of disaster.

(B) The EMA shall execute and enforce such orders, rules and regulations as may be made by the Governor under the authority of the Act. The EMA shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor's authority and which have been provided by the Illinois Emergency Management Agency.

30-1-12 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.

The EMA acting through its Principal Executive Officer may utilize the services, equipment, supplies and facilities of existing departments, offices and agencies within its jurisdiction to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed.

30-1-13 OATH. Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the EMA Coordinator and the County Clerk:

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

30-1-14 NO PRIVATE LIABILITY.

(A) Any person or group owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster or a disaster training exercise, together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with and under the direction of the County under the provisions of the Act shall not be civilly liable for causing death of, or injury to, any person or damage to any property, except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the County under the Act during an actual or impending disaster shall not be civilly liable for causing the death of, or injury to, any person or damage to any property, except in the event of willful misconduct.

30-1-15 **PROHIBITION OF POLITICAL ACTIVITY.** The EMA established by this Article shall not be employed directly or indirectly by any person for political purposes.

30-1-16 **VIOLATIONS AND PENALTIES.** A violation by any person, corporation or otherwise, whether as principal, agent, employee, or otherwise, of any provisions of this Code shall be a misdemeanor and will be subject to a fine up to **Five Hundred Dollars (\$500.00)**. If more than one provision is violated, each provision violated shall be considered a separate misdemeanor, and each shall be liable to maximum penalties as herein specified. Nothing herein shall limit any other right or remedy of the County or other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

(Ord. No. 15-01; 03-02-15)

ARTICLE II - AMBULANCE SERVICE

30-2-1 **SERVICE ESTABLISHED.** There is hereby created in Monroe County an ambulance service for the conveyance of sick, injured or incapacitated persons pursuant to **Chapter 55, Section 5/5-1053 of the Illinois Compiled Statutes.**

30-2-2 **SUPERVISED BY MONROE COUNTY AMBULANCE COORDINATOR.** The ambulance service shall be supervised by the Monroe County Ambulance Coordinator.

30-2-3 **FEES.** Fees for the provision of services by the ambulance service shall be determined by a majority of the members of the County Board and said fees shall not exceed the reasonable cost of the service.

30-2-4 **PRIVATE SERVICES CONTRACTED.** The County of Monroe may contract with a private person, hospital, corporation or another governmental unit for the provision and operation of ambulance service in the County of Monroe or subsidize the service thereof.

30-2-5 **REGULATIONS ESTABLISHED BY BOARD.** A majority of the members of the County Board may establish necessary regulations not inconsistent with the statutes or regulations of the Department of Public Health of the State of Illinois relating to ambulance service.

30-2-6 **EXPENSES INCURRED.** A majority of the members of the County Board may cause the expenses incurred in providing such ambulance service to be paid from the general funds of the County or from the proceeds of a tax levied and collected annually under the provisions of **Chapter 55, Section 5/5-1028 of the Illinois Compiled Statutes.**

[This Article Ord. No. 78-2; 04-04-78]

ARTICLE III - INTERGOVERNMENTAL MUTUAL AID AGREEMENT

30-3-1 AGREEMENT. This Agreement to provide law enforcement mutual aid and assistance is made and entered into among the following law enforcement agencies located in the County of Monroe, State of Illinois, to wit: Sheriff's Department of Monroe County, Illinois; Police Department of the City of Columbia, Illinois; Police Department of the City of Waterloo, Illinois; Police Department of the Village of Valmeyer, Illinois; and Police Department of the Village of Hecker, Illinois, WITNESSETH:

WHEREAS, each of the parties hereto maintains equipment and personnel for the enforcement of law within its own jurisdiction;

WHEREAS, the parties hereto desire to augment the law enforcement available in and around their respective areas of jurisdiction when necessary;

WHEREAS, the jurisdictional boundaries of the parties hereto are contiguous or are in reasonable proximity so that mutual assistance in law enforcement is deemed feasible; and,

WHEREAS, it is mutually agreed that said mutual assistance in law enforcement is deemed sound, desirable, practicable and beneficial for the respective parties to this Agreement to render assistance to one another in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties hereto agree:

(1) Mutual Aid and Assistance. When it is deemed advisable by the Senior Officer of the requesting law enforcement agency to request assistance under the terms of this Agreement and such assistance is requested, the Senior Officer of the requested law enforcement agency is hereby authorized to take the following action forthwith:

- (a) Immediately determine if law enforcement equipment and personnel can be spared for response to the request.
- (b) If said equipment and personnel are available, dispatch said man power and equipment to the agency making the mutual aid request.

(2) Term of the Agreement. This Agreement shall become effective upon the date hereof and shall remain in force and effect until canceled by mutual agreement of the parties hereto or by **ten (10) days** advance written notice of cancellation by one party to the other parties hereto, whichever event of cancellation should first occur.

(3) Compensation for Services. All services rendered under this Agreement to a requesting party by a responding party shall be at the sole expense of the party responding; and, the responding party shall not be entitled to receive any compensation nor reimbursement for services rendered nor cost incurred in providing services to a requesting party under this Agreement.

(4) Waiver of Claims and Indemnity. Each party to this Agreement waives, releases and relinquishes all claims or causes of action said party may have against the other parties hereto for all losses and damages, including attorney's fees and Court costs, such part may have arising out of or in consequence of the performance or non-performance of this Agreement by another party or employees or officials of another party; and further, each party agrees to hold the other parties hereto safe, harmless, free and indemnified and to defend the other parties and the officials and employees of the parties from any and all claims and liability for loss, damage, injury or death arising out of acts, errors, or omissions of said party, its agents, officials and employees under and pursuant to this Agreement. Each party to this Agreement agrees to save and hold harmless the other parties to this Agreement from and against any and all claims for liability to officers or employees of said indemnifying party arising under the Illinois Workmen's Compensation Act or the Illinois Occupational Disease Act and which arise out of or are caused by the performance of this Agreement. All parties hereto stipulate and agree that the officers

and employees of a party rendering assistance to another or other parties under this Mutual Aid Agreement, in the performance of said duties under this Agreement, shall not be considered loaned officers or employees employed by the party receiving such assistance under the Illinois Workmen's Compensation Act or the Illinois Occupational Disease Act; and, officers or employees dispatched to render assistance under this Agreement who receive injuries in the course and scope of performing their duties under this Agreement shall be regarded as employees of responding party rendering assistance hereunder, anything to the contrary herein notwithstanding.

(5) Insurance Required. Each party to this Agreement shall, during the entire term of this Agreement, procure and maintain the following insurance in the following minimum limits of coverage, to wit:

- (a) Comprehensive general liability insurance (including contractual liability which insures this Agreement), with limits of no less than **Five Hundred Thousand Dollars (\$500,000.00)** per occurrence or accident and **Five Hundred Thousand Dollars (\$500,000.00)** aggregate.
- (b) Personal injury liability insurance which insures all regular law enforcement personnel of the named insured (including false arrest, false imprisonment, malicious prosecution, libel, slander, and invasion of the right of privacy and private occupancy) with limits of no less than **Five Hundred Thousand Dollars (\$500,000.00)** per person and **Five Hundred Thousand Dollars (\$500,000.00)** aggregate.
- (c) Automobile liability insurance covering all owned or leased automobiles with limits of no less than **Five Hundred Thousand Dollars (\$500,000.00)** per person and **Five Hundred Thousand Dollars (\$500,000.00)** per accident or occurrence.
- (d) Workmen's Compensation insurance in accordance with Illinois law.

Each party shall provide to the other party, from time to time, upon request, a Certificate of Insurance, in a form acceptable to the requesting party, evidencing the existence of such insurance coverage.

(6) Assistance Not Mandatory. It is expressly understood, stipulated and agreed by the parties hereto that the rendering of aid or assistance under this Agreement is not and shall not be mandatory; however, a party receiving a request for assistance under this Agreement who has elected not to respond to the request for assistance shall, as soon as practicable, inform the requesting agency that assistance or aid will not be rendered. As heretofore provided, no party declining to respond to a request for assistance under this Agreement shall thereby incur any legal liability nor be responsible for any damages sustained by the requesting party in consequence of the failure of the party requesting to respond and render assistance hereunder.

(7) Officer in Charge. The Senior Officer of the requesting department or his assistant shall assume full charge of the operations for which the mutual aid request is made; except that, the Emergency Services Team Leader or Assistant Team Leader shall be in full charge of the Emergency Services Team Members. The Emergency Services Team Leader or Assistant Team Leader shall work in conjunction with the Senior Officer of the requesting agency.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this **6th** day of **June**, **1983**.

[Ord. No. 83-05; 06-07-83]

SANITARY LANDFILL CODE

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CHAPTER 31

SANITARY LANDFILL CODE

ARTICLE I – GENERALLY

31-1-1 **CODE ESTABLISHED.** This Chapter shall be known and cited as the “Sanitary Landfill Code of Monroe County.”

31-1-2 **PURPOSE AND AUTHORITY.**

(A) The County adopts and avails the County of the provisions of an act authorizing the County to regulate garbage disposal areas and vehicles used in the hauling of garbage, approved **September 26, 1980**, and all supplement amendments thereto, enacted by the People of the State of Illinois, represented in the General Assembly of the State of Illinois. **(See 55 ILCS 5/5-8001)**

(B) The County adopts and avails the County of the provisions of an act to prohibit open garbage dumps, approved **June 29, 1970**, and all supplemental amendments thereto, enacted by the People of the State of Illinois, represented in the General Assembly of the State of Illinois. Except as hereinafter stated, and unless a different meaning of a word or term is clear from its context, the definitions of words or terms as are used in this Code shall be the same as those used in the Environmental Protection Act.

31-1-3 **DEFINITIONS.** The following terms or words shall have the meanings ascribed to them as follows:

(A) **“ALL WEATHER ROAD”** means a road built of suitable material which allows for unrestricted and unaided vehicular movement in all forms of wet or dry weather.

(B) **“BEDROCK”** means the solid rock exposed at the surface of the earth or overlain by unconsolidated material.

(C) **“CELL”** means compacted refuse completely enclosed by cover material.

(D) **“COMBUSTIBLE WASTE”** shall mean all waste substances capable of incineration or burning but excluding explosive or highly inflammable material.

(E) **“COMMERCIAL HAULER”** means any person collecting garbage for hire from more than **two (2) residences** or from any commercial or industrial establishment or public building.

(F) **“COMPACTION”** means the reduction of volume of material under load.

(G) **“CONTAINERS”** means five-gallon pails, forty/forty-five gallon fiberboard, steel and plastic drums, and fifty/fifty-five gallon steel drums.

(H) **“COVER MATERIAL”** means soil or other material that is used to cover compacted solid waste in a sanitary landfill and that is free of objects that would hinder compaction and free of content that would be conducive to vector harborage, feeding, or breeding.

(I) **“DEVELOPMENT”** means construction or installation of a facility.

(J) **“DISPOSAL AREA”** shall mean any area within the County to which refuse is to be hauled for disposal. The term does not include the area on any person's land used for the disposal of refuse from such person's household, provided that the items of waste are covered hereinafter in **Article IV** of this Code.

(K) **“FACILITY”** means any device, mechanism, equipment or area used for storage, transfer, processing, incineration or deposit of solid waste.

(L) **“GARBAGE DISPOSAL AREA”** shall mean any site, including a sanitary landfill or land reclamation area used for the disposal of solid or semi-solid refuse from more than one premise, or from a commercial or industrial operation, not suitable for discharge into water carriage waste disposal systems. It means any area within a county but outside any city, village or incorporated town in such county to which garbage is hauled for disposal. The term does not include the area on any person's land used for disposal of garbage from such person's own household.

- (M) **"GROUNDWATER"** means water occurring in the zone of saturation in any aquifer or soil.
- (N) **"HAZARDOUS WASTE"** means solid waste with inherent properties which make such waste difficult or dangerous to manage by normal means including but not limited to chemicals, explosives, pathological wastes, radioactive materials and wastes likely to cause fire.
- (O) **"LAND RECLAMATION AREA"** shall mean all land or parcels of land on which refuse, or non-putrescible refuse or solid waste is accepted for deposit or permitted to be deposited regardless of whether a charge is made therefor.
- (P) **"LEACHATE"** means liquid containing materials removed from solid waste.
- (Q) **"LIFT"** means an accumulation of refuse which is compacted into a cell and over which compacted cover is placed.
- (R) **"LIQUID"** means a waste, or part of a waste, which yields any fluid when subjected to the paint filter test described in **Section 729.320** of the **Environmental Protection Act**. (Source: added at **9 Ill. Reg. 718**, effective **January 3, 1985**)
- (S) **"MODIFICATION"** means any physical change, or change in the method of operation, of a solid waste management facility.
- (T) **"NON-COMBUSTIBLE WASTE"** shall mean all other waste substance not capable of incineration or burning such as earth fill, glass, metal, earthenware and the like.
- (U) **"OPERATOR"** means a person who owns, leases, or manages a solid waste management facility.
- (V) **"PERMEABILITY"** means the capability of a material to pass a fluid.
- (W) **"PERSON"** shall mean any person, firm, club, corporation, association, partnership, company, organization or political subdivision.
- (X) **"PROFESSIONAL ENGINEER"** means an engineer registered to practice engineering in the State of Illinois.
- (Y) **"REFUSE"** shall mean all waste substances, including animal and vegetable, as well as combustible and non-combustible waste and all putrescible matter.
- (Z) **"SALVAGING"** means the return of solid waste materials to beneficial use.
- (AA) **"SANITARY LANDFILL"** shall mean a method of disposing of refuse on land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical volume by employing power equipment and covering with a layer of compacted earth or suitable cover material at the conclusion of each day's operation, or at such intervals on a more frequent basis as may be necessary.
- (BB) **"SCAVENGING"** means the removal of materials from a solid waste management facility in a manner not in conformity with the regulations governing salvaging.
- (CC) **"SITE"** means any location, place, or tract of land and facilities, used for solid waste management.
- (DD) **"SLUDGE"** means any material containing less than **forty percent (40%) solids** with no free-flowing liquids present.
- (EE) **"SOLID WASTE"** means refuse having **forty percent (40%) or more** solid contents.
- (FF) **"SOLID WASTE DISPOSAL"** means disposition of solid waste by means acceptable under regulations adopted by the County Board.
- (GG) **"SOLID WASTE MANAGEMENT"** means the processes of storage, processing or disposal of solid wastes, not including hauling or transport.
- (HH) **"SURFACE WATER"** means all water the surface of which is exposed to the atmosphere.
- (II) **"VECTOR"** means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.
- (JJ) **"WATER TABLE"** means that surface in unconfined water at which the pressure is atmospheric and is defined by the levels at which water stands in wells that penetrate the water just far enough to hold standing water.
- (KK) **"WORKING FACE"** means any part of a sanitary landfill where refuse is being disposed.

ARTICLE II - ADMINISTRATION

31-2-1 **COUNTY BOARD.** The enforcement of this Code is hereby vested in the Monroe County Board of Commissioners hereinafter known as the "Board".

The Board shall enforce this Code and all amendments and regulations hereinafter adopted by them.

31-2-2 **APPROPRIATIONS.** The County Board shall appropriate funds to carry out their duties, and the Board shall have the authority to extend, under regular County procedure all sums appropriated to it for the purposes and activities authorized herein.

31-2-3 **RULES AND PROCEDURES.** The Board shall adopt such rules concerning the filing of appeals and applications for amendments, variances, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Board shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote of all actions taken. All minutes of the hearings and records of the hearings shall be filed for a period not to exceed **two (2) consecutive years** in the office of the County Clerk and shall be of public record.

ARTICLE III - REQUIREMENTS

31-3-1 **LICENSE FEE.**

(A) **Generally.** No person shall operate any landfill and/or sanitary landfill or solid waste disposal site, or land reclamation areas except such sites which are owned and operated by municipalities within or outside their corporate limits, and by industries disposing of non-combustible and non-putrescible waste on their own property, without first obtaining a license and paying **Five Hundred Dollars (\$500.00)** annually for each.

(B) **Application.** No such license shall be issued, except on application and approval by the Board.

31-3-2 **VEHICULAR LICENSING.**

(A) **Permit.** All persons using or operating commercial or municipal refuse vehicles hauling refuse to any refuse disposal area in Monroe County shall obtain a permit from the County Clerk. Those municipalities owning or operating vehicles hauling refuse to municipally owned disposal areas shall be exempt from the provisions of this Section. A copy of the permit shall be carried at all times in the hauling vehicle and displayed in the upper right-hand corner of the windshield.

(B) **Issuance.** No permit shall be issued unless said application filed with the County Clerk contains the following information:

- (1) Name (owner and/or hauler)
- (2) Address of (either owner and/or hauler, or of disposal area);
- (3) Location of Equipment; and
- (4) License Plate Number of vehicle hauling refuse.

(C) **Fee.** The annual fee per vehicle shall be **Fifty Dollars (\$50.00)** per year, which shall be paid prior to the issuance of said permit.

ARTICLE IV - REGISTRATION AND/OR PERMITS

31-4-1 **REGISTRATION AND/OR PERMITS.** All refuse disposal sites, or facilities shall be registered with the County Board on forms provided by the Monroe County Clerk.

31-4-2 **NOTIFICATION OF CHANGE.** The Board shall be notified in writing at least **thirty (30) days** prior to any proposed change in method of operation, deviation from the approved method of operation, relocation, closure, or plan.

ARTICLE V - INSPECTIONS AND FINES

31-5-1 **INSPECTION BY BOARD.** The Board, or its authorized representatives, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code and regulations promulgated hereunder. It shall be the duty of the operator of a Sanitary Landfill and/or Landfill Solid Waste Disposal Site or Land Reclamation Project to give the Board free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code and the regulations promulgated hereunder.

31-5-2 **FINES.** Any person who fails to comply with the provisions of this Code or the regulations adopted pursuant thereto shall be deemed guilty of a violation of this Code and shall, upon conviction, be fined a sum not to exceed **Five Hundred Dollars (\$500.00)**. Each day that a violation continues to exist, after notice by the Board, shall constitute a separate offense.

ARTICLE VI - CONDITIONS

31-6-1 **NOTICES AND COMMUNICATIONS.** All notices and communications to the County will be addressed separately to:

**County Board of Commissioners
Monroe County
100 South Main St.
Waterloo, IL 62298**

ARTICLE VII - NEW POLLUTION CONTROL FACILITY

31-7-1 **DEFINITIONS.** The following terms or words shall have the meanings ascribed to them as follows:

(A) **"APPLICANT"** is any person, firm or partnership, association, corporation, company or organization of any kind who files a request for site approval pursuant to this Code.

(B) **"HAZARDOUS WASTE DISPOSAL SITE"** is a site at which hazardous waste is disposed. "Hazardous Waste" is waste as defined in the Illinois Environmental Protection Act, (hereinafter referred to as Act) as amended.

(C) **"IEPA"** is the Illinois Environmental Protection Agency.

(D) **"REGIONAL POLLUTION CONTROL FACILITY"** is any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general-purpose unit of government. For purposes of this Code a local general-purpose unit of government is Monroe County. **A** Regional Pollution Control Facility is also any facility defined as such in the Act.

(E) **"REGIONAL POLLUTION CONTROL HEARING COMMITTEE"** is the committee appointed by the County Board whose function is to attend the public hearings on requests for site approval, make factual findings, and make recommendations regarding the requests for site approval to the County Board.

In addition, all other words used in this Code and defined in the Act shall have the same definitions and meanings as found in **415 ILCS 5/1**.

31-7-2 **APPLICATION.**

(A) A minimum of **twelve (12) complete copies** of requests for site approval, including **twelve (12) copies** of all site plans, exhibits, and maps, shall be filed in the office of the Monroe County Clerk. Upon receipt of any such request for site approval, the County Clerk shall date stamp same and immediately deliver **eight (8) copies** of the request for site approval to the Chairman of the County Board, one copy of the request for site approval to the Plan Commission, one copy to the hearing officer, one copy to the office of the State's Attorney, and one additional copy of the request for site approval to each municipality within **one and one-half (1 1/2) miles** of the proposed facility.

(B) A copy of the request for site approval shall be made available for public inspection in the office of the County Clerk and members of the public shall be allowed to obtain a copy of the request for site approval or any part, thereof upon payment of the actual cost of reproduction. All copying requests shall be fulfilled by the County Clerk within a reasonable time from the time of the request.

(C) Requests for site approval shall be of the form as provided by the Plan Commission and shall include the following:

- (1) A written petition on 8 1/2" x 11" paper which sets forth:
 - (a) the identification of the applicant and owner, and if the proposed site is owned in trust, the beneficiaries;
 - (b) the legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located;
 - (c) a description of the proposed facility, its operation and the expected longevity thereof;
 - (d) the area to be served by the proposed facility and a statement of the needs of such area for such a facility;
 - (e) a list of the existing Regional Pollution Control Facilities within the area proposed to be served and, with respect to each such facility, the following information shall be provided; location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;

- (f) the expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origins of these wastes;
 - (g) a description of the geologic and hydrogeologic character of the site including core samples, the monitoring plans, including any background analyses for ground water, surface water and air;
 - (h) reasons supporting approval of the application;
 - (i) a prayer for site approval.
- (2) The request for a permit made to the Illinois Environmental Protection Agency, if any such request has been made.
- (3) A site plan showing details of the proposed facility including but not limited to:
- (a) cross sections;
 - (b) all existing wells within **five hundred (500) feet** of the site;
 - (c) all monitoring wells;
 - (d) fences, buildings and other structures;
 - (e) roads, entrances, and driveways; and
 - (f) core sample locations on and within **two hundred (200) feet** of the site.
- (4) A detailed topographic survey of the subject site and the surrounding area within **five hundred (500) feet** which indicates land use and, if applicable, the boundary of the 100-year flood plain as determined by the Illinois Department of Transportation.
- (5) A statement of the plan of operation for the proposed facility, including but not limited to the following:
- (a) method of landfilling, incineration, resource recovery or other process;
 - (b) hours of operation;
 - (c) personnel;
 - (d) litter, vector, dust and odor control;
 - (e) surface drainage and erosion control;
 - (f) fire control;
 - (g) corrective actions for spills and other operational accidents;
 - (h) if applicable, the stages of development or use;
 - (i) an end use plan.
- (6) A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight and direction of movement.
- (7) All studies, maps, reports, permits or exhibits which the applicant desires the County Board to consider at the public hearing.
- (8) A description of the insurance policies carried by the applicant to cover single accidents, such as fires or explosions, and non-sudden accidental occurrences.
- (9) If the site is a proposed hazardous waste facility, a copy of the Resource Conservation Recovery Act Contingency Plan.
- (10) An application fee of **Two Hundred Fifty Thousand Dollars (\$250,000.00)** to cover notice costs, court reporter costs, transcription costs, county consultant costs, hearing officer costs, and other expenses incurred by the County of Monroe in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision, provided however, that any portion of the application fee that remains unexpended at the conclusion of the hearing process shall be returned to the applicant. Should there be any additional costs incurred by the County over the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs.

(D) No application for site approval shall be deemed to have been filed or accepted for filing unless all of the requirements of this Code applicable thereto shall have been met and the County Clerk shall not give a receipt or other indication of filing until such time as it is determined that the application complies with the requirements of this Code. Within a reasonable period of time after delivery of an application, the County Clerk shall advise the applicant:

- (1) Either that the application is complete and that it has been accepted for filing, designating the date of filing, or
- (2) That the application is not complete, specifying wherein it is deficient.

(E) In order to give members of the public an opportunity to make informed written comment pursuant to **Chapter 415, Section 5/39.2 of the Illinois Compiled Statutes** and to give members of the public and departments of the County an opportunity to prepare adequately and fairly for the public hearing hereinafter described, the applicant must fully comply with all application requirements as set forth in **Section 31-7-2(C)**, hereof. Failure to comply with said application requirements shall render such required information inadmissible at said public hearing.

(F) No request for site approval may be amended to add additional data or reports once the request for site approval has been filed with the County Clerk. However, an applicant may withdraw his request for site approval at least **fourteen (14) days** before the first scheduled hearing and may file a new request for site approval. Upon withdrawal of a request for site approval, any unexpended portion of the application fee shall be returned to the applicant. The refile of a request for site approval puts into operation all the requirements set forth in this Code as pertains to any new request for site approval.

31-7-3 COUNTY REVIEW.

(A) Upon receipt of a copy of a request for site approval, the Chairman of the Planning Commission shall notify the following County Departments of such receipt:

- (1) Health Department
- (2) Highway Department
- (3) State's Attorney's Office

(B) The Planning Commission shall be the department responsible for coordinating review of the request for site approval by the aforementioned departments and is authorized to call inter-departmental meetings and set deadlines for the submittal of reports and recommendations.

(C) The aforementioned departments may attend the public hearings and may ask such questions as needed to assist in reaching their recommendations.

(D) The aforementioned departments are authorized to prepare and submit reports and recommendations in response to the request for site approval. Preliminary reports prepared by County departments and retained consultants summarizing and analyzing the request for site approval, reports, studies, exhibits and any written comments filed with the County Clerk, concerning the appropriateness of the proposed site, shall be filed with the County Clerk no later than **ten (10) days** in advance of the date set for hearing. In the event that the **tenth (10th) day** prior to the date set for public hearing falls on Saturday, Sunday, or holiday, the next working day shall be considered the day that reports shall be filed. Copies of departmental reports shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies of the reports upon payment of the actual cost of reproduction.

(E) The County departments and consultants retained by the County are authorized to present testimony at the public hearing as hereinafter described.

31-7-4 OTHER PARTIES. All reports, studies, exhibits, or other evidence or copies thereof, other than testimony, which any other person desires to submit for the record at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing and shall be available for public inspection in the office of the County Clerk. In the event that the **tenth (10th) day** prior to the date set for public hearing falls on a Saturday, Sunday, or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed. The County Clerk shall date

stamp any reports, studies, exhibits or other evidence upon receipt. In the case of documentary evidence, members of the public shall be allowed to obtain copies of said documents upon payment of the actual cost of reproduction.

31-7-5 PUBLIC HEARING.

(A) No sooner than **ninety (90) days** but no longer than **one hundred eighty (180) days** from the date of filing of the request for site approval with the County Clerk, a public hearing shall be held by the Regional Pollution Control Hearing Committee.

(B) The Regional Pollution Control Hearing Committee shall consist of **five (5) members** of the Planning Commission which are appointed by the County Board.

(C) Within **ten (10) working days** of the date a request for site approval is filed, the Chairman of the County Board shall determine the date, time and location upon which such public hearing shall be held, but in any event the initial public hearing must be scheduled no sooner than **ninety (90) days** but no later than **one hundred eighty (180) days** from the date the request for site approval was filed with the County Clerk.

(D) The Chairman of the County Board shall notify the County Clerk of the date upon which such hearing shall be held and shall request the County Clerk to cause such notice of such hearing to be made as follows:

- (1) Published legal notice in a newspaper of general circulation published in the County at least once per week for **three (3) successive weeks** prior to the date set for hearing. Such notice shall consist of the following:
 - (a) The name and address of the person, partnership or corporation requesting site location approval;
 - (b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of said trust;
 - (c) The legal description of the site;
 - (d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the property to residents of the neighborhood;
 - (e) The nature and size of the proposed development;
 - (f) The nature of the activity proposed;
 - (g) The probable life of the proposed activity;
 - (h) The time and date of the public hearing;
 - (i) The location of the public hearing;
 - (j) A statement that all copies of evidence other than testimony to be submitted at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing.
- (2) Certified mail to all members of the General Assembly from the district in which the proposed site is located;
- (3) Certified mail to the Illinois Environmental Protection Agency; and
- (4) Certified mail to all municipalities and townships within **one and one-half (1 1/2) miles** of the proposed facility.

(E) The Monroe County State's Attorney shall appoint the hearing officer for the public hearing on the request for site approval. The hearing officer shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this Code. The hearing officer shall make all decisions and rulings in accordance with fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. No ruling of the hearing officer shall be appealable to the County Board.

(F) The applicant for site location approval shall have the burden of going forward with evidence of the suitability of the site location for the proposed use.

(G) Any person appearing at such public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. Any person shall have the right to be represented by an attorney at said public hearing. Such attorneys shall have the right of reasonable cross examination. Opportunity for any persons appearing at such public hearing to cross examine any witness shall be limited by the hearing officer.

(H) Conduct of the public hearing shall be substantially as follows:

- (1) Call to order.
- (2) Introduction of the hearing committee and hearing officer.
- (3) Recognition of the applicant and identification of the request for site approval.
- (4) Recognition of fees, notices, and date of filing of the request for site approval.
- (5) Recognition of the County and other parties wishing to testify and any other reports, exhibits, maps, or documents of record as filed pursuant to this Code. All parties, including members of the public, intending to testify or cross examine must sign in or submit written notification of said intent to the Monroe County Board on or before the first day of the public hearing. Should the public hearing extend beyond **one (1) day**, additional parties or members of the public, not of record as of the first day of the public hearing will not be allowed to present testimony or cross examine.
- (6) The applicant, the County, and other parties may make an opening statement.
- (7) The Committee shall then hear testimony from the applicant and/or any witnesses the applicant may wish to call. Upon the close of the applicant's testimony, other parties may offer expert witnesses and evidence they may wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the County may present any witnesses and evidence it wishes to present. Members of the public, of record, as set forth in **Section 31-7-5(H)(5)**, may then present oral comment to the hearing committee. The hearing officer shall decide the order of presentation of testimony subject to this Code.
- (8) All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable examination as follows: direct, cross examination, redirect, recross, etc. After all parties have presented testimony, reasonable rebuttal, sur-rebuttal, etc., may be allowed at the discretion of the hearing officer.
- (9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by a party from the request for site approval as filed with the County Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed **five (5) working days**.
- (10) Summary statements by applicant, other parties and the County, subject to limitations as imposed by the hearing officer.
- (11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer.
- (12) Hearing closed.

31-7-6 PUBLIC COMMENT.

(A) The County Clerk shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of any such written comment the County Clerk shall date stamp same and shall file written comment and the postmarked envelope in which comment is received.

(B) Copies of such written comments shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of any written comment upon payment of actual cost of reproduction.

(C) Any written comment received by the County Clerk or postmarked no later than **thirty (30) days** after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described and the County Board shall consider any such timely written comments in making its final determination concerning said request. In the event that the **thirtieth (30th) day** falls on a Saturday, Sunday or a federal holiday, the next day on which mail is delivered shall be considered the **thirtieth (30th) day** for purposes of this paragraph.

31-7-7

RECORD.

(A) The County Clerk shall be responsible for keeping the record of said hearing.

(B) The record shall consist of the following:

- (1) The request for site location approval as described in **Section 31-7-2(C)** hereof;
- (2) Proof of notice as described in **Section 31-7-5(D)** hereof;
- (3) Proof of notice by applicant pursuant to **Section 39.2(b) of Chapter 415 of the Illinois Compiled Statutes;**
- (4) Written comments filed by the public and received by the County Clerk or postmarked within **thirty (30) days** of receipt of the filing of a request for site location approval;
- (5) All reports, studies, exhibits or documents received into evidence at the public hearing;
- (6) The transcript of the public hearing;
- (7) Findings of fact and recommendations of the Regional Pollution Control Hearing Committee; and
- (8) The Resolution containing the final decision of the County Board.

(C) The County Clerk shall be responsible for certifying all copies of the record of the public hearing.

31-7-8

SITE APPROVAL DECISION.

(A) After the public hearing and any continuation thereof, the Monroe County Board of Commissioners shall hold a public review meeting for purposes of establishing findings of fact and a recommendation concerning the site approval request. Any findings of fact and recommendation shall be supported by the record.

(B) The Board of Commissioners shall base its decision on the following criteria:

- (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- (2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding property;
- (4) The facility is located outside the boundary of the 100-year floodplain as determined by the Illinois Department of Transportation, or the site is flood proofed to meet the standards and requirements of the Illinois Department of Transportation and is approved by the Department;
- (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows; and

(7) If the facility will be treating, storing or disposing of hazardous waste, that an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release.

(C) The County Commissioners shall consider the record from the public hearing and shall make a determination concerning a site approval request at least within **one hundred eighty (180) days** from the County Clerk's receipt of the site approval request. The County Board may conditionally approve any request for site approval provided such conditions are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. Any determination by the County Board shall be supported by the record.

(D) No determination by the County Board of a site approval request may be reconsidered.

31-7-9 ADMINISTRATION OF FEES AND COSTS.

(A) All expenses incurred by the County in conducting the review of the request for site approval, the subsequent hearing, and the site approval decision shall be paid from the application fee as provided in this Code.

(B) Upon termination of any proceedings under the hearing process, a final accounting and summary of all authorized expenditures and reimbursements shall be presented to the appropriate County Board committees.

(C) Any portion of an application fee not required for reimbursement to the County for costs or expenses incurred by the County under the hearing process shall be returned to the applicant. Should there be costs and/or expenses in excess of the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs.

(D) In order to properly administer the application fee received with respect to the hearing process and procedure set forth herein, the County Treasurer is hereby authorized and directed to receive and hold such application fees for administration subject to the review and approval of the County Commissioners.

(E) In order to expedite payment of all bills incurred as a result of administering the hearing process, all bills and questions concerning billing should be directed to the Planning Commission.

31-7-10 WAIVER OF RULES. In order to ensure fundamental fairness, compliance with the Act, and to protect the public interest, the County Board, by majority vote of members present and voting, may waive any of the above rules.

[Unless Otherwise Noted, This Chapter, Ord. No. 87-9; 06-15-87]

STORMWATER, EROSION AND SEDIMENT CONTROL REGULATIONS

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CHAPTER 32

STORMWATER, EROSION AND SEDIMENT CONTROL REGULATIONS

ARTICLE I – STORMWATER REGULATIONS

DIVISION I - GENERALLY

32-1-1 **AUTHORITY AND PURPOSE.** This Code is enacted pursuant to the police powers granted to Monroe County, Illinois by the **Illinois Compiled Statutes, 65 ILCS Sec. 5/1-2-1, 5/11-12-12, 5/11-30-2, and 5/11-31-2.**

The purpose of this Code is to diminish threats to public health and safety, protect property, prevent damage to the environment and promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any new development or redevelopment or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth and/or changes the stormwater drainage pattern and/or stormwater flows from that which would have occurred if the land had been left in its natural state. This stormwater runoff and resulting soil erosion could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. One cause of increases in stormwater runoff quantity or rate and impairment of quality, and loss of valuable topsoil is the new development or redevelopment of the land. This ordinance regulates these activities to minimize adverse impacts. **(See Section 32-2-2 for Definitions.)**

This Code is adopted to accomplish the following objectives:

- (A) To assure that new commercial and industrial development or redevelopment does not increase the drainage or flood hazards, or create unstable conditions susceptible to soil erosion;
- (B) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff and soil erosion;
- (C) To protect human life and health from the hazards of increased flooding and soil erosion on a watershed basis;
- (D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by stormwater runoff and soil erosion quantities from new development or redevelopment;
- (E) To protect, conserve, and promote the orderly development of land and soil, water, air, animal, and plant resources;
- (F) To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats;
- (G) To preserve the natural characteristics of stream corridors in order to manage flood and stormwater impacts, improve water and groundwater quality, reduce soil erosion, protect aquatic and riparian habitat, maintain quality forest resources, provide recreational opportunities, provide aesthetic benefits, enhance community and economic development.

32-1-2 **OTHER RELEVANT PERMITTING.** Other permits may be required from State and Federal Agencies when land disturbance activity occurs. It shall be the developers' responsibility to obtain these permits.

DIVISION II – PLAN SUBMITTAL

32-1-3 INFORMATION REQUIRED BY APPLICANT. Each applicant shall submit the following information, to ensure that the provisions of this Code are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts and benefits of the development on water resources both on-site and off-site, and the effectiveness of the proposed drainage plan in managing stormwater runoff and meet the provisions of **Section 32-1-2**. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions for all new developments or re-developments.

32-1-4 IMPROVEMENT PLANS REQUIREMENTS. A stormwater, erosion and sediment control plan meeting the following requirements shall be submitted with the improvement plans:

(A) The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the U.S.D.A., Natural Resources Conservation Service shall be shown;

(B) The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required; kinds and locations of utilities; areas and acreage proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the existing and proposed tree line;

(C) The erosion and sediment control plan shall show all measures necessary to meet the requirements of this Code throughout all phases of construction and those remaining permanently after completion of the development of the site, including:

- (1) Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details;
- (2) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;
- (3) Location and description of methods to prevent tracking of sediment off site including construction entrance details, as appropriate;
- (4) Description of dust and traffic control measures;
- (5) Locations of stockpiles and description of stabilization methods;
- (6) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance;
- (7) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the County Engineer of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.
- (8) The location of shoreline of lakes, ponds, and detention basins with normal water level elevation;
- (9) The location of farm drains and tile;

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- (10) Location, size, and slope of stormwater conduits and drainage swales;
- (11) The location of depressed storage areas;
- (12) Proposed detention facilities with storage volumes and release rates;
- (13) Direction of storm flows;
- (14) Both existing and proposed flow rates and velocities at critical points in the drainage system;
- (15) Cross section data for open channel flow paths and designated overland flow paths;
- (16) A statement as to the basis of design for the final drainage network components, giving any applicable engineering assumptions and calculations; and
- (17) A statement by the design engineer of the drainage system's provision for handling critical storm event. A drainage statement should be signed by a Registered Professional Engineer, and the owner of the land or a duly authorized attorney, to the effect that the drainage of surface waters will not be changed by the construction of such development or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the owner/developer has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of construction.

32-1-5 DRAINAGE STANDARDS. An acceptable drainage plan which meets the criterion presented herein is required before any site work is commenced:

(A) **Minimization of Increases in Runoff Volumes and Rates.** In the selection of a drainage plan for a new development the developer shall evaluate and implement site design features which minimize the increase of runoff volumes and rates from the site. The developers drainage plan submittal shall use site design features which are consistent with the following hierarchy:

- (1) Preservation of regulatory floodplains, flood prone and wetland areas;
- (2) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (3) Attenuate flows by use of open vegetated swales and natural depressions to preserve the existing natural stream channel;
- (4) Infiltration of runoff on site;
- (5) Provide stormwater retention structures;
- (6) Provide wet or wetland detention structures;
- (7) Provide dry detention structures; and
- (8) Construct storm sewers.

(B) The drainage system should be designed to minimize adverse surface and groundwater quality impacts off site and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff and sediment. In particular, designers shall give preference to wet bottom and wetland type designs and all flows from the development shall be routed through the basin (i.e., low flows shall not be bypassed). Detention of stormwater shall be promoted throughout the property's drainage system utilizing channels and impervious surface reduction to reduce the volume of stormwater runoff and erosion.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.

(C) Drainage plan design criteria, standards, and methods are as follows:

- (1) **Release Rates.** The drainage system for new developments or redevelopments shall be designed to control the peak rate of discharge from the property for the critical storm event to levels which will not cause an increase in flooding or channel instability downstream when considered

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in aggregate with other developed properties and downstream drainage capacities. For new developments or redevelopments, the Illinois Department of Transportation (IDOT) "Drainage Manual" will be used to calculate release rates.

- (2) **Detention Storage Requirements.** The design maximum storage to be provided in the detention basin shall be based on the runoff from the runoff difference before and after development from the critical storm event. All detention basin storage shall be computed using Hydrographic Methods utilizing reservoir routing (also called modified pools or level pool) or equivalent method.
- (3) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system:
 - (a) The design will provide capacity to pass the critical storm event flow in the minor drainage system and an overload flow path for flows in excess of the design capacity.
 - (b) Whenever practicable, the stormwater systems shall not result in the inter-basin transfer of drainage unless no other alternative exists and said transfer does not create a hardship on any downstream landowner.
 - (c) **Design Methodologies.** Major and minor conveyance systems as well as detention basins shall be designed as specified in **Section 32-1-5(C)(1)** of the Drainage Standards.
 - (d) **Positive Drainage.** Whenever practicable, all developments should be provided an overland flow path that will pass the critical storm event flow at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights.
- (4) **Rainfall.** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to **twelve (12) hours**. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than **twelve (12)** and less than or equal to **twenty-four (24) hours**. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than **twenty-four (24) hours**. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. Refer to Table 13 of Bulletin 70 for rainfall depth, duration, and frequency.
- (5) **Antecedent Moisture.** Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall use wet antecedent moisture condition as a minimum.
- (6) **Wet Detention Basin Design.** Wet detention basins shall be designed to remove stormwater sediment, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use. The following requirements should also be met:
 - (a) **Wet Basin Depths.** Wet basins shall be at least **three (3) feet** deep, excluding near shore banks and safety ledges. If fish habitat is to be provided, they should be at least **eight (8) feet** deep over **twenty-five percent (25%)** of the bottom area to prevent winterkill.

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- (b) **Wet Basin Shoreline Slopes.** The side slopes of wet basins at the normal pool elevation shall not be steeper than **three to one (3:1)** horizontal to vertical. It is recommended that aquatic vegetation be established around the perimeter to provide protection from shoreline erosion.
 - (c) **Permanent Pool Volume.** The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the critical storm event as a minimum.
 - (d) **Wet Basin Inlet and Outlet Orientation.** The distance between detention inlets and outlets shall be maximized. Inlets and outlets should be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or other natural constraints. Designers are encouraged to use baffles or berms in the basin bottom to prevent short circuiting. There shall be no low flow bypass between the inlet and outlet. Paved low flow channels shall not be used. The minimum flow length shall be **ten (10) feet** with a recommended minimum ratio of **two to one (2:1)** for width.
- (7) **Dry Detention Basin Design.** In addition to the other requirements of this Code, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses. The following requirements should also be met:
- (a) **Dry Basin Drainage.** Dry basins shall be designed so that **eighty percent (80%)** of their bottom area shall have standing water no longer than **seventy-two (72) hours** for any runoff event less than the critical storm event. Grading plans shall clearly distinguish the wet portion of the basin bottom. Underdrains directed to the outlet may be used to accomplish this requirement.
 - (b) **Velocity Dissipation.** Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize re-suspension of pollutants.
 - (c) **Dry Basin Inlet and Outlet Orientation** shall be the same as **Section 32-1-5(C)(6) – Wet Detention Basin Design.**
 - (d) **Temporary Stilling/Sedimentation Basin.** A stilling/sedimentation basin should be constructed at each major inlet to a dry basin during construction. The volume of the basin shall be a minimum if **five hundred (500) cubic feet** per acre of impervious surface in the drainage area. Side slopes shall be no steeper than **three (3) feet to one (1) foot** and basin depths shall be a minimum of **three (3) feet** to minimize resuspension.
- (8) **Existing Depressional Areas.** Existing depressional storage volume will be maintained, and the volume of detention storage provided to meet the requirements of this Code shall be in addition to existing storage.
- (9) **Minimum Detention Outlet Size.** Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of **twelve (12) inches**. If this minimum orifice size permits release rates greater than those specified in this Section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.
- (10) **Detention in Flood Plains.** The developer shall be responsible for obtaining all required State and Federal permits. The placement of detention basins within the Special Flood Hazard Area is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this

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Code may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met:

- (a) **Detention in Flood Fringe Areas.** The placement of a detention basin in a flood fringe area shall require compensatory storage for **one and one-half (1 ½) times** the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this Section. The applicant shall demonstrate its operation for all streamflow and floodplain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All floodplain storage lost below the existing **ten (10) year** flood elevation shall be replaced below the existing **ten (10) year** elevation. All floodplain storage lost above the existing **ten (10) year** flood elevation shall be replaced above the existing **ten (10) year** flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.
- (b) **On-Stream Detention.** On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this Code with respect to water quality and control of the **two (2) year** and **one hundred (100) year, twenty-four (24) hour** events from the property. Further criteria are presented in **Section 32-1-5(C)(11)** of this Code. If on-stream detention is used in watersheds larger than **one (1) square mile**, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
- (i) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - (ii) shall not cause or contribute to the degradation of water quality or stream aquatic habitat;
 - (iii) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin;
 - (iv) shall not involve any stream channelization or the filling of wetlands;
 - (v) shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include as a minimum: runoff reduction "Best Management Practices" (BMP's) consistent with Section (A) and critical storm event detention/ sedimentation basins for all developments;
 - (vi) shall not occur downstream of a wastewater discharge; and
 - (vii) shall not contribute to the duration or flood frequency of any adjacent land.
- (c) **Detention in Floodways.** Detention basins shall be placed in the floodway only in accordance with **Section 32-1-5(C)(10)(b) – On-Stream Detention.**

- (11) **Drainage into Wetlands, Rivers, Streams, Lakes, Ponds, and Depressional Storage Areas.** Wetlands, lakes, ponds and depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Code, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, streams, lakes, ponds or depressional storage areas:
- (a) **Detention in Wetlands, Rivers, Streams, Lakes, Ponds, or Depressional Storage Areas.** Existing wetlands, rivers, streams, lakes, ponds or depressional storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing storage and release rate characteristics of wetlands, rivers, streams, lakes, ponds or depressional storage areas shall be maintained, and the volume of detention storage provided to meet the requirements of this Section shall be in addition to this existing storage.
 - (b) **Sediment Control.** The existing wetlands, rivers, streams, lakes, ponds, or depressional storage areas shall be protected during construction and shall not be filled.
 - (c) **Alteration of Drainage Patterns.** Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands, rivers, streams, lakes, ponds or depressional storage areas.
 - (d) **Detention/Sedimentation.** If a detention/ sedimentation basin is required, it shall be designed to capture the critical storm event and hold it for a minimum of **twenty-four (24) hours**. This basin shall be maintained throughout the construction process.
 - (e) **Vegetated Buffer Strip.** A buffer strip of at least **twenty-five (25) feet** in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of a wetland, river, stream, lake, pond or depressional storage area.
 - (f) **Loessal Soils.** Care should be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.
 - (g) **Sinkholes, Karst Areas.** Shall be considered as receiving waterways and all pre-detention and erosion requirements shall apply. The filling, grading, and excavation of sinkholes is prohibited unless the plan for work is submitted by the owner or subdivider to the County Soil and Water Conservation District who will make recommendations to the County Engineer. If, after the review of the stormwater drainage plan, the County Engineer determines that more detailed information is required, a sinkhole evaluation may be required. A sinkhole evaluation which addresses the geologic, engineering and environmental factors resulting from a new development or redevelopment is to be performed by a professional with expertise in karst topography, who shall certify the results of the evaluation. This evaluation shall be the responsibility of the applicant and performed at no cost to the County. After a review of this evaluation and with the consultation of the County Soil and Water Conservation District, the County Engineer may either approve or disapprove the drainage plan as submitted.

- (12) **Street Detention, Parking Lot Detention, and Culvert Drainage.**
- (a) **Street Detention.** If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights and shall not remain flooded for more than **eight (8) hours** for any event less than or equal to the **one hundred (100) year, twenty-four (24) hour** event.
 - (b) **Parking Lot Detention.** The maximum stormwater ponding depth in any parking area shall not exceed **six (6) inches** for more than **four (4) hours**.
 - (c) **Culvert, Road and Driveway Crossings.** Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.
- (13) **Infiltration Practices.** To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement should be located in hydrologic soil groups "A" and "B" as designated by the U.S.D.A., Natural Resources Conservation Service. Infiltration basins and trenches designed to recharge groundwater shall not be located within **seventy-five (75) feet** of a water supply well or building foundation. A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach infiltration basins or trenches. Stormwater shall not be allowed to stand more than **seventy-two (72) hours** over **eighty percent (80%)** of the dry basin's bottom area for the maximum design event to be exfiltrated. The bottom of infiltration basins or trenches shall be a minimum of **four (4) feet** above the seasonally high groundwater and bedrock level. Engineering calculations demonstrating U.S.D.A., Natural Resources Conservation Service infiltration rates shall be included with the application.
- Vegetated Filter Strips and Swales.** To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and swales. Whenever practicable, runoff from impervious surfaces should be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.
- (14) **Safety Considerations.** The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.
- (a) **Side Slopes.** The side slopes of all detention basins at critical storm event capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than **three to one (3:1)** horizontal to vertical.
 - (b) **Safety Ledge.** All wet detention basins shall have a level safety ledge at least **four (4) feet** in width **two and one-half (2 ½)** to **three (3) feet** below the normal water depth.
 - (c) **Velocity.** Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
 - (d) **Overflow Structures.** All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the critical storm event flow rate.

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(15) **Maintenance Considerations.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins should be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Site access for heavy equipment shall be provided.

(16) **Supplementary Drainage Design and Erosion Control Provisions.**

(a) **Setbacks.**

(i) Detention and retention outlet structures are to be set back from adjoining property lines and the outlet velocity controlled within that distance per Code requirements. The minimum setback shall be:

Outlet Size (inches diameter)	Setback (feet)
To 18 or equivalent	15
19 to 24	20
25 to 30	25
Larger than 30	30

(ii) Distances may be decreased if a drainage maintenance easement is obtained from the adjoining landowner. Highway/street right-of-way shall be considered as a property line.

(b) The following note shall be included on all improvement plans: "There shall be no ground disturbance on site other than that necessary for construction of the stormwater detention facility until such time that the detention structure is fully completed, including permanent or temporary seeding and written approval given to proceed by the County of Monroe. Violation of this provision will result in a stop-work order and daily fines as prescribed in the County Code.

(c) The detention outlet structure inlet shall be protected with a riprap situation collection berm (**five (5) inch** clean stone – RAP 6) set at **fifteen (15) foot** radius around the inlet. The height shall be equal to the top elevation of the lowest structure inlet with an **eighteen (18) inch** minimum height. The detention pond storage volume shall not include that area below the top of the riprap berm unless plans specify that upon establishment of **ninety percent (90%)** ground cover on the development site that the detention area is to be cleared of siltation design grade, area seeded, and that riprap shall be removed. Alternate permanent concrete drop structures providing siltation collection in advance of the inlet may be considered.

(d) When designing for the post-construction outlet flows from the site, the total post-construction discharges shall provide for a reduction of **ten percent (10%)** in the flow rate from the site. (Off-site pass-through flow does not need to be reduced in outlet rate.)

(e) There shall be a complete set of drainage calculations submitted with the project improvement plans, also including a certified summary, typical to the Monroe County Subdivision Code Attachment No. 6, Drainage Design Summary Format which provides the following information:

(i) Before and after site condition.

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- (ii) Flow rate factors.
- (iii) Pre- and post-discharge flow and velocity.
- (iv) Detention retention summary.
- (v) Pre- and post-drainage area map.
- (f) All lots adjacent to detention/retention facilities shall be graded to final plan elevations at the time of pond construction if existing ground line of lot is below detention berm top elevation.
- (g) The out letting of flow which constitutes a diversion of waters to a watercourse to which they are not naturally a tributary will be permitted only when the developer demonstrates that there is no reasonable alternative to such diversion and that the necessary flood or drainage easements have been secured from all property owners who will be affected by such diversion.
- (h) Drainage structures and pipes, out letting to public roadways, having a 10-year design outlet flow rate that exceeds the capacity of the down stream highway drainage ditch and/or structure, shall be additionally provided with a 2-year design outlet control structure.
- (i) Unless specific written direction is given by the County allowing variable storm water runoff coefficients, the following values will be used for all surface conditions.

Impermeable – C = 0.90
Permeable – C = 0.30

RATIONAL METHOD

If varied coefficients are proposed, the developer's engineer shall make written request to the County, in advance of drainage plan submittal, stating existence of special site conditions or use of specially designed materials.

When methods other than the Rational Method are employed, surface runoff characteristics similar to those required herein for the Rational Method shall be utilized.

(Ord. No. 06-04; 04-17-06)

(D) **Accommodating Flows from Upstream Tributary Areas.** Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed. The following requirements should also be met:

- (1) **Upstream Areas Not Meeting Code Requirements.** When there are areas not meeting the storage and release rates of this Code, tributary to the applicant's property, regionalized detention on the applicant's property shall be explored by the applicant. The following steps shall be followed:
 - (a) The applicant shall compute the storage volume needed for his property using the release rates of **Section 32-1-5(C)(1)**, the applicant's property area, and the procedures described previously.
 - (b) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this Code, shall be identified.
 - (c) Using the areas determined previously plus the applicant's property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in **Section 32-1-5(C)(16)**. If tributary areas are not developed, a reasonably fully developed land cover, based on local zoning, shall be used for the purposes of computing storage.

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Once the necessary combined storage is computed the County may choose to pay for over sizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed previously. If regional storage is selected by the County then a design produced utilizing these adopted standards, shall be implemented. If regional storage is rejected by the County the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant should route upstream flows through his basin and the upstream areas exceed **one (1) square mile** in size, the applicant should meet the provision for on-stream detention.

- (2) **Upstream Areas Meeting Code Requirements.** When there are areas which meet the storage and release rate requirements of this Code, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall be computed as described in **Section 32-1-5(C)(16)**. However, if the County decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It should be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for his/her property alone.

(E) **Early Completion of Detention Facilities.** Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

(F) **Fee in Lieu of Detention.** At the discretion of the County all new development or redevelopment may pay a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre foot of detention which would be required under this Code rather than installing detention facilities on the property, unless specifically directed to do otherwise by the appropriate local official.

In instances where regional benefits and economies of scale can be achieved, it will be permissible for adjacent properties to utilize a common regional detention basin. Applicants shall have the option of paying a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre foot of detention required so that the County can build regional facilities, or they can jointly build the necessary facilities themselves.

ARTICLE II – EROSION AND SEDIMENT REGULATIONS

32-2-1 EROSION AND SEDIMENT CONTROL. The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting Chapter Six (6) published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this Code and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the U.S.D.A., Natural Resources Conservation Service, which standards and methods are hereby incorporated into this Code by reference. In the event of conflict between the provisions of said manuals and of this Code, this Code shall govern. The following requirements should also be met:

(A) **Erosion and Sediment Control Design Requirements.** New developments or redevelopments shall comply with and meet the following:

- (1) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on site.
- (2) Temporary on-site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on site.
- (3) Disturbed areas shall be stabilized with permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance consistent with the following criteria:
 - (a) Appropriate permanent stabilization measures shall include seeding, mulching, or sodding, with non-vegetative measures as a last resort.
 - (b) Areas having slopes greater than **three to one (3:1)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.
- (4) All temporary and permanent erosion and sediment control practices should be maintained and repaired as needed to assure effective performance of their intended function.
- (5) All temporary erosion and sediment control measures shall be disposed in a proper manner within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- (6) **Site Development Requirements.** On site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and be functional prior to initiating clearing, grading, stripping, excavating or fill activities on site.
 - (a) For drainage areas less than **one (1) acre**, filter barriers including filter fences, straw bales, or equivalent control measures shall be constructed to control all onsite runoff. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff in sheet flow is expected.
 - (b) For drainage areas more than **one (1) acre** but less than **five (5) acres**, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
 - (c) For drainage areas greater than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
 - (d) Sediment basin and sediment trap designs shall provide for both dry detention and wet detention sediment storage. The detention storage shall be composed of equal volumes of wet detention

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- storage and dry detention storage and each shall be sized as specified in **Section 32-1-5(B)**. The release rate of the basin shall be that rate as specified in **Section 32-1-5(B)**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
- (e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the **one (1) year** sediment load and a sediment removal schedule may be substituted.
 - (f) For erosion and sediment control measures the alteration of sinkholes by filling, grading or excavation is prohibited.
 - (g) To the extent possible or as otherwise regulated in this Code all desirable trees **eight (8) inches** in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "no construction zone" shall be established and marked at the perimeter of the dripline of each tree which is to be preserved.
- (7) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as specified in **Section 32-1-5(B)**. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the following standards and as required in the referenced handbooks:
- (a) For grades of **four to one (4:1)** to **eight to one (8:1)**, an erosion blanket or equivalent control measure shall be applied in the channel.
 - (b) For grades greater than **eight to one (8:1)**, rock, riprap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.
- (8) Land disturbance activities in stream channels shall be avoided, where possible, or as specified in **Section 32-1-5(B)**. If disturbance activities are unavoidable, the following requirements shall be met:
- (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of nonerosive material, such as riprap or gravel.
 - (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.
 - (c) Whenever channel relocation is necessary, the new channel shall be constructed under dry conditions and fully stabilized before flow is diverted, incorporating meanders, pool and riffle sequence, and riparian planting.
- (9) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
- (10) Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a downslope drainage length of less than **twenty-five (25) feet** to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

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- (11) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent, and shall not be deposited into a sinkhole.
- (12) Each site shall have graveled or equivalent entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning, not flushing, before the end of each workday and transported to a controlled sediment disposal area.

(B) **Maintenance of Control Measures.** All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent landowner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

32-2-2 **DEFINITIONS.**

Critical Storm Event. The critical storm event shall be considered as the **one hundred (100) year, twenty-four (24) hour** event unless engineering evaluation shows that the rainfall for an event of lesser duration creates more runoff for any specific watershed. The storm event, including, but not limited to, rainfall amount and duration, that the County in consultation with the applicant's Licensed Professional Engineer during the preliminary plat stage, will be required for calculations pertaining to the development of stormwater and erosion control plans.

Drainage Plan. A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of the property.

Drainageway. A watercourse, gully, dry stream, creek or ditch which carries stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

Floodplain. That land adjacent to a body of water with ground surface elevations at or below the base flood or the **one hundred (100) year** frequency flood elevation which is subject to inundation. The flood plain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). This area is the collective combination of the regulatory floodway and the flood fringe. **(See Chapter 14 in County Code)**

Modified Rational Method. As described in the Illinois Department of Transportation's "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity of the entire watershed with a rainfall duration equal to the time of concentration.

One Hundred Year Event. A rainfall, runoff, or flood event having a **one percent (1%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Retention. A facility natural or man-made, that provides permanent or long-term storage of surface runoff accompanied by a low release rate.

Retention Basin. A facility, designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Sinkhole. Any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS **seven and one-half (7 1/2) minute** quadrangle topographic maps or as determined by field investigations.

Two-Year Event. A runoff, rainfall, or flood event having a **fifty percent (50%)** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Watershed. All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depression area.

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Wet Basin. A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

Wetlands. Wetlands are defined by regulation as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For general, but inclusive locations of designated wetlands, refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987.

32-2-3 FEES. By ordinance, the County Board of Commissioners shall establish (and may periodically amend) a schedule of fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/reviewing of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County and are non-refundable. A current schedule of filing fees shall be maintained in the Code Official's office and on file with the County Clerk.

32-2-4 PENALTIES. Any person, partnership or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Code is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership or corporation shall be punished by a fine of not more than **One Thousand Dollars (\$1,000.00)** for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. Failure on the part of the subdivider to comply forthwith with any order made under the provisions of this Code will result in injunctive action, notwithstanding the penalty provisions of this Section.

STREET REGULATIONS

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CHAPTER 33

STREET REGULATIONS

ARTICLE I – CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

33-1-1 PURPOSE AND SCOPE.

(A) **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the County's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the County rights-of-way and the County as a whole.

(B) **Intent.** In enacting this Article, the County intends to exercise its authority over the rights-of-way in the County and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the County's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the County's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the County. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The County, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the County rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the County enter into such an agreement. In such an agreement, the County may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

- (1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the County, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

- (2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the County and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The County shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the County so determines. Nothing herein shall be construed to limit the ability of the County to regulate its rights-of-way for the protection of the public health, safety and welfare.

33-1-2 DEFINITIONS. As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

"AASHTO": American Association of State Highway and Transportation Officials.

"ANSI": American National Standards Institute.

"Applicant": A person applying for a permit under this Article.

"ASTM": American Society for Testing Materials.

"Backfill": The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That term as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and

compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The County Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the County.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the County Engineer or Superintendent to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.

"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to **Sections 33-4-4 and 33-4-5** of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radically against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the County. If no time period is specified, the period shall be **thirty (30) days**.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the County has the right and authority to authorize, regulate or permit the location of facilities other than those of the County. "Right-of-way" or "rights-of-way" shall not include any real or personal County property that is not specifically described in the previous two sentences and shall not include County buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail": The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund": That amount of security required pursuant to **Section 33-1-10**.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Superintendent of Public Works": The Superintendent of Public Works or his or her designee, hereinafter referred to as "Superintendent".

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the County through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

33-1-3 ANNUAL REGISTRATION REQUIRED. Every utility that occupies right-of-way within the County shall register on **January 1** of each year with the Superintendent, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-1-8** of this Article, in the form of a certificate of insurance. This requirement may be waived by the Superintendent.

33-1-4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any County right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent and obtaining a permit from the County therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the County and shall be filed in such number of duplicate copies as the County may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the County:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent

injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

- (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the County and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the County finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in **Section 33-1-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-1-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-1-21**); and
- (10) Such additional information as may be reasonably required by the County.

(D) **Supplemental Application Requirements for Specific Types of Utilities.**

In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the County within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of \$100.00. Additional application review costs will vary with the complexity of the project and will be determined on a case by case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

33-1-5 ACTION ON PERMIT APPLICATIONS.

(A) **County Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional County Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the County that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the County not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.
- (2) In the event that the Superintendent fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the County by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the County, where a permit is required for work pursuant to **Section 33-1-4** of this Article the telecommunications retailer shall submit to the County an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional County Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the County, unless otherwise acted upon by the County, provided the holder has complied with applicable County codes, ordinances, and regulations.

33-1-6 EFFECT OF PERMIT.

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the County authorizes a permittee to undertake only certain activities in accordance with this Article on County rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and

subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the County with such County representatives in attendance as the County deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the County does not excuse the permittee from complying with other requirements of the County and applicable statutes, laws, ordinances, rules, and regulations.

33-1-7 **REVISED PERMIT DRAWINGS.** In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the County within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 33-1-21** of this Article. If the County denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

33-1-8 **INSURANCE.**

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the County, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) **Five Million Dollars (\$5,000,000.00)** for bodily injury or death to each person;
 - (b) **Five Million Dollars (\$5,000,000.00)** for property damage resulting from any one accident; and
 - (c) **Five Million Dollars (\$5,000,000.00)** for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars (\$1,000,000.00)** for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than **One Million Dollars (\$1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the County within **ten (10) days** following receipt of a written request therefor from the County.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the County, by registered mail or certified mail, return receipt requested, of a written notice addressed to the County Administrator of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the County of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the County evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the County evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the County and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

33-1-9 INDEMNIFICATION. By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the County and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the County, its officials, officers, employees, agents or representatives.

33-1-10 SECURITY.

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;

- (2) Any expenditure, damage, or loss incurred by the County occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the County issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the County may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the County must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the County from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the County in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the County, or an unconditional letter of credit in a form acceptable to the County. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the County and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the County of any amounts covered by it; and
- (3) Shall provide a location convenient to the County and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent, and may also include reasonable, directly related costs that the County estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the County, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The County, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the County for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the County for any damages, claims, costs or expenses which the County has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Article that the County determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the County that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the County, upon written request for said

withdrawal to the County, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the County for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the County to the extent necessary to cover any reasonable costs, loss or damage incurred by the County as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the County with respect to the Security Fund are in addition to all other rights of the County, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the County may have. Notwithstanding the foregoing, the County shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

(I) **Waiver.** The Highway Superintendent may waive the security requirements.

33-1-11 PERMIT SUSPENSION AND REVOCATION.

(A) **County Right to Revoke Permit.** The County may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The County shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 33-1-11**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the County, the permittee shall have the following options:

- (1) Immediately provide the County with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the County, the deficiencies stated in the written notice, providing written proof of such correction to the County within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the County providing written proof of such removal to the County within **ten (10) days** after receipt of the written notice of revocation.

The County may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the County may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the County or its designee may, at the option of the County:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the County. The permittee shall be liable in all events to the County for all costs of removal.

33-1-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the County no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the County's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

33-1-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

33-1-14 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The County's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all

applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 33-1-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the County.

33-1-15 LOCATION OF FACILITIES.

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

(1) **No Interference with County Facilities.** No utility facilities shall be placed in any location if the Superintendent determines that the proposed location will require the relocation or displacement of any of the County's utility facilities or will otherwise interfere with the operation or maintenance of any of the County's utility facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B) **Parallel Facilities Located Within Highways.**

(1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:

(a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

(b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;

(c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **six (6) feet** outside the outer shoulder line of the roadway and are **not within the clear zone;**

(d) No pole is located in the ditch line of a highway; and

(e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.

(2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:

- (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
- (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C)

Facilities Crossing Highways.

- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of County highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
 - (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The County may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D)

Facilities to be Located Within Particular Rights-of-Way. The County may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E)

Freestanding Facilities.

- (1) The County may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The County may require any freestanding facility located within a right-of-way to be screened from view.

- (F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:
- (1) No other existing facilities in the area are located underground;
 - (2) New underground installation is not technically feasible; and
 - (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
- (G) **Facility Attachments to Bridges or Roadway Structures.**
- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
 - (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;
 - (e) The ability of the structure to bear the increased load of the proposed facility;
 - (f) The degree of interference with bridge maintenance and painting;
 - (g) The effect on the visual quality of the structure; and
 - (h) The public benefit expected from the utility service as compared to the risk involved.
- (H) **Appearance Standards.**
- (1) The County may prohibit the installation of facilities in particular locations in order to preserve visual quality.
 - (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-1-16
 (A)
Methods.

CONSTRUCTION METHODS AND MATERIALS.
Standards and Requirements for Particular Types of Construction

- (1) **Boring or Jacking.**
 - (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
 - (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
 - (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
 - (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the County to be preserved shall be bored under or around the root system.
- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
 - (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent.
 - (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the County to be preserved.
- (3) **Backfilling.**
 - (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's

"Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

- (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent and only if that portion of the roadway is closed to traffic.
 - (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the County.
 - (c) All saw cuts shall be full depth.
 - (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
- (5) **Encasement.**
 - (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the County.
 - (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
 - (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or County approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the County. Bell and spigot type pipe shall be encased regardless of installation method.
 - (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.
 - (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:

- (i) extra heavy pipe is used that precludes future maintenance or repair and
 - (ii) cathodic protection of the pipe is provided;
 - (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by County)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B)

Standards and Requirements for Particular Types of Facilities.

- (1) **Electric Power or Communication Lines.**
- (a) **Code Compliance.** Electric power or communications facilities within County rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.
 - (b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
 - (c) **Underground Facilities.**
 - (i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
 - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or
 - b. the installation is by the open trench method which is only permitted prior to roadway construction.

- (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - (iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the County. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
- (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
- (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a County approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction", and all other applicable laws, rules, and regulations.
- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
- (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.
- (C) **Materials.**
- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction", the requirements of

the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the County.
- (3) **Hazardous Materials.** The plans submitted by the utility to the County shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) **Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the County, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the County, the hours of construction are from **6:00 A.M. to 6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the County shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The County will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the County or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

33-1-17 **VEGETATION CONTROL.**

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the County as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

- (1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
- (2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The County will require compensation for trees extensively damaged and

for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The County may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) **Specimen Trees or Trees of Special Significance.** The County may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) **Chemical Use.**

- (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the County for any purpose, including the control of growth, insects or disease.
- (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent that such spraying is the only practicable method of vegetation control.

33-1-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.

(A) **Notice.** Within **ninety (90) days** following written notice from the County, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any County improvement in or upon, or the operations of the County in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the County, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The County retains the right and privilege to cut or move any facilities located within the rights-of-way of the County, as the County may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the County shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the County, the utility shall notify the County within **ninety (90) days**. Following receipt of such notice the County may direct the utility to remove all or any portion of the facility if the Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the County does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the County, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

33-1-19 **CLEANUP AND RESTORATION.** The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the County. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent for good cause shown.

33-1-20 **MAINTENANCE AND EMERGENCY MAINTENANCE.**

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the County and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the County police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the County a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

33-1-21 **VARIANCES.**

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

(2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent under the provisions of this Article shall have the right to appeal to the County Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the County Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The County Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The County Board shall timely decide the appeal.

33-1-22 PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the County will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the County's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the County. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. **(See Section 1-1-20 for additional penalties.)**

33-1-23 ENFORCEMENT. Nothing in this Article shall be construed as limiting any additional or further remedies that the County may have for enforcement of this Article.

ARTICLE II - ENCROACHMENT

33-2-1 **DEFINED.**

(A) **Roadway Right-of-Way** is defined as those areas existing or acquired by dedication or by fee simply for highway purposes.

(B) **Encroachment** is defined as any building, fence, sign or any other structure or object of any kind (with exception of utilities and public road signs) which is placed, located, or maintained in, on, under, or over any portion of the roadway right-of-way.

33-2-2 **DRAINAGE FACILITIES.**

It is unlawful for any person to construct or cause to be constructed any drainage facility for the purpose of the detention or retention of water within a distance of **ten (10) feet** plus one-half times the depth of any drainage facility adjacent to the right-of-way of any public highway without the written permission of the County Superintendent of Highways.

It is unlawful for any person to construct or cause to be constructed any earthen berm such that the toe of such berm will be nearer than **ten (10) feet** to the right-of-way of any public highway without the written permission of the County Superintendent of Highways. **(605 ILCS 5/9-115.1)**

33-2-3 **UNLAWFUL.**

It shall be unlawful for any person, firm, or corporation to erect, or cause to be erected, any encroachment as hereinabove defined, within the limits of the roadway right-of-way.

ARTICLE III - TREES AND CULVERTS

33-3-1 **PLANTING.**

It shall be unlawful to plant any tree, shrub or bush in any public road or highway right-of-way within the County.

33-3-2 **CULVERTS.**

It shall be unlawful for any person to place a culvert in any drainage ditch within the bounds of any street, parkway or alley in the County, without having obtained a permit for the same filing an application therefor with the County Highway Department; and the culvert so installed shall meet with the requirements of the Highway Engineer and shall be installed at the direction of an employee of the Road Authority to insure that the culvert is installed to obtain the proper drainage from the ditch in which the culvert is placed.

33-3-3 **PERMIT.**

No person shall hereafter construct, build, establish or maintain any driveway over, across or upon any portion of a public sidewalk, street or parkway, without first having obtained a permit from the County Highway Superintendent. Application for the permit must be requested in writing, upon forms furnished by the County Highway Superintendent. All work shall be done under the jurisdiction of the Road Authority and shall be subject to such requirements as the County shall impose having due regard for drainage and maintenance of the street and the safety of the people using the street or sidewalk.

ARTICLE IV - REGULATIONS

33-4-1 **UNDERMINING.** No person shall undermine in any manner, any street or any other ground of real estate situated in the County.

33-4-2 **OPEN DOORS.** No person shall open, or allow to remain open any door or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the County, for any purpose, except the taking in and removing of goods; and any person allowing such grating to remain open shall warn passers-by of the danger.

33-4-3 **VAULTS.** No person shall dig or cause to be dug, in any street or sidewalk, any vault, without covering the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the excavation. Such vault shall be in conformance with other code provisions.

33-4-4 **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley, or public place requires it, the Sheriff may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Sheriff. Whenever such signs are so placed, no person shall ride or drive upon or across such street, alley, or public place, or in any manner, destroy, deface, or remove any such sign.

33-4-5 **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street or road in the County, unless he has written approval of the County Board.

33-4-6 **OBSTRUCTING.**
(A) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, or sidewalk in the County, any debris, materials, or obstruction, except as may be permitted by this Chapter.
(B) It shall be the duty of the police to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for the same, to remove the offending matter at once.

33-4-7 **SIGNS ON POLES.** No person shall nail, tack, paste, paint, or fasten or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-4-8 **LOCATION RECORDS.** Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

33-4-9 **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, roads, sidewalks or alleys in the County.

33-4-10 **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the County Board.

ARTICLE V - ADDRESS NUMBER REGULATIONS

33-5-1 ADMINISTRATION. This Article shall be administered by the Monroe County Board of Commissioners, in conjunction with Monroe County E911 and Monroe County Zoning, who are authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in **Sections 33-5-5** and **33-5-6**.

33-5-2 NAMING SYSTEM. All roads that serve **three (3)** or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road named assigned by Monroe County shall not constitute or imply acceptance of the road as a public way. In the event the road as defined above is private, the landowner(s) of the private road subject to this Article shall be jointly and severally responsible for the cost of having a sign and pole placed on the road. The sign and post shall be approved and/or purchased from the Monroe County Highway Department. Said sign and post shall be placed at a location to be determined by either E911 or Monroe County Zoning. Failure of the landowner(s) to place a sign and post as required herein and/or pay for the sign and post as provided above shall subject the land owner(s) to enforcement provisions herein in **Section 33-5-7** of this Article.

The above shall not apply to signs placed at the intersections of private roads and roads under the jurisdiction of Monroe County or any of the Road Districts of Monroe County.

33-5-3 NUMBERING SYSTEM. Numbers shall be assigned every **fifty (50) feet** along both sides of the road, with even numbers appearing on the right side of the road and odd numbers appearing on the left side of the road, ascending from the number origin.

The following criteria shall govern the numbering system.

(A) Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. (i.e. apartments)

33-5-4 COMPLIANCE. All owners of structure, by the date stipulated in **Section 33-5-7**, shall display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

(A) **Number on the Structure or Residence.** Where the residence or structure is within **fifty (50) feet** of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry.

(B) **Number at the Street Line.** Where the residence or structure is over **fifty (50) feet** from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box or some structure at the property line next to the walk or access drive to the residence or structure.

(C) **Size and Color of Number.** The numbering shall be a minimum of **three (3) inches** in height and of a color that is visible contrast to the surface upon which it is mounted.

(D) Every person whose duty it is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this Article.

(E) **Interior Location.** All residents and other occupants are requested to post the assigned number and road name to their telephone for emergency reference.

33-5-5 **NEW CONSTRUCTION AND SUBDIVISIONS.** All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Article and as follows:

(A) **New Construction.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number. This shall be done at the time of the issuance of the building permit by the appropriate city or county agency.

(B) **New Subdivisions.** Any prospective subdivider shall provide a proposed road name and lot numbering system to the appropriate city or county zoning agency. Approval by the zoning agency shall constitute the assignment of road names and numbers to the lots in the subdivision.

33-5-6 **PENALTY.** This Article shall be the responsibility of the Law Enforcement Agencies throughout Monroe County, Illinois. Violations of this Article are subject to a fine of not less than **Two Hundred Dollars (\$200.00)**.

ARTICLE VI – DRIVEWAY REGULATIONS

33-6-1 DRIVEWAY REQUIREMENTS.

- (A) Location of entrance shall be approved by the legal maintenance authority for the subject roadway.
- (B) Culvert size shall be determined by highway authority with a **fifteen (15) inch** minimum unless provided special road authority approval.
- (C) The County Engineer has to approve Highway Entrance Permits.

33-6-2 SELECTION OF DRIVEWAY LOCATION. Selection of driveway location shall

- take the following into consideration:
- (A) Vision, grade, and alignment conditions for motorists using the proposed driveway and the highway;
 - (B) Interference with the free and safe movement of highway traffic;
 - (C) Existing or proposed highway features, such as turning lanes, median openings, intersections, drainage, and traffic signals; and
 - (D) Existing topographical features of the abutting property.
 - (E) Entrances for access to agricultural fields require prior approval.

**CONDITIONS AND RESTRICTIONS
FOR HIGHWAY ENTRANCE PERMITS**

- A. The culvert pipe shall be either a new reinforced concrete culvert pipe, or a new corrugated metal pipe. If more than one corrugated metal pipe is used, band connectors shall be used to connect the individual pieces together. The entrance shall have a side slope of at least 1 vertical to 3 horizontal from the driveway grade to the ditch line. **Under no conditions will headwalls be permitted. (See attached Entrance Standard Drawing)**
- B. The entrance shall be constructed by excavating the earth to a minimum depth as detailed on "Entrance Standard" and placing the required amount of material. Topsoil must be removed prior to drive installation. The surface shall slope down from the pavement edge to the back edge of the shoulder line at not less than 3/16 inch per foot but not more than **one (1) inch** per foot. Nowhere shall the grade exceed **six percent (6%)** on right-of-way.
- C. **Mailbox placement and supports** within the road right-of-way shall be in accordance with the attached Standard B.L.R. 24-1 "MAILBOX TURNOUT FOR LOCAL ROADS" with supports meeting U.S. Postal Service Guidelines which provide that the maximum post size is **four (4) inch** by **four (4) inch** or **four and one-half (4 ½) inch** diameter wood or **two (2) inch** diameter standard steel or aluminum pipe posts.
- D. The Applicant represents all parties in interest and shall furnish material, do all work, pay all costs, and shall in a reasonable length of time restore the damaged portions of the highway to a condition similar or equal to that existing before the commencement of the described work, including any seeding or sodding necessary.
- E. The Applicant shall at all times conduct the work in such a manner as to minimum hazards to vehicular and pedestrian traffic. Traffic controls and work site protection shall be in accordance with the applicable requirements of Chapter 6 (Traffic Controls for Highway Construction and Maintenance Operations) of the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways.
- F. The Applicant, his successors or assigns, agrees to hold harmless the County of Monroe and/or Road District and their duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
- G. The County/Road District reserves the right to make such changes, additions, repairs and relocations within its statutory limits to the facilities constructed under this permit or their appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening or maintaining of the highway and/or provide proper protection to life and property on or adjacent to the right-of-way.
- H. This permit is effective only insofar as the County/Road District have jurisdiction and does not presume to release the Applicant from compliance with the provisions of any existing statutes or local regulations relating to the construction of such work.
- I. **At all times during construction, the permittee shall be responsible for maintaining the highway surface in a safe and sightly manner. Any mud or debris which might be tracked or spilled onto the highway surface shall be immediately removed.** The Applicant, his successors or assigns shall maintain that portion of the drive on right-of-way in a manner satisfactory to County/Road District.
- J. All construction methods and materials shall comply with the applicable provisions of the State of Illinois "Standard Specifications for Road and Bridge Construction."
- K. The re-installation of any concrete or hot mix asphalt drive, which shall be removed in order to replace a rusted, collapsed, infiltrated or generally obsolete culvert shall remain the responsibility of the owner, applicant, his successors or assigns.
- L. Special approval by the Road Authority is needed for concrete drive aprons adjacent to an oil and chip roadway.
- M. Road Authority approval of installation and payment of fees will be required prior to issuance of an occupancy permit.

Applicant's Initials

MONROE COUNTY HIGHWAY DEPARTMENT
HIGHWAY ENTRANCE PERMIT

APPLICANT:

LOCATION:

Name _____

Road _____

Mail Address _____

Address _____

Phone _____

ROAD AUTHORITY: _____

A. Description: Provide location sketch showing site of entrance and any special features.

B. Mailbox: Location and setback. (See Page 33-30 Item C)

C. Special Conditions:

1. Size Culvert _____

2. Installation by _____

3. _____

4. _____

5. _____

D. Reviewed by County Engineer: _____

E. This permit subject to the conditions and restrictions printed on reverse side of this sheet.

This permit is hereby accepted, and conditions agreed to this _____ day of _____, 20__.

Signature of Applicant: _____

Permit approved by: _____ Road Authority: _____

Signature: _____

Title: _____

Installation Approved: _____ Date: _____

Fees Paid: _____ Date: _____

SUBDIVISION CODE

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CHAPTER 34

SUBDIVISION CODE

ARTICLE I – SCOPE AND PURPOSE

34-1-1 SCOPE AND LEGAL AUTHORITY. For the purpose of controlling future development of the County of Monroe and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the area of jurisdiction of the County of Monroe.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the County as permitted by State Statutes. In the event of overlapping jurisdiction within the project area, the extent of jurisdiction shall be determined and agreed upon between the County and the municipality or municipalities concerned and as provided by State Statutes. Except in the case of re-subdivision, this Code shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the effective date of this Code. This Code does not intend to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by, or in conflict with this Code, or interfere with restrictive covenants running with the land. Where this Code imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, or restrictive covenants, the provisions of this Code shall control.

34-1-2 TITLE. This Code shall be known, referred to, and cited as **“The Land Subdivision Code of Monroe County, Illinois”**.

34-1-3 APPLICATION OF CODE. No lot in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according to the requirements and provisions of this Code, and recorded in the office of the Monroe County Recorder of Deeds.

34-1-4 INTENT AND PURPOSE. This Code is intended for the purposes of coordinated, efficient and economic development of the County, providing adequate services and utilities, safe convenient access and a desirable and attractive living environment through good subdivision design. In achieving these purposes, the County shall utilize development standards which are directed toward reasonable costs for initial development and continuing maintenance; such standards shall include the following:

- (A) The proper location and width of streets and the proper location of building setback lines, open spaces, recreational areas and public lands;
- (B) The avoidance of conditions which would lead to the creation of blighted areas;
- (C) The avoidance of overcrowding of population and congestion of vehicular traffic;
- (D) The proper grading and improvement of streets, curbs, gutters, sidewalks and provision of water, sewer, stormwater drainage and erosion control;
- (E) The provision of adequate space for traffic and utility facilities; for access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth, and area of lots; for adequate light and air; and for a proper distribution of population; and
- (F) The provision of adequate right-of-way easements such that extensions are continued within subdivisions and may be continued to adjacent lands.

General Provisions

Planning Commission – See Ch. 5; Art. VI

Flood Plain Code – See Ch. 14

Mapping and Platting – See Ch. 23

Zoning – See Ch. 40

34-1-5 **INTERPRETATION.** This Code is intended as **Minimum Requirements** to achieve the above stated purposes, as specified in **Section 34-1-4**. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

34-1-6 **ADMINISTRATION.** This Code shall be administered by the Administrative Officer designated by the County Board of Commissioners, and the Monroe County Planning Commission.

34-1-7 **INSTANCES WHEN PLATS WILL NOT BE REQUIRED.** The provision of these regulations do not apply and no plat is required in any of the following instances:

(A) The division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access.

(B) The division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access.

(C) The sale or exchange of parcels of land between owners of adjoining and contiguous land.

(D) The sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

(E) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access.

(F) The conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.

(G) The conveyance made to correct description in prior conveyances.

(H) The sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel of land existing on **July 17, 1959**, and not involving any new streets or easements of access.

(I) The division of land for cemetery usage.

(J) The division and distribution of land pursuant to law or court order.

(K) Any other instance where the State of Illinois does not require filing of a plat, as per the Plat Act, **Illinois Compiled Statutes**.

34-1-8 **NEW STREETS CUT-OFF DATE.** A new street is one which was not recorded in the County Recorder's Office or maintained as a county or road district road, as certified to the County Engineer by the respective Road District Commissioner and maintained in a booklet in the County Engineer's office, prior to **July 1, 1989**.

34-1-9 **EASEMENT OF ACCESS CUT-OFF DATE.** A new Easement of Access is one which was not recorded in the County Recorder's office prior to **July 1, 1989**.

34-1-10 **SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT.** Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation, Karst topography or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data to the Administrative Officer establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property. Plats for development in Karst topography shall contain a disclosure statement

indicating that it is in a Karst area and suitable precautions must be taken to avoid future problems. This statement shall also act as a disclaimer notice on behalf of the County, stating the County does not represent these lots are safe for construction.

34-1-11 **DISCLAIMER OF LIABILITY.** Except as may be provided by statute or code, no officer, board member, agent, or employee of the County shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties under this Code.

ARTICLE II - DEFINITIONS

34-2-1 **DEFINITIONS.** For the purpose of this Code, the terms used herein are defined as follows:

Administrative Officer: The official appointed by the Monroe County Board of Commissioners to administer the provisions of this Code, or a duly appointed representative(s).

Alley: A minor way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Area, Gross: The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Block: An area of land entirely bounded by streets, highways, or physical barriers (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street or highway), or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: See **Setback Line.**

Cleaning: Any activity which removes the natural vegetative ground cover.

Cluster Development: A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of this Code and the Zoning Code of Monroe County.

Comprehensive Plan: The plan or any portion thereof adopted by the County Board of Commissioners for the coordinated development of the County, including among other things; plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the County.

County Development Policies Manual: That document setting forth the development policies of Monroe County, intended to be used by County agencies in the review of development projects, and endorsed for that purpose by resolution of the County Board.

County Engineer: A licensed professional engineer designated by the County Board to conduct business or perform defined professional engineering services for the County.

Critical Storm Event: The critical storm event shall be considered as the **one hundred (100) year, twenty-four (24) hour** event unless engineering evaluation shows that the rainfall for an event of lesser duration creates more runoff for any specific watershed. The storm event, including, but not limited to, rainfall amount and duration, that the County in consultation with the applicant's Licensed Professional Engineer during the preliminary plat stage, will be required for calculations pertaining to the development of stormwater and erosion control plans.

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units.

Density, Net: The total number of dwelling units divided by the total project area less area for street rights-of-way.

Design: The arrangement of uses on the land and the arrangement of easements, lots, and rights-of-way, including material, alignment, grade and width of these elements.

Detention Basin: A facility natural or man-made, that provides temporary storage for surface run-off accompanied by its controlled release.

Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of the property.

Drainageway: A watercourse, gully, dry stream, creek, or ditch which carries stormwater sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

Easement: A right to use another person's property, but only for a limited and specifically named purpose.

Filing Date: The beginning or starting date that commences after the applicant has filed the last item of required data or information and has paid the necessary fee(s), for review by the Planning Commission.

Flood Plain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the **one hundred (100) year** frequency flood elevation which is subject to inundation. The flood plain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). This area is the collective combination of the regulatory floodway and the flood fringe.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas, and stormwater), to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Improvement includes the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, and construction of all the improvements required in **Article VI** of this Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although the subdivider may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Administrative Officer.

Improvement Plan: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

Lot: A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

Lot, Butt: A lot at the end of a block and located between **two (2) corner lots**.

Lot, Corner: A lot abutting upon **two (2)** or more streets at their intersection.

Lot Depth: The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut upon any street.

Lot, Through: A lot having frontage of **two (2)** parallel or approximately parallel streets.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficiently detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Modified Rational Method: As described in the Illinois Department of Transportation's "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity of the entire watershed with a rainfall duration equal to the time of concentration.

One Hundred Year Event: A rainfall, runoff, or flood event having a **one (1) percent** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Owner: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Lane: An auxiliary lane of a street and primarily used for vehicular parking.

Performance Guarantee or Bond: A surety issued by an insurance company licensed to do business in Illinois and approved by the County Board to guarantee installation of any improvements.

Person: Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

Planned Unit Development (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the County Board and satisfies the requirements contained herein.

Planning Commission: The Planning Commission of Monroe County, Illinois.

Plat: The maps, drawings, charts, and other documents complying with all applicable provisions of this Code which constitute the plan for subdivision.

Plat, Final or Final Development Plat: The final engineering and architectural detail maps, drawings, and supporting material on which the developer's plan of the project area is presented and, if approved, will be submitted to the County Recorder of Deeds for recording and to the Office of Mapping and Platting for filing.

Plat, Preliminary or Preliminary Development Plat: Preliminary engineering and architectural maps, drawings, charts and supportive material indicating the proposed layout of the project area.

Project Area: That territory intended to be subdivided or developed, and portrayed and defined in the Preliminary and Final Plats.

Re-subdivision: See **Subdivision**.

Retention: A facility natural or man-made, that provides permanent or long-term storage of surface run-off accompanied by a low release rate.

Retention Basin: A facility, designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Right-of-Way (ROW): A strip or parcel of land over which the owner, by dedication or otherwise, has granted or reserved the right use for streets, alleys or other public ways.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travelways, curbs and gutters which lies between the right-of-way lines.

Setback Line: A line parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side, or rear yard.

Sinkhole: Any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS **seven and one-half (7 1/2) minute** quadrangle topographic maps or as determined by field investigations.

Soil and Water Conservation: The Monroe County Soil and Water Conservation District.

Specifications: The Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as adopted and amended by the Department, which are in effect at the time the subdivision is being constructed, and the related **"Highway Standards"**. Any term in such specifications referring to State Departments or officials or to persons contracting with the State shall be deemed to refer to applicable departments, officials, or persons in the County of Monroe, and the term "contractor" shall specifically apply to the subdivider who is responsible for installing all of the improvements required in **Article VI** of this Code even though the subdivider may enter into agreements for such installing by other persons, firms, or corporations. "Engineer" shall be deemed to refer to the County Engineer.

Street: A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way. It shall also include such other designations for a street as a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide direct access to major traffic generators, provide secondary service to small communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Butt or Stub: A street that is temporarily terminated, but is planned for future continuations.

Street, Collector: Collector streets interconnect the principal street system with land access streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only **one (1) end** open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are not permitted in any proposed subdivision.

Street, Land Access: Land access streets provide access to abutting properties, having a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

Subdivide: See "**Subdivision**".

Subdivider: Any person, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Subdivision: For the purpose of these regulations, a subdivision is either:

- (A) The division of land into **two (2)** or more lots, sites, or parcels or
- (B) Establishment or dedication of, a road, highway, street or alley through a tract of land regardless of its size.

The term "subdivision" shall also include all re-subdivision of land or lots.

Subdivision, Minor: A division of land into **two (2)**, but not more than **six (6) lots**, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Two-Year Event: A runoff, rainfall, or flood event having a **fifty (50) percent** chance of occurring in any given year. A **twenty-four (24) hour** storm duration is assumed unless otherwise noted.

Watershed: All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depressional area.

Wet Basin: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

Wetlands: Wetlands are defined by regulation as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. For general, but not inclusive locations of designated wetlands, refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987.

Zoning Administrator: The officer, or person, designated by the County Board of Commissioners and charged with the responsibility of administering zoning standards.

Zoning Code: The Zoning Code of Monroe County, Illinois.

ARTICLE III - PROCEDURES FOR SUBMISSION OF PLATS

34-3-1 PRE-APPLICATION CONFERENCE. Before submitting a preliminary plat, the applicant is encouraged to confer with the Administrative Officer, Planning Commission, and other official units of government affected thereby as well as those providing services to the area in question to initiate pre-planning activities and obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data.

34-3-2 PRELIMINARY PLAT PROCEDURES. A subdivider desiring to subdivide a tract of land shall file copies of the Preliminary Plat with the Administrative Officer. The applicant shall furnish additional copies for evaluation and comment by other governmental agencies and organizations, as requested by the Planning Commission. The Administrative Officer shall then determine if the zone district classification(s) of the territory are correct and that the proposed subdivision complies with the applicable provisions of the Monroe County Zoning Code. The subdivider shall contact the Administrative Officer to obtain the number and size of copies to be submitted. All fees required for review shall be paid by the applicant.

A copy of deed to property shall be submitted when filing a Preliminary Plat. A copy of Deed Restrictions and Covenants shall accompany the Preliminary Plat. The Deed Restrictions shall be recorded in the County Clerk's Office along with the Final Plat after Final Plat has been approved.

As required by **Public Act 87-500**, written approval from proper Road Authority regarding entrances onto State, County, or Road District Roads shall be submitted with plat. Also written approval from Local Health Department regarding sewage disposal systems for subdivision shall be submitted. (Subdivision Plat Review Application shall be completed.)

A Drainage Report shall be submitted and shown on separate copy of plat and signed by Registered Professional Engineer and Subdivider as specified in **P.A. 87-500**. Said report shall include at a minimum: All existing water courses, proposed revisions to water courses, all anticipated flow and drainage easements should be shown, statement that "This plan is preliminary, final determination of drainage control measures will be based on the site design and be provided with improvement plan.

34-3-3 SOIL AND WATER CONSERVATION DISTRICT. The Monroe County Soil and Water Conservation District may comment on the Preliminary Plat within **thirty (30) days** after receiving the application. The comment shall be noted, in writing, and filed with the Administrative Officer. If comments are not received within **thirty (30) days**, the Planning Commission shall assume that the Soil and Water Conservation District has no objections to the proposed preliminary plat.

34-3-4 NOTICE. When the Preliminary Plat is being reviewed, the Planning Commission shall give notice and provide an opportunity to be heard to the following persons or groups at its next regularly scheduled meeting:

- (A) Any person who requests notification of the meeting;
- (B) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks and similar barriers. This information shall be provided by the applicant to the Administrative Officer when filing the Preliminary Plat; and
- (C) Any governmental district, agency, organization or taxing body which requests notification of the meetings.

34-3-5 PLANNING COMMISSION ACTION. The Planning Commission shall review the Preliminary Plat within **sixty (60) days** from the date of application or the filing of the last item of required supporting data, whichever is later, and shall forward the plat to the County Board with a recommendation that the plat be approved, approved with modifications, or disapproved, and giving the reasons for the recommendations made.

34-3-6 **COUNTY BOARD ACTION.** The County board shall review the Preliminary Plat and shall either approve or disapprove the plat.

34-3-7 **FILING. Five (5) copies** of the approved Preliminary Plat shall be filed with the Administrative Officer and a copy signed by the County Board Chairman shall be returned to the subdivider by the Administrative Officer.

34-3-8 **RIGHTS AND PRIVILEGES.** Preliminary Plat approval shall confer upon the subdivider the following rights and privileges:

(A) That the Preliminary Plat approval will remain in effect for a **one (1) year** period. The applicant may, during this period, submit all or part or parts of the Preliminary Plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the County Board, have final approval of the last part of the plat delayed for a period not to exceed **three (3) years** from the date of the Preliminary Plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area.

(B) That the general terms and conditions under which the Preliminary Plat approval was granted will not be changed for final approval, and that

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to Final Plat approval if the detailed improvement plans have been accepted by the County Engineer, provided that such facilities and improvements will be inspected throughout their construction, and Final Plat approval will be contingent in part upon acceptable compliance to county improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then the applicant shall submit the improvement plans to the Administrative Officer at the time that the Final Plat is submitted.

34-3-9 **SUBDIVISION NEAR MUNICIPALITY.** When a proposed subdivision is located within **one and one-half (1 1/2) miles** of the corporate limits of any municipality that has adopted and is enforcing subdivision regulations and has filed with the County Recorder of Deeds an official comprehensive plan, which plan has been implemented by code as provided by State Statutes, both the Preliminary and Final Plats shall be submitted by the applicant to the municipality for approval. **(Ord. No. 00-19; 08-07-00)**

(A) If the subdivision lies within **one and one-half (1 1/2) miles** of the corporate limits of **two (2)** or more municipalities that have adopted and are enforcing subdivision regulations, then the Administrative Officer will determine which municipality the subdivider will submit the Preliminary Plat to. The procedure and requirements for review of the Preliminary Plat by the municipality shall be prescribed by the Municipal Subdivision Control Code and in compliance with the provisions of the Illinois Compiled Statutes, 1967, as amended.

(1) After the municipality has approved the Preliminary Plat, or if the subdivision is within an area in which no subdivision control code is exercised, then the Preliminary Plat shall be submitted to the Administrative Officer for study and action.

(2) No plat lying within **one and one-half (1 1/2) miles** of a municipality having an official plan shall be entitled to recording unless it conforms with or exceeds the street, alley and public ground requirements of such plan or unless it has been approved by the Plan Commission of that municipality.

(B) The Planning Commission and the County Engineer shall determine if the Preliminary Plat complies with this Code and whether the Preliminary Plat is in substantial compliance with the County's Transportation Plan adopted by the County Board. Whenever the Preliminary Plat does not comply with the above, the Administrative Officer shall notify the municipality in writing of the specific instances of non-compliance.

(C) The County Engineer may refuse to accept any such non-complying street or road for incorporation into or as part of the County road system.

34-3-10 IMPROVEMENT PLAN PROCEDURES. Improvement plans do not require Planning Commission action, but shall be approved by the County Engineer who shall certify to the Planning Commission that the plan is in conformance with these regulations and requirements. Variance from these requirements shall be permitted only by Planning Commission action pursuant to **Article VII**. No developer, however, shall proceed with any construction work in the project area before obtaining this approval. In minor subdivisions, if the opinion of the County Engineer, this requirement would create an unnecessary hardship, the County Engineer may waive improvement plan requirements, provided he so notifies the Planning Commission in writing. To secure formal action on the improvement plans;

(A) The developer shall file **three (3)** blue line prints of the improvement plans with the Administrative Officer who shall forward them to the County Engineer.

(B) The County Engineer shall review the proposed improvement plans and notify the Planning Commission, in writing, of his approval, conditional approval, or denial. The County Engineer shall notify the applicant by making a copy of the report stating the approval, conditional approval, or denial. If the notice is of denial, or conditional approval, the County Engineer shall, as a guideline to applicant, state his reasons therefore; and

- (1) Approval means the applicant is now authorized to proceed with the physical improvements in the subdivision, provided the County Board of Commissioners accept the improvement plans.
- (2) Conditional approval means the developer may proceed as outlined in the preceding paragraph, but only after the applicant has submitted **three (3) copies** of the corrected improvement plans to the Administrative Officer, who shall forward the plans to the County Engineer.
- (3) Denial means disapproval of improvement plans. For further consideration, the developer should rework the plans to conform to the requirements and then resubmit the reworked plans to the Administrative Officer as though they were a completely new set of plans.

34-3-11 FINAL PLAT PROCEDURES. Copies of the Final Plat shall be submitted to the Administrative Officer. The subdivider shall contact the Administrative Officer to obtain the number and size of the copies to be submitted. The Administrative Officer shall then submit **one (1) copy** each to the Planning Commission and the County Engineer. The Final Plat shall include all plans and specifications as may be necessary to comply with all requirements herein and such information as may be necessary concerning the form of guarantee or performance bond to be used.

34-3-12 SUBMITTAL OF IMPROVEMENT PLANS. If the applicant has not previously submitted improvement plans, then they shall be submitted along with the Final Plat to the Administrative Officer, who shall forward the Final Plat and improvement plans to the County Engineer.

34-3-13 SOIL AND WATER CONSERVATION DISTRICT. The Planning Commission may, if it believes that substantial changes have been made from the Preliminary Plat, request that the Soil and Water Conservation District review the Final Plat.

34-3-14 PLANNING COMMISSION ACTION. The Planning Commission shall review the Final Plat and documentation and transmit their report on findings and recommendations to the County Board within **sixty (60) days** of the filing date of the Final Plat.

34-3-15 **COUNTY BOARD REVIEW.** The County Board of Commissioners shall review the Final Plat and shall either approve or disapprove the plat. Approval however, shall not be granted unless the following conditions are met:

- (A) The Final Plat conforms to the Preliminary Plat approved previously;
- (B) The Final Plat meets the design standards and engineering specifications set forth herein;
- (C) The Final Plat meets all requirements of the laws of the State of Illinois; and
- (D) The subdivider or applicant posts a performance bond or bonds with the County equal to the estimated cost of all improvements for construction, maintenance and operation, as the case may be.

34-3-16 **COUNTY BOARD ACTION.** If the Final Plat is approved, the Chairman of the County Board shall affix his signature to the plat and attach thereto a notation that the plat has received final approval of the County Board. The County Clerk shall then attest the signature of the Chairman and affix the County Seal thereto. If the Final Plat is disapproved, the reasons for such action and specific instances where the plat is not in conformance with the requirements herein shall be noted.

34-3-17 **COUNTY CLERK ACTION.** The County Clerk shall attach to a copy of the Final Plat a certified copy of the County Board of Commissioner's ordinance certifying approval.

34-3-18 **RECORDING PROCEDURE.** No subdivision plat or re-plat shall be filed for record or recorded in the Office of the Recorder of Deeds of Monroe County, Illinois, unless and until the approval of the County Board is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the County Board and filed for record in the Office of the Recorder of Deeds of Monroe County, Illinois, as herein provided.

34-3-19 **OFFICIAL FILINGS.** The subdivider shall file the approved Final Plat along with the Deed Restrictions and Covenants of the subdivision with the Monroe County Recorder of Deeds within **sixty (60) days** after the County Board Chairman has affixed his signature thereto. **Two (2) copies** of the Final Plat and the Deed Restrictions shall be given to the Administrative Officer by the County Recorder bearing the official stamp of the Monroe County Recorder attesting the recordings within **twenty (20) days** of such action.

34-3-20 **ILLEGAL PLATS.** It shall be unlawful for the County Recorder of Monroe County to accept for recording any plat of a subdivision within the unincorporated area of Monroe County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat or as otherwise provided herein.

34-3-21 **RESERVED. (Ord. No. 05-17; 11-07-05)**

34-3-22 **FEES.** The review fee for the Preliminary Plat shall be **One Hundred Fifty Dollars (\$150.00)** plus **Twenty-Five Dollars (\$25.00)** per lot, sub-lot, or tract of land. Provided, however, the minimum preliminary plat and lot fee shall be **Two Hundred Fifty Dollars (\$250.00)**. The fee shall be collected by the Administrative Officer after the last item of required information has been submitted by the applicant.

34-3-23 **FINAL PLAT.** The review fee for the Final Plat shall be **Seventy-Five Dollars (\$75.00)**, plus **Twenty-Five Dollars (\$25.00)** per lot, sub-lot, or tract of land. Provided, however, the minimum final plat and lot fee shall be **One Hundred Fifty Dollars (\$150.00)**. The fee shall be collected by the Administrative Officer after the last item of required information has been submitted by the applicant.

34-3-24 **IMPROVEMENT PLAN REVIEW AND INSPECTION FEE.** All public improvements proposed to be made under the provisions of this Code shall be inspected during the course of construction by the County's duly designated representative. The fees and costs connected with such inspections and in reviewing improvement plans and specifications shall be paid by the owner or subdivider. The fee shall be **five percent (5%)** of the total estimated cost for all improvements. Upon submittal of the improvement plans, the developer shall submit a non-refundable payment in the amount of **one percent (1%)** of the estimated improvement costs for review of said improvement plans. The balance of the fee shall be paid upon plan approval and prior to the pre-construction conference.

ARTICLE IV - SPECIFICATIONS FOR PLATS

34-4-1 PRELIMINARY PLAT REQUIREMENTS. The Preliminary Plat shall portray or present the following:

- (A) Name under which the proposed subdivision is to be recorded and location;
- (B) Small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated streets within **three hundred (300) feet** of the proposed subdivision. The key map shall show the location of any corporate limits of any municipality lying within **one and one-half (1 1/2) miles** or less of the subdivision.
- (C) North arrow and date;
- (D) Names and addresses of the owner, subdivider, land planning consultant, and the registered land surveyor who prepared the preliminary plat;
- (E) Tract boundary lines, showing their lengths and directions according to available information and references to lines of the public land survey and of other major land divisions;
- (F) All lot lines adjacent to and abutting the subdivision, and identification of adjoining lots;
- (G) Layout of proposed lots, showing their approximate dimensions, numbers and their approximate minimum area, showing an identifying number for each lot, and stating the zone district classification(s) of the proposed subdivision;
- (H) Streets or alleys and rights-of-way and adjoining the site of the proposed subdivision and their names; the street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, planting strips and other pertinent data; the classification of all existing or proposed streets as to function as established herein;
- (I) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, the use(s) of the area to be subdivided, and on the manner and extent of correspondence of the proposed uses to the Comprehensive Plan, as adopted by the County Board;
- (J) Easements, existing and proposed, showing locations, widths, and purposes;
- (K) The gross and net area of the proposed subdivision, the area of street rights-of-way, and the area of any parcels reserved for the common use of the property owners within the subdivision or for public use. The standard road right-of-way shall not be included in the lot acreage.
- (L) Because the topography has a significant bearing upon the street grades, the plan of public utilities and drainageways or facilities in the proposed subdivision, elevation contour lines at intervals not greater than **two (2) feet** intervals shall be shown.
- (M) Location of major water courses, ponding areas, natural drainageways and flood hazard areas;
- (N) Location, size and available capacity of existing public utilities and drainageways or facilities within or adjoining the proposed subdivision and the location and size of the nearest water trunk mains, interceptor sewer lines and other pertinent utilities;
- (O) Location, type and approximate size of utility improvements to be installed;
- (P) The Preliminary Plat shall be drawn to scale of not more than **one hundred (100) feet to one (1) inch**; and the resulting plat is at least **eight and one-half (8 1/2) inches by fourteen (14) inches** but not more than **thirty (30) inches by thirty-six (36) inches**.
- (Q) A statement to the effect that "this plat is not for record" shall be printed or stamped upon all copies of the preliminary plat;
- (R) Tentative approval of the street names and house numbers by the County 9-1-1 Coordinator shall be endorsed upon the preliminary plat. Duplication of street names, within the County's jurisdiction shall be prohibited.
- (S) Indication on plat whether or not any part of the property shown is located within Special Flood Hazard Area as identified by Federal Emergency Management Agency.
- (T) An approval line for Road Authority shall state that all public road frontages along subdivision boundaries will be improved by the Subdivider, to County standards shown in Figure 3, at the end of this Code; (Figure 3 is on file in the County offices.)

- (U) The building setback line along all front lot lines shall be shown.
- (V) A preliminary drainage plan prepared by a Licensed Professional Engineer, which when implemented assures that the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection, diversion, and release of such surface waters into public areas, or drains which the subdivider has a right to use, and
- (W) County Board approval signature block.

34-4-2 PLANNING COMMISSION REQUIREMENTS. In order to provide for a well informed review of the Preliminary Plat by the Planning Commission, the following information shall also be required:

- (A) The final land use plan for all uses in the project or project area phase under consideration;
- (B) A project or project phase development schedule indicating:
 - (1) the approximate date when construction of the project can be expected to begin;
 - (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (3) the anticipated rate of development;
 - (4) the approximate dates when the development of each of the stages in the development will be substantially completed; and
 - (5) the area and location of common or public open space that will be provided at each stage.
- (C) A plot for each building site, showing the approximate location of all buildings, structures, and improvements and indicating the open spaces around buildings and structures;
- (D) The term or the text of agreements, provisions, or covenants which will guarantee the conveyance or governance of use, provide proper maintenance, and continued protection of the proposed development and any of its common open area or facilities. Such covenants shall provide that changes cannot be made to the covenants without County Board approval until at least **fifty-one percent (51%)** of the lots have been sold by the developer.
- (E) The following plans and diagrams, in so far as the Planning Commission finds that the proposed development will create special problems of traffic, parking and landscaping:
 - (1) An off-street parking and loading plan; and
 - (2) A landscaping and tree-planting plan.

34-4-3 FINAL PLAT REQUIREMENTS. The Final Plat to be provided by the subdivider shall meet the following specifications:

- (A) The Final Plat may include all or only part of the project area portrayed on the Preliminary Plat which has received approval.
- (B) The Final Plat shall be drawn on new linen tracing cloth, mylar or other material of comparable stability with waterproof black ink to a scale of not more than **one hundred (100) feet to one (1) inch**; provided that the resulting drawing is at least **eight and one-half (8 1/2) inches by fourteen (14) inches** but not more than **thirty (30) inches by thirty-six (36) inches**. **Five (5)** black or blue line prints shall be provided by the subdivider, along with the original mylar or linen.
- (C) All dimensions shall be shown in feet and decimals of a foot.
- (D) The Final Plat shall be prepared under the active and personal direction of a registered Illinois Land Surveyor, who shall certify that the plat correctly shows the results of the survey of the boundaries and platting of parcels within the subdivision.

34-4-4 PLAT DATA. The Final Plat shall portray or present the following:

- (A) Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in five thousand (5,000) feet**;
- (B) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.
- (C) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor shall, at the time of making the survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.
- (D) Accurate metes and bounds descriptions of the boundary and the included area of the subdivision to the nearest **one-hundredth (1/100)** of an acre;
- (E) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
- (F) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles;
- (G) Name and right-of-way width for each proposed street or other right-of-way;
- (H) Location and dimensions of any easement and a statement of purpose for each easement;
- (I) Number to identify each lot or site;
- (J) Purpose for which sites, other than residential lots, are dedicated or reserved;
- (K) Lot dimensions and areas of each lot, and building or setback lines and dimensions;
- (L) Location, type, material and size of all monuments and lot markers;
- (M) Certification, before a Notary Public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referenced to in all future conveyances of lots in the subdivision. In addition, the dedication and reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat;
- (N) Reference to recorded subdivision plats within **three hundred (300) feet** of adjoining platted land by record name, date and number;
- (O) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Covenants and restrictions are recorded within the County Recorder's Office as a part of this plat.
- (P) Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and north arrow, graphic scale and date drawn;
- (Q) Certification by registered land surveyor with registration numbers and seal affixed to all final documents prepared by the surveyor;
- (R) Certification of dedication of all public areas;
- (S) Indication on plat whether or not any part of the property shown is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency;
- (T) The building setback line along all front lot lines shall be shown.
- (U) Certification from the County Clerk indicating that there are no delinquent or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area;
- (V) Approval of the street names and house numbers by the County 9-1-1 Coordinator shall be endorsed upon the plat;
- (W) A drainage plan and statement prepared and signed by a Registered Professional Engineer and developer stating that a drainage plan has been prepared for this subdivision meeting the requirements of the County Subdivision Code; and the "Drainage Disclaimer" as detailed in Attachment 4 of this Code shall be included with the appropriate signatures on the final plat. **(Ord. No. 05-17; 11-07-05)**

- (X) County Board approval signature block.
 - (Y) Indicate on plat if the property being developed is close to a livestock operation.
- (Ord. No. 03-05; 03-17-03)**

34-4-5 IMPROVEMENT PLANS. After the Preliminary Plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the County Engineer for review. Improvement plans shall be prepared on an exhibit not to exceed **thirty (30) inches** by **thirty-six (36) inches** and shall contain the following information: **(Ord. No. 05-17; 11-07-05)**

- (A) Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided plus adjacent streets;
- (B) North arrow and graphic scale;
- (C) Title block showing name and address of developer and engineering firm, as well as the engineer's seal;
- (D) **One (1)** or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.
- (E) List of the standards and specifications followed, citing volume, section, page or other references;
- (F) Paving details conforming to Monroe County standards specifications;
- (G) Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales, and storm sewers as required by **Article VI**.
- (H) Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements required by **Article VI**. The plans and profiles shall be drawn at a scale not greater than **one hundred feet to one inch (1" = 100')** horizontal; and **one inch** equals **ten feet (1" = 10')** vertical.
- (I) Existing and proposed survey monuments on street plans or on the proposed Final Plat as required by **Section 34-6-2**;
- (J) Cross sections shall be provided along all roadways at **one hundred (100) feet** intervals, this includes existing road frontages.
- (K) The Developer shall obtain an IEPA, National Pollution Discharge Elimination System Permit. Conditions of permit approval shall be incorporated into the improvement plans; and
- (L) Plan of sewerage disposal system showing pipe locations, sizes, force mains, invert elevations, manhole locations, lift stations, etc.
- (M) A stormwater, erosion and sediment control plan meeting the following requirements and in conformance with **Section 34-5-19** shall be submitted with the improvement plans:
 - (1) The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the U.S.D.A., Natural Resources Conservation Service shall be shown;
 - (2) The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required; kinds and locations of utilities; areas and acreages proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the existing and proposed tree line;
 - (3) The erosion and sediment control plan shall show all measures necessary to meet the requirements of this Code throughout all phases of construction and those remaining permanently after completion of the development of the site; including:
 - (a) Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details;

- (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures;
- (c) Location and description of methods to prevent tracking of sediment offsite including construction entrance details, as appropriate;
- (d) Description of dust and traffic control measures;
- (e) Locations of stockpiles and description of stabilization methods;
- (f) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance;
- (g) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the County Engineer of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved;
- (h) The location of shoreline of lakes, ponds, and detention basins with normal water level elevation;
- (i) The location of farm drains and tile;
- (j) Location, size, and slope of stormwater conduits and drainage swales;
- (k) The location of depressed storage areas;
- (l) Proposed detention facilities with storage volumes and release rates;
- (m) Direction of storm flows;
- (n) A preliminary minimum finished floor elevation for each lot shall be submitted for review before inclusion on the final plan;
- (o) Both existing and proposed flow rates and velocities at critical points in the drainage system;
- (p) Cross section data for open channel flow paths and designated overland flow paths;
- (q) A statement as to the basis of design for the final drainage network components, giving any applicable engineering assumptions and calculations; and
- (r) A statement by the design engineer of the drainage system's provisions for handling critical storm event. A drainage statement should be signed by a Registered Professional Engineer, and the owner of the land or a duly authorized attorney, to the effect that the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and

that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

(N) The drainage system design and erosion control provision contained in Attachment 5 of this Code "Supplementary Drainage Design and Erosion Control Provisions" shall be incorporated into the site plans.

- (O) Plan submittals.
- | | |
|--|-------------------------|
| Preliminary Review and Prefinal Review | (1) Full Size |
| | (1) 11" x 17" Reduction |
| Final Approval | (2) Full Size |
| | (1) 11" x 17" Reduction |

34-4-6 VARIANCE FROM THE PRELIMINARY PLAT. If the improvement plans require substantial alteration of the approved preliminary plat, then a new Preliminary Plat must be submitted to the Administrative Officer before the improvement plans can be approved.

ARTICLE V - MINIMUM STANDARDS OF DESIGN

34-5-1 GENERAL STATEMENT. The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the following minimum standards of design. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the county and the best use of the land being subdivided.

34-5-2 STREET PLANNING. The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining un-subdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. No building shall be allowed in areas within a projected street continuation. In no case shall land be subdivided in such a manner that adjoining property be denied access.

When reviewing subdivision development adjacent to State Highways consideration shall be given to the use of frontage roads and the use of existing indirect access streets for elimination of multiple highway entrances.

Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting. Reserve strips, of any type, shall not be allowed. **(Ord. No. 05-17; 11-07-05)**

34-5-3 STREET DESIGN REQUIREMENTS. The following requirements shall also be met when planning the street network:

(A) Streets shall intersect, as nearly as possible, at right angles.
 (B) Land access street curb intersections shall be rounded by radii of at least **fifteen (15) feet**; intersections involving collector streets shall have radii of not less than **fifty (50) feet**; land access streets in business and industrial zones shall be rounded by a radii of at least **thirty (30) feet**. **(Ord. No. 05-17; 11-07-05)**

(C) Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** are prohibited.

(D) Unless topography indicates a need for a greater length, dead-end streets, designed to be so permanently, shall be no longer than **five hundred (500) feet** and shall terminate with a turn-around having radius at the outside of the pavement of at least **fifty (50) feet** and a diameter at the outside of the right-of-way of at least **one hundred twenty (120) feet**. This length may be increased where topography or existing conditions, such as, existing platted lots prevent future extension, but may not exceed **one thousand (1,000) feet** in length, provided, however, that this length can be modified in areas of excessive grade that prohibit a reasonable connection.

(E) When reviewing a subdivision plat, if the Monroe County Planning Commission determines that access to adjoining property is necessary to meet the intent and purpose of this ordinance as defined in **Section 34-1-4**, then the Planning Commission may require that an access street(s) be constructed to the property line. **(Note: Temporary fifteen (15) feet "T" turnarounds at the end may be required.)**

(F) No land access street shall be in excess of **fifteen percent (15%)** grade and no collector street grade shall be in excess of **nine percent (9%)** grade, except as otherwise approved by the

Planning Commission due to adverse topographic conditions. Minimum vertical curve transitions at intersections shall be **one hundred (100) feet** in length for slopes in excess of **eight percent (8%)**. For adequate drainage, the minimum grade of any new street shall not be less than **one-half (1/2) of one percent (1%)**.

(G) The Planning Commission shall not approve streets which will be subject to frequent inundation or flooding.

(H) Alleys shall be avoided in single-family and two-family districts; however, alleys may be required in multiple-family districts and commercial or industrial districts unless other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent and adequate for the use proposed.

(I) Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.

(J) Alleys, where provided, shall have a right-of-way of not less than **twenty (20) feet**.

(K) Intersection of more than **two (2) streets at one (1) point** shall be prohibited.

(L) Where a subdivision abuts on or contains an existing or proposed area service highway, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed area service highway and said area service highways shall be those roads and streets classified as collectors by the County of Monroe as certified by the Illinois Department of Transportation on the five-year Highway Classification Map. **(Ord. No. 06-08; 10-02-06)**

(M) Wherever the Illinois Department of Transportation or the County of Monroe has gone on record as desiring the relocation and/or the construction of a new highway or whenever a municipality has duly recorded with the County a comprehensive plan and/or adopted an official map defining the location of streets, the subdivider shall reserve rights-of-way for the construction of such streets or highways with rights-of-way alignments and widths as prescribed by the appropriate jurisdictional agency.

(N) Whenever a subdivision, as determined by this ordinance, abuts a highway constructed and maintained by the Illinois Department of Transportation, then all access off of said highway must be reviewed by the Monroe County Planning Commission and approved by the Monroe County Board.

(1) On all limited access State Highways, access shall be limited to those points identified on the recorded highway plat. Additional access streets shall be permitted only following review by the Monroe County Board.

(2) On all other State Highways, access streets closer than **two thousand six hundred (2,600) feet** from each other shall be prohibited. The Planning Commission may vary from this criteria when it is determined that topographic limitations, public safety factors or unique site conditions exist. All variances from the standards must receive final approval from the Monroe County Board.

(O) Entrance Islands location and adjacent pavement width shall be in accordance with the following minimum standards.

(1) Minimum pavement width on each side to be **twenty (20) feet**.

(2) Minimum setback from edge of adjoining pavement to be **twenty (20) feet**.

(Ord. No. 00-19; 08-07-00)

34-5-4 RIGHTS-OF-WAY AND SURFACE WIDTH REQUIREMENTS. The following shall be the minimum rights-of-way and surface width requirements provided under the terms of this Code; however, the Planning Commission may increase street rights-of-way because of limitations imposed by topography and/or other physical factors and specific design requirements.

<u>Street Classification</u>	<u>Width of Surface (A) (feet)</u>	<u>Width of Right-of-Way (feet)</u>
Area Service Highway	(B)	(B)
Collector	(B)	(B)
Land Access Street:		
Parking one side	32	50 (C)(H)
Parking both sides	40	50 (C)
No Parking (D)	24 (I)	50 (C)(H)

(A) Width of surface shall be measured from face of curb to face of curb. **(Ord. No. 00-19; 08-07-00)**

(B) Design and construction of area service highways and collector streets shall conform to the Illinois Department of Transportation Design and Construction Policies, Standards and Specifications.

(C) If sidewalks are required on **one (1) side**, add **four (4) feet** and if sidewalks are required on both sides, add **eight (8) feet** to right-of-way requirements.

(D) This pavement and right-of-way width will only be allowed in areas having a density less than **two (2) dwelling units** per net acre and providing at least **four (4)** off-street parking spaces per dwelling unit.

(E) Curb and gutter land access streets within any "R" district shall be a minimum **thirty-two (32) feet** wide, except as noted in paragraph (F) below. **(Ord. No. 00-19; 08-07-00)**

(F) In any "R" district streets meeting the dead end requirements of the Code **(Section 34-5-2(D))** may be built **twenty-four (24) feet** wide with approval of the Planning Commission. **(Ord. No. 00-19; 08-07-00)**

(G) Street within Commercial and Industrial zoned districts shall be considered as collector streets. Design to land access street standard can be allowed only by approval of the Planning Commission. **(Ord. No. 00-19; 08-07-00)**

(H) Standard right-of-way is **fifty (50) feet**. Widths of **forty (40) feet** will be allowed, by Planning Commission approval, if sufficient Road Easements are provided.

(I) Surface width of **twenty (20) feet** will be allowed, by Planning Commission approval, with **two (2) foot** depressed curb on each side of street. **(per figure 2)**

34-5-5 ADDITIONAL RIGHT-OF-WAY REQUIREMENTS. Whenever the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation or the County of Monroe, which is the maintenance responsibility of the Illinois Department of Transportation, the Planning Commission, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way of not less than **sixty (60) feet** which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the Planning Commission and the Illinois Department of Transportation.

(A) Wherever any highway, constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of Transportation, traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **sixty (60) feet** from the centerline of such highway.

(B) If any tract of land proposed to be subdivided (or any part thereof) lies adjacent to any highway over which the Illinois Department of Transportation has jurisdiction with respect to maintenance and upkeep, and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the subdivider shall be required to obtain and submit to the Administrative Officer a written permit from the Illinois Department of Transportation granting him permission to construct such access way.

34-5-6 COUNTY HIGHWAYS. Wherever any highway, constructed by the County of Monroe, which is the maintenance responsibility of the County of Monroe, and traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **fifty (50) feet** from the centerline of any County highway and **thirty-five (35) feet** from the centerline of any road district highway in Monroe County. **(Ord. No. 05-17; 11-07-05)**

34-5-7 **COLLECTOR LOCATIONS.** In order to provide adequate traffic circulation and to insure adequate access to developed areas, collector streets shall be provided at approximately **one-half (1/2) mile** intervals with the exact right-of-way location determined by the Planning Commission. Consideration shall be given by the Planning Commission to the topography, density of development, and established streets.

34-5-8 **NOISE ABATEMENT.** If the project or subdivision is to be developed within **one thousand (1,000) feet** of the centerline of an existing or planned highway, with a **fifteen (15) year** projected Average Daily Volume in excess of **two thousand (2,000) vehicles**, consideration must be given to the relationship between highway traffic noise and the proposed development. In order to alleviate excessive highway noise impacts, the Planning Commission, in consultation with the Illinois Department of Transportation, may require the developer to conform with additional setback requirements or provide adequate buffering.

34-5-9 **EASEMENTS.** Easements of not less than **ten (10) feet** in width shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A **two (2) foot** easement shall be required on **one (1) side** of and adjacent to an alley to accommodate pole lines.

Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the County Engineer.

34-5-10 **BLOCKS.** No block shall be longer than **one thousand two hundred (1,200) feet** or less than **five hundred (500) feet** in length.

(A) All blocks, whenever it is deemed essential by the Planning Commission to provide access to schools, playgrounds, shopping centers and other community facilities, shall have a crosswalk with a right-of-way of at least **ten (10) feet** in width near the center of the block.

(B) The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.

(C) Where a subdivision adjoins an area service higher type roadway, the greater dimension of the block shall generally front or back upon such highway to avoid unnecessary multiplicity of points of ingress or egress.

34-5-11 **RESERVED.**

34-5-12 **LOTS.** Lot area and dimensions shall conform to the requirements of the applicable district of the County Zoning Code. Also the following requirements shall be met:

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

(B) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design.

(C) All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land.

(D) Lots which cannot be served by either a public or private sanitary sewer or a public water system, shall comply with the applicable provisions of the County Zoning Code.

(E) Lots with double frontage should be avoided, where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building or setback lines on the adjoining streets.

(F) Lots shall be graded by the developer so as to provide each lot with satisfactory access to a public street.

(G) The subdividing of the land shall be such as to provide drainage away from building locations.

(H) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development; and

(I) **One (1)** new lot resulting from the division of a tract of land containing **twenty (20) acres** or more may have access to a public street by an easement of not less than **twenty-five (25) feet** nor more than **thirty (30) feet** in width, provided that such lot contains **one (1)** permanent dwelling which existed at such location on the effective date of the Code and provided that no boundary of said new lot shall be nearer than **two hundred (200) feet** to the right-of-way line of any public street.

34-5-13 LOT CONVEYANCE. The owner(s) may convey title to lots in the improved portions of the subdivision, provided that streets, storm and sanitary sewers, and sewage treatment plants be designed and built to serve the entire area or be initially developed in such a manner that they can easily be expanded or extended, as the case may be to serve the entire development.

34-5-14 PUBLIC RESERVATIONS. When a school board, park board or governing body of a county or municipality goes on record as desiring to purchase ground in the subdivision for a school, park or other public purpose, such area shall be reserved for acquisition within a **twelve (12) month** period. If within this **twelve (12) month** period, an acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may subdivide, sell, or dispose of the ground.

34-5-15 SEWAGE DISPOSAL. In areas where on-site sewage disposal systems will be installed, the size and relative location shall be governed by the Illinois Department of Public Health and Monroe County Health Code regulations in effect at the time. In addition, the following requirements shall also apply:

(A) On each lot, there shall be an area preserved for the construction of an additional drain field system should the original drain field fail. The area set aside for a second drain field shall be of a size and so located that a drain field can be constructed that will meet all standards on size and setbacks recommended by the Illinois Department of Public Health.

(B) Subdivisions with **ten (10)** or more lots with density of **two and one-half (2 1/2)** acre lots or less are required to install a central sewage collection system with an approved form of secondary treatment and effluent discharge. A community shared maintenance program to insure the system and components are continuously maintained and functioning is required. Private sanitation systems such as septic tanks or aeration units may be allowed in subdivisions of more than **ten (10) lots** through variance procedures as per **Article VII**. The Developer shall demonstrate, by furnishing a soil survey, that such systems would function properly at the location proposed to be developed and meets with the approval of the Bi-County Health Department.

(C) Subdivisions with **ten (10)** or more lots and having lot sizes greater than **two and one-half (2 1/2) acres** have the option to provide private sewage treatment systems that have been approved by the Bi-County Health Department for use in those areas, provided that soil conditions, runoff factors and other site conditions are suitable for such systems. (**Ord. No. 05-17; 11-07-05**)

34-5-16 INDIVIDUAL SEWAGE DISPOSAL SYSTEMS. All individual sewage systems shall be designed and installed in accordance with the current regulations of the Illinois Department of Public Health and the Bi-County Health Department. Subdivider shall at time of submitting the Preliminary Plat make application to the Bi-County Health Department for approval of the method proposed for sewage disposal on each individual lot.

(A) For subsurface seepage systems the developer must demonstrate, by furnishing percolation tests and soil survey data that the proposed system would function properly at the locations proposed as per Monroe County Health Code.

(B) For surface discharge systems, the developer shall submit as part of the site drainage study report, a discharge location proposal for each lot. Copy of the drainage study report is to be submitted to the Bi-County Health Department at the time the application for approval of sewage disposal system(s) is made.

(C) Any subdivision allowing use of aerobic disposal systems, shall, as part of the protective covenants for the subdivision, require that a maintenance agreement contract on the system be mandatory. The maintenance agreement must comply with regulations set forth in the Illinois Department of Public Health Private Sewage Disposal Code and provide for a minimum of **one (1)** documented inspection every **twelve (12) months** by a qualified company.

(D) The Preliminary Plat shall not be approved by the Board of County Commissioners until the Health Department's written approval of the developers sewage disposal proposal is obtained from the Health Department Administrator.

34-5-17 STREETS. All streets proposed for either public or private maintenance shall be constructed to the minimum standards of this Code and be subject to the improvement plan review procedures.

34-5-18 DRAINAGE. No plat shall be approved for any subdivision which is subject to flooding as defined in the County Code, unless the plat conforms to the applicable requirements of the Code. An acceptable drainage plan which meets the criterion presented in **Chapter 32** is required for plat approval. **(See Chapter 14 – Flood Plain Code also.)**

34-5-19 TREE REMOVAL; CONSERVATION OF VEGETATION. All subdivisions shall be planned, designed, constructed and maintained so that:

(A) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction;

(B) Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of the site;

(C) Following construction, vegetation suitable to the site is planted. Trees with root structures that are less likely to interfere with utility lines, break up sidewalks and cause other nuisance damage are desirable. Trees should have a trunk diameter (measured **twelve (12) inches**) above ground level, of not less than **one and three-quarter (1 3/4) inches** and should be planted in not less than **one (1) cubic yard** of good growing soil with a suitable amount of fertilizer. Multiple varieties should be used alternately. Trees should be planted at intervals of at least **one (1) every sixty (60) feet** and at a distance of at least **six (6) feet** outside of the road right-of-way. No tree shall be planted within the road right-of-way.

(D) Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows; and

(E) No slash, dead trees, or uprooted stumps remain after development.

ARTICLE VI - MINIMUM STANDARDS OF IMPROVEMENT

34-6-1 GENERAL STATEMENT. Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.

No Final Plat shall be approved unless:

(A) the improvements required in this Article have been completed and approved prior to such approval; or

(B) the subdivider shall file a performance guarantee or bond as provided in **Section 34-6-19.**

34-6-2 REFERENCE MONUMENTS. The surveyor must at the time of making the survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than **twenty (20) feet** back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the rights-of-way line of the street. These monuments, **two (2)** of which should be of reinforced concrete, shall be set at opposite extremities of the property platted. All lot corners shall be monumented in a like manner with iron pins or pipe.

Concrete monuments shall be **four (4) inches** by **four (4) inches** by **thirty (30) inches (4"x4"x30")** with **one-half (1/2) inch** by **thirty (30) inches** iron pipe cast in center.

Iron pins or pipes shall be **one-half (1/2) inch** or larger in diameter, not less than **twenty-eight (28) inches** in length and driven into the ground not protruding above the surface more than **one-half (1/2) inch.**

Existing cornerstones will be accepted in lieu of concrete monuments provided locations are at opposite extremities of the platted parcel.

The Developer may delay installation of lot marker monuments until completion of improvements provided that cost of placing said monuments shall be included in the improvement plan cost estimate and be subject to bonding requirements. The land surveyor shall submit letter stating desire to place monuments after improvements are completed in contract form guaranteeing maximum cost for installation.

34-6-3 STREET IMPROVEMENTS. All streets shall be constructed as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements herein below set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision.

All existing roadways adjacent to the subdivision shall be widened and graded in accordance with the "Standard Widening & Grading Section" detailed in Figure No. 3 at the end of this Code. (ED. NOTE: Figure 3 is on file in the County offices.)

In general, all such streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to the Standard Specifications for Road and Bridge Construction adopted by the Department of Transportation of the State of Illinois, that is in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval, except as otherwise provided herein. **(Ord. No. 05-17; 11-07-05)**

(B) **Grading Roadway and Side Slope.** The roadway shall not be less than the dedicated street width provided in **Section 34-5-4** and shall be constructed substantially in accordance with the typical cross section shown in Figures 1 and 2 at the end of this Code. The following requirements should also be met: (ED. NOTE: Figures 1 and 2 are on file in the County offices.)

- (1) Any roadway shall be seeded in accordance with standard specifications. The developer shall assume responsibility for maintaining the complete roadway, including the seeding, the removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities for a period of **one (1) year** after acceptance by the Road District Highway Commissioner or by the County.
- (2) Alleys shall not be less than **twenty (20) foot** in width. Of this **twenty (20) foot** area, not less than **eighteen (18) feet** in width shall be paved in accordance with standards and specifications herein provided for local streets, except that such alleys shall not be required to have concrete curb and gutter.
- (3) Cul-de-sacs shall provide a **one hundred (100) foot** diameter turn-around or a turn-around acceptable to the County Engineer.

(C) **Grading, Excavation and Embankment.** All excavation and construction embankments shall be in accordance with the specifications. The embankment or fills shall be placed in **six (6) inch** layers and thoroughly compacted.

(D) **Combination Concrete Curb and Gutter.** Combination concrete curb and gutter complete with reinforcing rods shall be built in accordance with the detail shown in Figure 1 at the end of this Code. The minimum distance from face to face of curbs shall not be less than the pavement width provided in **Section 34-5-4**. (ED. NOTE: Figure 1 is on file in the County offices.)

(E) **Street Construction Standards.** All streets within the jurisdictional authority of the County other than state highways shall be improved with pavements bounded by integral concrete curbs and gutters, in accordance with the following minimum criteria:

- (1) Area service highways and collectors shall be designed and constructed to conform to Illinois Department of Transportation Design and Construction Policies, Standards and Specifications. Area service highways and collectors shall be surfaced with bituminous concrete, concrete or portland cement.
- (2) Land access street pavement surfacing shall consist of a **twelve (12) inch** lime modified subgrade, (or **four (4) inch** type B, CA4), a **five (5) inch** Type B, CA4 gradation subbase, and **five (5) inch** Type A, CA6 gradation base course conforming to Illinois Department of Transportation Specifications. Surface shall be bituminous concrete, concrete or portland cement built in accordance with Figures 1 and 2 at end of this Code. (ED. NOTE: Figures 1 and 2 are on file in the County offices.)
- (3) Land access streets for large lot subdivisions can be constructed, if approved by the Planning Commission, in accordance with the roadway cross section shown by Figure 2 at the end of this Code. A large lot subdivision shall be defined as having a minimum lot density of **one (1) lot** per acre based on the total subdivided area with no lot less than **three-fourths (3/4) acre** in size. Surfacing for streets in residential subdivisions will all lots **two and one-half (2 1/2) acre** or larger may have bituminous surface treatment, conforming to Illinois Department of Transportation Specifications for Class A, Subclass A-3. (**Ord. No. 02-04; 03-04-02**) (ED. NOTE: Figure 2 is on file in the County offices.)

(F) **Utility Lines.** Underground utility lines in utility easements or rights-of-way shall be installed prior to the construction of such streets and alleys.

34-6-4 **STORM SEWERS AND OTHER DRAINAGE APPURTENANCES.** In addition to the installation of curbs or gutters along the streets as required by **Section 34-6-3(D)** of this Article, storm sewers shall be required to provide adequate drainage along any street and such storm sewers, manholes, catch basins, inlets and outlets shall be constructed in accordance with the applicable provisions in the specifications. Storm sewer material shall be approved by the County Engineer. Catch basins are to be constructed in accordance with the Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as amended. The stormwater drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with the drainage laws of the State of Illinois. The plans and specifications for the disposing of storm water shall be approved by the County Engineer.

34-6-5 **FLOW LINES.** The flow line of any combination curb and gutter section, as well as the flow line of any storm sewer, shall have a fall of at least **one-half (1/2)** of a foot per **one hundred (100) lineal feet**, except where vertical curves in the grade line of the street make this provision inapplicable with respect to the curb and gutter.

34-6-6 **PIPE CULVERTS.** All across-road culverts and entrance culverts shall comply with the specifications. No such pipe culverts, however, shall be less than **fifteen (15) inches** in diameter unless written approval is given by the County Engineer for a reduced size, with a minimum of **twelve (12) inches** in diameter. The design, installation and construction of all drainage structures shall be in accordance with the policies and procedures contained in the Illinois Department of Transportation, Drainage Manual. Pipe culverts under the roadway shall be either CMP (corrugated metal pipe) or RCP (reinforced concrete pipe). Any other material with prior approval of the County Engineer.

34-6-7 **TRASH COLLECTION.** There shall be provided a minimum of **one (1)** trash collection per week for all properties within the subdivision. Provisions for trash collection shall be made a part of the subdivision declaration of covenants. The homeowner association shall contract with a single contractor for the services, with cost covered by payments to the association by individual lot owners. **(Ord. No. 06-08; 10-02-06)**

34-6-8 **ELECTRICAL POWER, TELEPHONE AND CABLE ANTENNA TELEVISION (CATV).** Electrical, telephone, and CATV service lines shall be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services within any public right-of-way shall be approved by the County Engineer.

34-6-9 **PUBLIC UTILITY ENGINEERING REQUIREMENTS.** All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the Environmental Protection Agency of the State of Illinois. When a proposed subdivision is reasonably accessible to a public sewer system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s), when a permit can be secured from the public agency. Utilities, when possible, shall be placed in the back lot easements.

Whenever the subdivider provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Environmental Protection Agency and shall be approved by the agency and the County Engineer.

Whenever septic tanks are utilized, the system shall comply with applicable County regulations or recommendations of the Illinois Department of Public Health, whichever is greater. Any such septic tank need not be constructed until the principal building or residence is erected on the lot.

34-6-10 **SANITARY SEWERS.** When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the County Engineer. Sewage collection lines shall not be smaller than **eight (8) inches** in diameter.

34-6-11 **WATER.** When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public water system. The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the County Engineer. Water distribution lines shall not be smaller than **six (6) inches** in diameter.

34-6-12 **FIRE HYDRANTS.** When a public or private water distribution system is provided, fire hydrants shall be installed by the subdivider as part of the water distribution system. Installation of hydrants shall be accomplished in such manner that each lot is within **four hundred (400) feet** of the fire hydrant when measured along the centerline of the right-of-way. No fire hydrant shall be placed on a main smaller than **six (6) inches** in diameter. Fire hydrants should be located no further than **twenty (20) feet** from the curb. Hydrants installed shall be of the type approved by the Fire Chief of the district having jurisdiction.

When there are lakes within the boundaries of a subdivision a dry hydrant may be installed in each lake. Access to hydrants shall be provided by a **twenty (20) foot** wide unobstructable easement to the nearest public roadway or streets. Hydrant type, design and installation shall meet the requirements of the jurisdictional fire protection district. **(Ord. No. 05-17; 11-07-05)**

34-6-13 **SIDEWALKS.** Sidewalks shall be of Portland cement concrete, with a minimum thickness of **four (4) inches** and a minimum width of **four (4) feet**. The following requirements should also be met:

- (A) Sidewalks shall be required:
 - (1) On at least **one (1) side** of the street when dwelling unit/net density is from **two (2) to four (4)** dwelling units per acre;
 - (2) On both sides of a street when dwelling unit density is **four point one (4.1)** or more dwelling units per net acre;
 - (3) On collector streets, near schools, shopping and similar areas.

(B) All walks shall be constructed at a grade no steeper than **ten (10) percent (10%)**, unless steps of adequate design with handrails are provided and approved by the County Engineer.

(C) Non-residential sidewalks within the non-residential site shall be concrete, **four (4) inches** thick and **six (6) feet** in width, except at driveways where thickness shall be approved by the County Engineer and shall be adequate for the intended use.

(D) Sidewalks shall be provided with number **six (6)** reinforcing mesh across the entire width and breadth of driveway aprons or the concrete shall be at least **six (6) inches** in thickness.

(E) All sidewalks and curbs shall meet the Americans With Disabilities Act (ADA) of 1990 standards, as amended.

34-6-14 **SIDEWALK VARIANCE.** A variance may be granted, in the provision of sidewalks, if **one (1)** or more of the following conditions are met:

- (A) Where sidewalks are not deemed necessary for public safety or where topographical or other conditions make their installation and use impractical; and/or
- (B) Where the subdivision designer has submitted for review a proposed pedestrian movement plan that provides for more direct and safer movement of pedestrian traffic.

34-6-15 **BIKE PATHS AND TRAILS.** In addition to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks.

34-6-16 **STREET LIGHTING IMPROVEMENTS.** Street lighting improvements shall be installed to serve all properties within the subdivision. The following requirements must also be met:

(A) **Location:** There shall be at least **one (1)** light at each intersection and at each cul-de-sac. Spacing of standards shall not exceed **three hundred (300) feet** with consideration for minor space adjustments allowing standards to be placed at lot lines.

(B) **Specifications.**

- (1) Lighting standards shall be of conventional fiberglass, wood, or steel construction with a minimum of **fourteen (14) feet** mounting height.
- (2) Residential luminaries shall be a minimum of **one hundred fifty (150) watt** sodium lights.
- (3) Commercial and industrial luminaries shall be a minimum of **two hundred fifty (250) watt** sodium lights.

34-6-16.1 **Lighting District.** The developer shall provide for the formation of a lighting district to cover all costs associated with the operation of the street lighting within the subdivision covenants and restrictions.

34-6-17 **STREET MARKERS AND TRAFFIC SIGNS.** A street marker shall be placed at each intersection designating the names of the streets entering the intersection. The marker shall be of an approved material sufficient in size to accommodate **four (4) inch** lettering; they shall be mounted on **four (4) inch** by **four (4) inch** creosoted wood posts, **two (2) inch** galvanized pipe posts or standard "U" channel painted or galvanized sign posts (minimum weight **two and six-tenths (2.6) pounds** per foot) with at least **three (3) feet** in the ground and a minimum of **seven (7) feet** above the ground. All signs shall be reflectorized.

The developer shall place all traffic control devices required by the latest edition of the State of Illinois Manual of Uniform Traffic Control Devices. The County Engineer will provide written requirements at time of the improvement plan review.

34-6-18 **PROVISIONS FOR MAINTENANCE AND OPERATION.** When a subdivision contains sewers, sewage treatment plants, water supply system, park area, or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health and Commerce Commission of the State of Illinois and the Illinois Environmental Protection Agency, where applicable.

34-6-19 **PERFORMANCE GUARANTEE, BOND OR ESCROW AGREEMENT.** Final Plat shall be neither approved by the County Board of Commissioners nor recorded by the County Clerk unless the applicable following conditions are met:

(A) **Prior Installation.** The capital improvement or facilities intended to be dedicated to the County, Road District, other public body or acceptable private entity have been completed, inspected, and accepted prior to such approval; or

(B) **Surety Bond.** A surety bond by an insurance company authorized to do business in the State of Illinois or Irrevocable Letter of Credit shall be posted by the applicant with the County Clerk as approved by the Board of County Commissioners before construction of the

improvements or facilities is started. Such surety bond shall be **one and one-half (1 1/2) times** the amount determined by the County Engineer as equal to the estimated construction cost of all improvements intended to be dedicated to the County Road District, other public body, or approved private legal entity. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the County Road District, other public body, or approved private legal entity shall be completed within **two (2) years** of the date of approval of the final plat, unless such time is extended by written agreement between the applicant and the Board of County Commissioners. If such improvements are not satisfactorily installed within the time period specified or required, then such surety bond or proportion thereof shall be forfeited by the applicant, and the proceeds of the surety bond shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein or the amount of the bond heretofore released, whichever is less; or

- (1) Order the County Treasurer to retain all escrowed funds needed to complete all the required improvements, and to return the balance if any of such funds to the developer; or
- (2) Require the developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

If the surety fails to perform on the bond or the escrow agent fails to remit within **thirty (30) days** after written request, the State's Attorney shall take immediate action to require performance.

(C) The Subdivider shall post a surety bond or Irrevocable Letter of Credit equal to **fifteen percent (15%)** of the total value of subdivision public use improvements guaranteeing repairs for **twelve (12) months** after the capital improvement or facilities intended to be dedicated to the County, Road District, other public body or acceptable private entity have been completed, inspected and accepted. **(Ord. No. 00-19; 08-07-00)**

34-6-20 SURETY RELEASE. The bond or an Irrevocable Letter of Credit shall remain in effect until such time as the County Clerk shall, by written authorization to the County Treasurer, release the surety from the obligation of the bond, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

(A) Authorization to release up to **ninety percent (90%)** of the bond amount or the Irrevocable Letter of Credit may be authorized by the County Clerk upon written notification from the County Engineer. Such authorization by the County Engineer shall only be given as improvements are installed equal in value to funds released.

(B) The remaining **ten percent (10%)** may only be released when the following conditions have been met:

- (1) The subdivider has been responsible for repairs of failures to improvements for a period of **twelve (12) months** after written acceptance by local agency.
- (2) The County Engineer notifies the Administrative Officer, in writing that all improvements have been completed in a satisfactory manner.
- (3) The Administrative Officer shall then notify the County Clerk that authorization may be given to release all funds.
- (4) Whenever improvements are to be dedicated to another authority, School District, Road District, park or other government, such improvements shall be accepted or approved before the release of all funds.

(C) A surety obtained per **Section 34-6-19(A)** shall expire **one (1) year** after written acceptance of the improvements by the County, Road District or other authorized public body. **(Ord. No. 00-19; 08-07-00)**

ARTICLE VII - VARIANCES

34-7-1 VARIATIONS. The Planning Commission may grant a variance or special exception from all provisions of **Article V** and **Article VI** of this Code, except **Section 34-5-12** of **Article V**, provided, in each case, that **three (3)** of the following provisions, including (A) and (B) are met:

(A) the subdivider shall apply in writing for such a variance or exception upon filing of the Preliminary Plat with the Administrative Officer; and

(B) any variance or exception granted shall comply with the Intent and Purpose declared in **Section 34-1-4** of **Article I**; and

(C) the subdivider shows that because of topographical or other physical conditions peculiar to the site the provisions of this Code would cause an unnecessary hardship if strictly adhered to; or

(D) in the opinion of the Planning Commission, the variation or exception will afford better site design and land utilization.

34-7-1.1 REQUIREMENTS. Any variation proposed or contained within a planned unit development shall be governed by the applicable requirements in **Article VII** of the Monroe County Zoning Code, rather than this Article. **(See Chapter 40)**

34-7-1.2 TERMS OF VARIANCE. Any variation granted shall be in writing and clearly state all conditions requiring the variance or special exception and shall set forth the exact terms of the variance; a copy of which shall be attached to the preliminary plats or final plats as the case may be.

34-7-1.3 FILING. A copy of any variation shall be part of the public record and shall be filed in the office of the Administrative Officer.

ARTICLE VIII - MISCELLANEOUS

34-8-1 **AMENDMENTS.** This Code may be amended, supplemented or repealed by a majority vote of the County Board of Commissioners.

34-8-2 **VALIDITY.** If any section, subsection, clause, or phase of this Code is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Code.

34-8-3 **REPEAL OF CONFLICTING REGULATIONS.** All regulations in conflict with this Code are hereby repealed; the terms and conditions under which preliminary plats were approved prior to the adoption of this Code shall be binding and in effect except that the rights and privileges conferred upon the subdivider in **Section 34-3-8** herein shall be applicable.

34-8-4 **STOPWORK ORDER; REVOCATION OF PERMIT.** In the event any person holding a development permit pursuant to this Code violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Administrative Officer may suspend or recommend that the County Board consider revoking the development permit.

34-8-5 **SUSPENSION OF PERMIT.** Suspension of a permit shall be by a written stopwork order issued by the Administrative Officer and delivered to the permittee or the agent or the person performing the work. The stopwork order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stopwork order shall remain in effect until the next regularly scheduled meeting of the County Board of Commissioners or the conditions of resuming work are met.

34-8-6 **HEARING BEFORE REVOCATION OF PERMIT.** No development permit shall be revoked until a hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (A) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (B) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Planning Commission shall determine whether the permit shall be recommended to the County Board of Commissioners for revocation or that work can proceed.

34-8-7 **PENALTIES.** Any person, partnership or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Code is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)** for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of

violating any of the provisions of this Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration. Failure on the part of the subdivider to comply forthwith with any order made under the provisions of this Code will result in injunctive action, notwithstanding the penalty provisions of this Section.

34-8-8 **PENALTY FOR PRIOR SALE.** Any person who shall sell or offer for sale, lease or offer for lease, while this Code is in effect, any lot or lots or block or blocks, within the area of jurisdiction of the County or any resubdivision of any block or lot therein, before all of the requirements of this Code have been complied with, shall be deemed in violation and be subject to fines specified in **Section 34-8-7**.

The following exhibits and attachments appear at the conclusion of this Chapter:

Exhibits: (See Ord. No. 05-17)

Street Standards

Figure 1 – Standards for Subdivision Street

Figure 2 – Roadway section – subdivision land access street

Figure 3 – Standard Widening & Grading Section – Subdivision Road Frontage

Drainage Provisions

Attachment 4 – Drainage Disclaimer

Attachment 5 – Supplementary Drainage Design & Erosion Control Provisions

Attachment 6 – Monroe County Drainage Design Summary Format

ARTICLE IX – PLAT VACATIONS

34-9-1 **PLAT VACATION.** Any plat may be vacated per the applicable portions of the Illinois State Statute.

34-9-2 **SUBMITTAL DOCUMENTS – PLAT VACATION.** The written vacation instrument shall be accompanied by the following plats and plans:

(A) **Two (2) copies** of the plat of subdivision, on which there shall be shown the part thereof, or street, alley, easement, or part thereof, to be vacated.

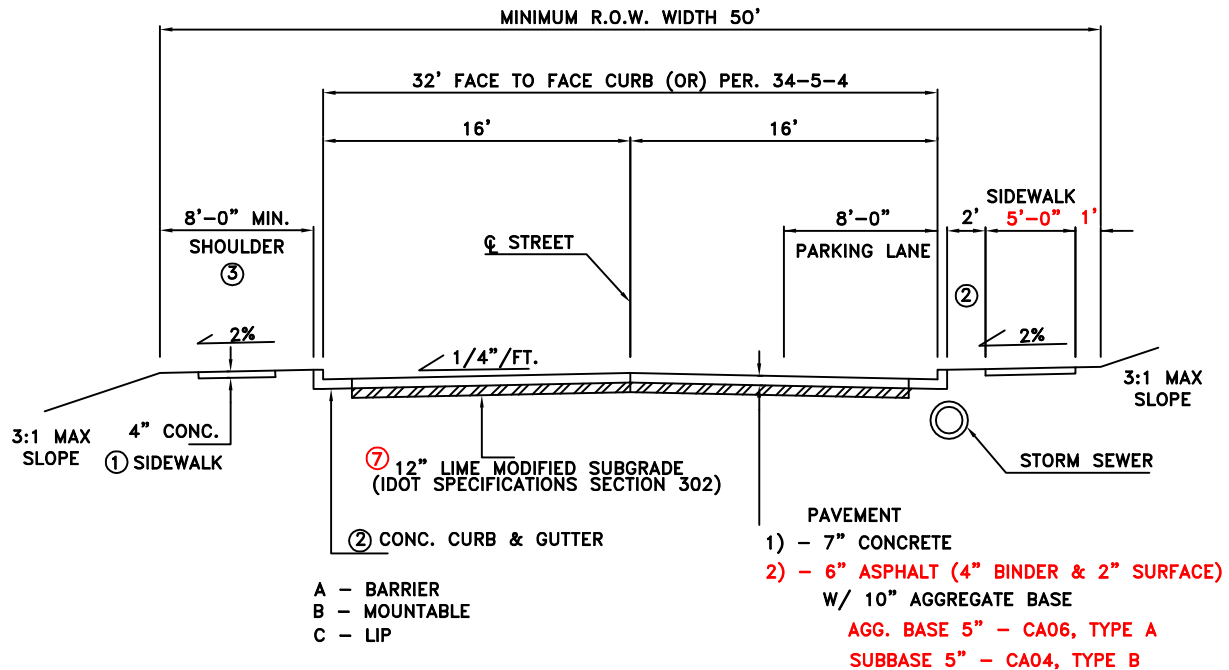
(B) A certificate signed by the County Clerk certifying that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the property to be vacated.

(C) When lots have been sold, the written vacation instrument shall be signed by all the owners of lots in the plat.

34-9-3 **APPROVALS REQUIRED.** The vacation request must be approved by the appropriate following person(s) or agency(s):

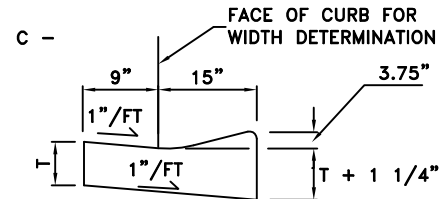
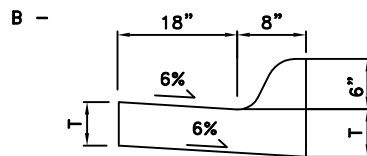
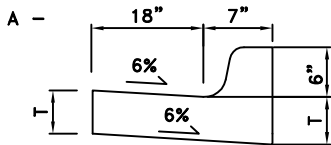
- (A) County Board;
- (B) Road District Highway Commissioner;
- (C) County Engineer;
- (D) District Engineer of the Illinois Department of Transportation;
- (E) Public utility(s).

34-9-4 **VACATION RECORDED.** When any plat or part thereof is vacated the recorder in whose office the plat is recorded or filed as aforesaid, shall, upon the recording of such vacation, written in plain letter across the plat or part so vacated the word “vacated”, and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.



A - BARRIER
 B - MOUNTABLE
 C - LIP

TYP. CURB DETAILS



T - THICKNESS SHALL BE
 7" IF ADJACENT TO PCC PAVEMENT
 OTHERWISE 9" THICKNESS

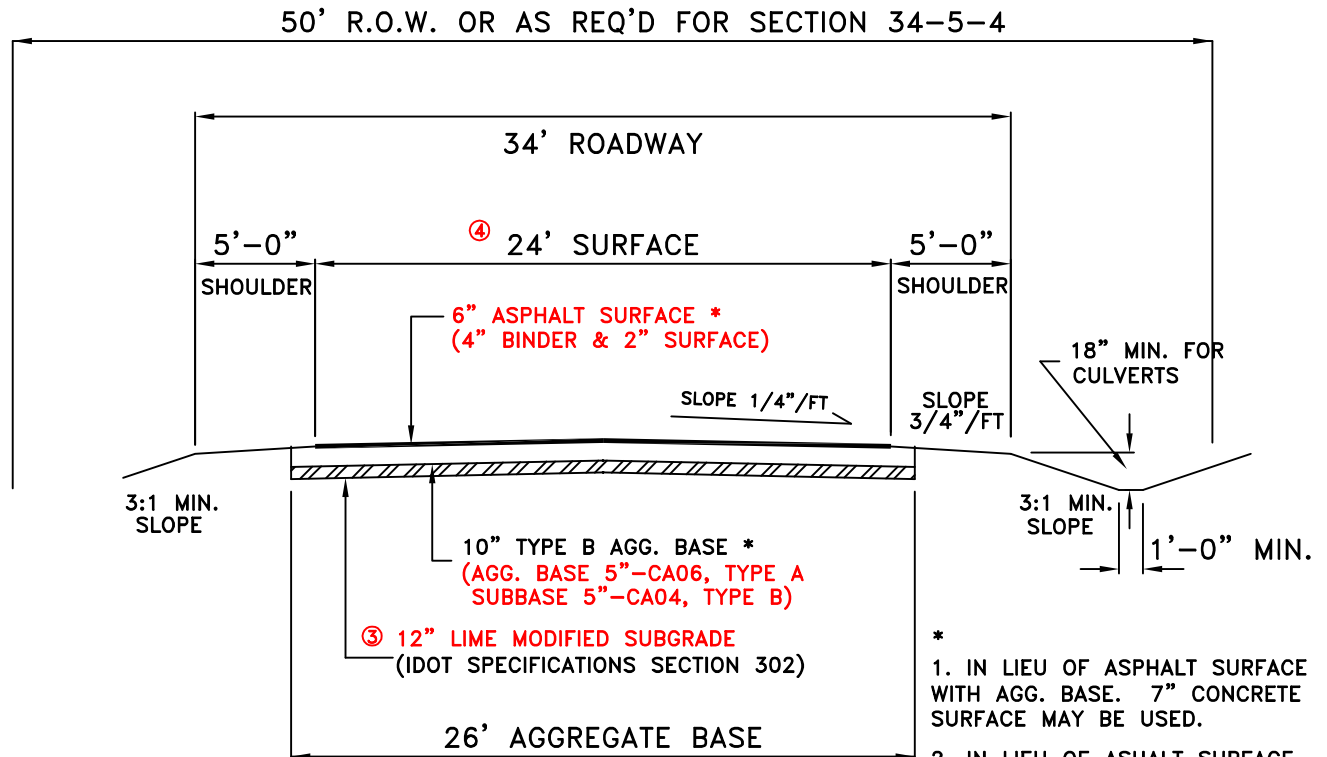
NOTES

1. SIDEWALK AT DRIVES TO BE INCREASED TO 6" THICKNESS.
2. WHEN LIP TYPE CURB IS USED THE DISTANCE FROM BACK OF CURB TO EDGE OF SIDEWALK SHOULD BE 5'.
3. THE MIN. 8' SHOULDER AREA SHOULD BE PROVIDED WITH OR WITHOUT SIDEWALKS.
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE ILLINOIS DEPT. OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
5. MECHANICAL REINFORCING BAR PLACEMENT ALONG CENTERLINE OF CONCRETE PAVEMENT IS ACCEPTABLE.
6. STORM SEWER REQUIREMENTS TO BE DETERMINED PER THE ILLINOIS DEPARTMENT OF TRANSPORTATION DRAINAGE MANUAL.
7. IN LIEU OF 12" LIME, 4" SUBBASE, CA04, TYPE B MAY BE SUBSTITUTED.

STANDARDS FOR SUBDIVISION STREET

(SEE SECTION 34 - 5 - 4)

S:SUBCONST/SUBCODE1



NOTES:

51' RADIUS AT CUL-DE-SACS

1. CULVERTS - MINIMUM 15" DIAMETER
2. SEEDING - ALL SHOULDER AND DITCH AREA WITHIN R.O.W. TO BE SEEDED, FERTILIZED AND STRAWED IN ACCORDANCE WITH IDOT STANDARDS.

3. IN LIEU OF 12" LIME, 4" SUBBASE-CA4, TYPE B MAY BE SUBSTITUTED.
4. SURFACE WIDTH OF 20 FT. WILL BE ALLOWED IF 2 FT DEPRESSED CURB IS PROVIDED ON EACH SIDE OF STREET.

- *
1. IN LIEU OF ASPHALT SURFACE WITH AGG. BASE. 7" CONCRETE SURFACE MAY BE USED.
 2. IN LIEU OF ASPHALT SURFACE, A-DISTRICT SUBDIVISIONS WITH MINIMUM 2 1/2 ACRE LOTS MAY USE A-3 SEAL COAT SURFACE.

MATERIAL QUANTITIES:

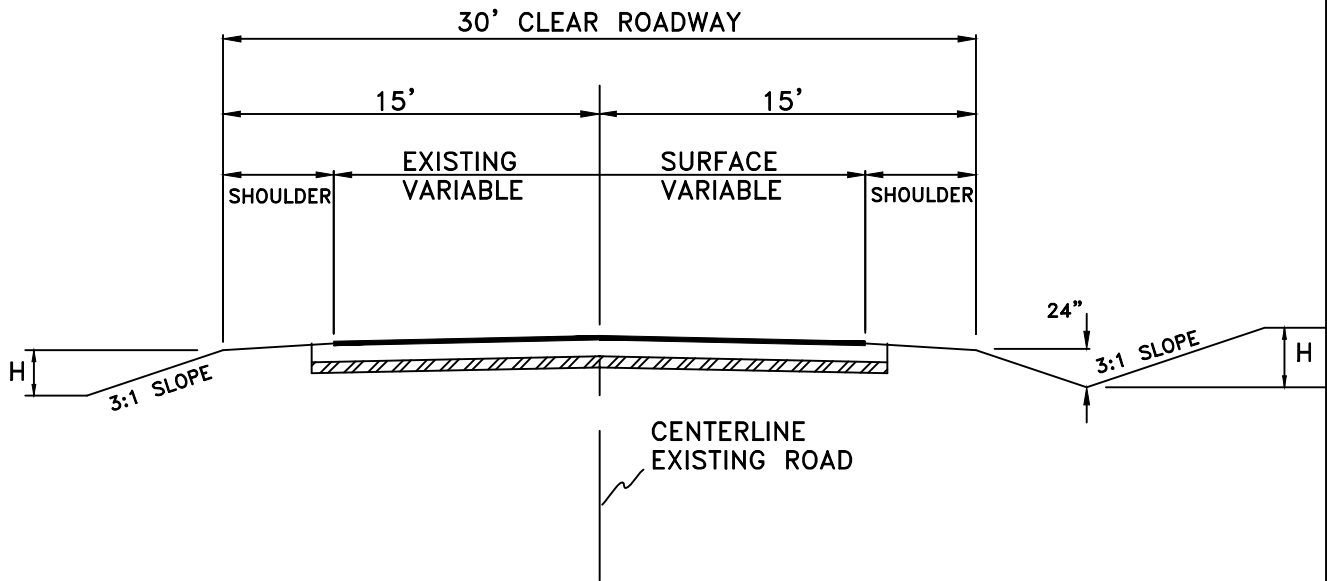
1. AGGREGATE - BASE TYPE B 1650 TONS PER 1000 FT.
2. ASPHALT PRIME - 800 GALLONS PER 1000 FT.
3. ASPHALT BINDER MIX - 650 TONS PER 1000 FT.
4. ASPHALT SURFACE MIX - 325 TONS PER 1000 FT.
5. * CONCRETE SURFACE - 520 CUBIC YARDS PER 1000 FT.
6. LIME (5%) - 72 TONS PER 1000 FT.

ROADWAY SECTION
SUBDIVISION LAND ACCESS STREET

LOT DENSITY - ONE DWELLING PER ACRE AVERAGE

AVERAGE DENSITY BASED ON TOTAL SUBDIVIDED AREA.
NO LOT SHALL BE LESS THAN 3/4 ACRE.

S:SUBCONST/SUBCODE1



NOTES:

1. SHOULDER WIDTH WILL VARY WITH WIDTH OF EXISTING SURFACE. OUTSIDE EDGE OF SHOULDER SHALL BE A MINIMUM OF 15 FT. FROM EXISTING CENTERLINE.
2. FOR H OVER 6 FT. THE SLOPES MAY BE INCREASED TO 2:1.

S:SUBCONST/SUBCODE1

*STANDARD GRADING SECTION
SUBDIVISION ROAD FRONTAGE
MONROE COUNTY HIGHWAY DEPARTMENT*

ATTACHMENT 4

DRAINAGE DISCLAIMER

The acceptance of this plat by the County of Monroe, Illinois, does not transfer ownership of nor obligate the County to perform any maintenance on any surface or subsurface drainage easement, storm water drainage way, structure or improvement in this subdivision. It is the intent of the subdivider that the property owners shall maintain that part of any drainage easement or drainage way lying within the boundary of their property or that the lot owners in the subdivision will establish a property owners' association to provide for the maintenance of drainage easements and drainage ways lying within the boundaries of the subdivision.

The County shall have the right, but not the obligation, after thirty (30) days written notice to the property owners' association or the property owner to perform any maintenance, repair or replacement work that, in the reasonable opinion of the County Board, the property owners' association or the property owner has neglected to perform on all or part of the drainage easements, storm water drainage ways, structures or improvements in the subdivision. The County shall have the right to assess the membership of the property owners' association or the property owner for the work, together with interest and the cost of collection, including legal fees and administrative expenses. The County shall have the right to file a lien against the owner or owners of the property for failure to pay any amount so charged, which lien shall be subordinate to the lien of any pre-existing mortgage recorded against such property, and to foreclose such lien in the manner provided for the foreclosure of statutory mortgage liens or statutory mechanics liens.

Owner

Owner

(Ord. No. 05-17; 11-07-05)

ATTACHMENT 5

SUPPLEMENTARY DRAINAGE DESIGN AND EROSION CONTROL PROVISIONS

1. Detention and retention outlet structures are to be set back from adjoining property lines and the outlet velocity controlled within that distance per code requirements. The minimum setbacks shall be:

<u>Outlet Size</u>	<u>Setback (feet)</u>
To 18" diameter or equivalent	15
19" – 24" diameter	20
25" – 30" diameter	25
larger than 30" diameter	30

Distances may be decreased if a drainage and maintenance easement is obtained from adjoining owner. Highway/street right-of-way shall be considered as a property line.

2. The following note shall be included on all improvement plans:

"There shall be no ground disturbance on site other than that necessary for construction of the storm water detention facility until such time that the detention structure is fully completed including permanent or temporary seeding and written approval given to proceed by the County of Monroe. Violation of this provision will result in a STOP WORK ORDER and daily fines as prescribed in the County Code."

3. The detention outlet structure inlet shall be protected with a riprap siltation collection berm (5" clean stone-RAP 6) set at a 15 ft. radius around the inlet. The height shall be equal to the top elevation of the lowest structure inlet with an 18" minimum height. The detention pond storage volume shall not include that area below the top of the rip rap berm unless plans specify that upon establishment of **ninety percent (90%)** ground cover on the development site that the detention area is to be cleared is siltation to design grade, area seeded, and that the rip rap shall then be removed.

Alternate permanent concrete drop structures providing siltation collection in advance of the inlet may be considered.

4. When designing for the post construction outlet flows from the site, the total post construction discharges shall provide for a **ten percent (10%)** reduction in the flow rate from the site. (Off site pass through does not need to be reduced in outlet rate).

5. There shall be a complete set of drainage calculations submitted with the project improvement plans also including a certified summary, typical to Code Attachment No. 6 "Drainage Design Summary Format" which provides the following information:
 - a. Before and After Site Condition.
 - b. Flow Rate Factors.
 - c. Pre & Post Point Discharge Flow and Velocity.
 - d. Detention/Retention Summary.
 - e. Pre & Post Drainage Area Map.
6. All lots adjacent to detention/retention facilities shall be graded to final plan elevations at the time of pond construction if existing ground line of lot is below detention berm top elevation.
7. The out letting of flow which constitutes a diversion of waters to a watercourse to which they are not naturally a tributary will be permitted only when the developer demonstrates that there is no reasonable alternative to such diversion and that the necessary flood or drainage easements have been secured from all property owners who will be affected by such diversion. **(Ord. No. 07-15; 11-19-07)**
8. Drainage structures and pipes, out letting to public roadways, having a ten-year design outlet flow rate that exceeds the capacity of the downstream highway drainage ditch and/or structure shall be additionally provided with a two-year design outlet control structure. **(Ord. No. 07-15; 11-19-07)**
9. Unless specific written direction is given by the County allowing variable stormwater runoff coefficients, the following values will be used for all surface conditions: **(Ord. No. 07-15; 11-19-07)**

Impermeable – C = 0.90 Rational Method
Permeable – C = 0.30

If varied coefficients are proposed, the developer's engineer shall make written request to the County, in advance of drainage plan submittal, stating existence of special site conditions or use of specially designed materials.

When methods other than the Rational Method are employed, surface runoff characteristics similar to those required herein for the Rational Method shall be utilized.

(Ord. No. 05-17; 11-07-05)

ATTACHMENT 6

DRAINAGE DESIGN SUMMARY FORMAT

To be completed and submitted with detailed calculations for each separate drainage area that exits the site.

A. Area No. _____
Site Drainage Map Attached.

B. Before Conditions:
 1. Surface Type _____
 c = _____
 2. Area _____ Ac.
 3. t = _____ min.

C. After Conditions:
 1. Surface Type _____
 c = _____
 2. Area _____ Ac.
 3. t = _____ min.

D. Summary

Freq.	Before		After		Change	
	Q (cfs)	V (fps)	Q (cfs)	V (fps)	Q (cfs)	V (fps)
2 yr.*						
10 yr.						
100 yr.						

*For special conditions i.e., sheet flow and sensitive receptors.

E. Description of proposed storm water control facility, if required

Engineer/Seal

(Ord. No. 05-17; 11-07-05)

DRAINAGE DESIGN SUMMARY FORMAT

To be completed and submitted with detailed calculations for each separate drainage area that exits the site.

A. AREA NO. _____
 SITE DRAINAGE MAP ATTACHED.

B. BEFORE CONDITIONS:
 1. Surface Type _____
 c = _____
 2. Area _____ Ac.
 3. t = _____ min.

C. AFTER CONDITIONS:
 1. Surface Type _____
 c = _____
 2. Area _____ Ac.
 3. t = _____ min.

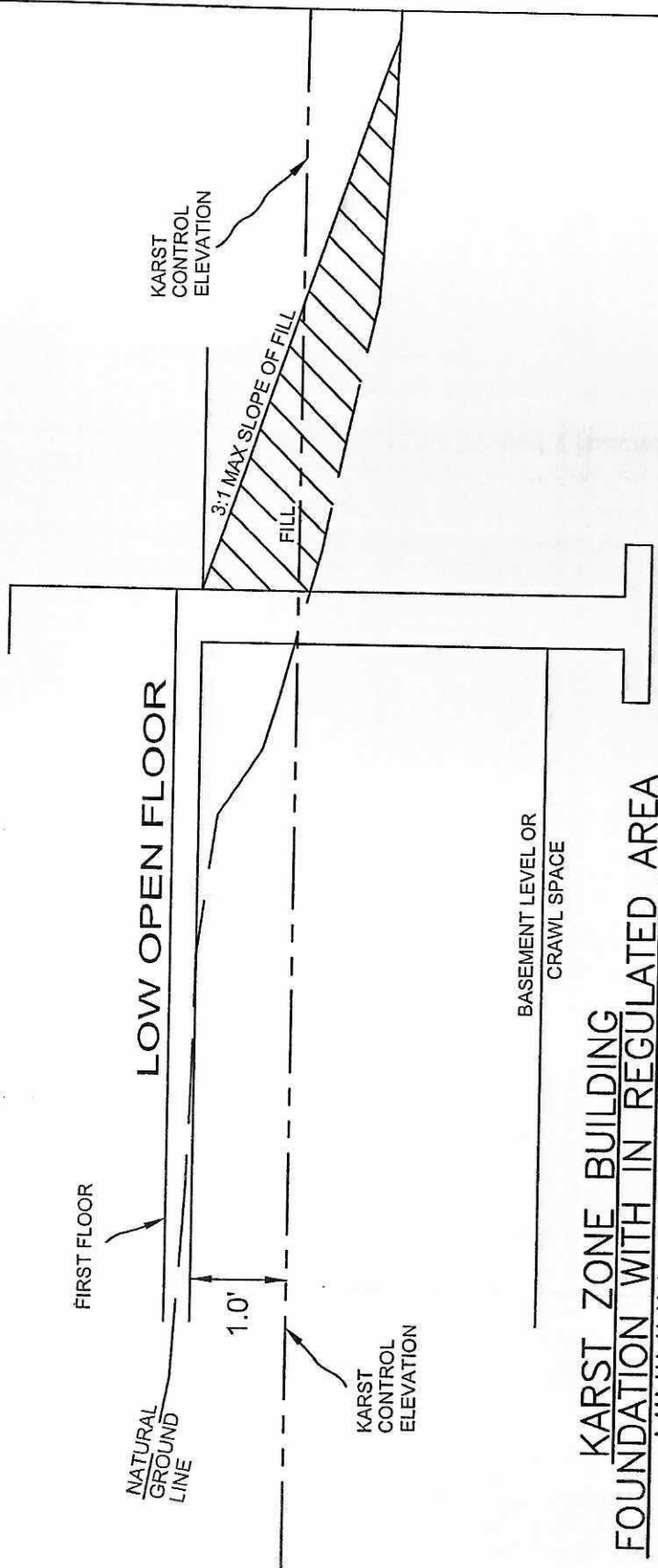
D. SUMMARY

FREQ.	BEFORE		AFTER		CHANGE	
	Q (cfs)	V (fps)	Q (cfs)	V (fps)	Q (cfs)	V (fps)
2 yr. *						
10 yr.						
100 yr.						

*For special conditions ie sheet flow and sensitive receptors.

E. DESCRIPTION OF PROPOSED STORM WATER CONTROL FACILITY, IF REQUIRED.

STANDARD BASEMENT OR CRAWL SPACE
DRAWING 1



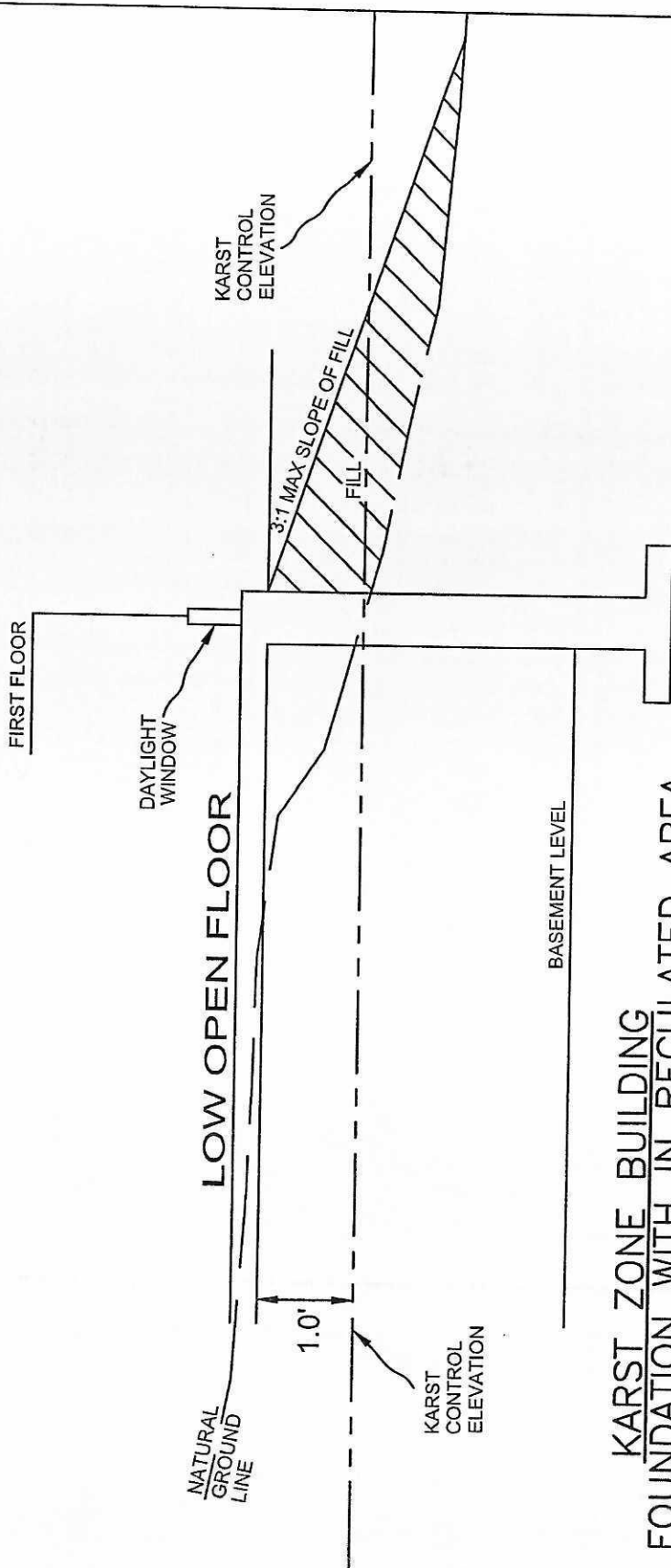
KARST ZONE BUILDING
FOUNDATION WITH IN REGULATED AREA
MINIMUM STANDARD

FOR ONE SIDE OF BASEMENT WALL
EXTENDING INTO REGULATED ZONE

NOTE: THIS POLICY APPLIES WHEN 25% OR LESS
OF THE BASEMENT WALL IS WITH IN
THE KARST REGULATED ZONE

- NOTES: THE FOLOWING ITEMS
ARE REQUIRED TO BE
SUBMITTED FOR REVIEW
1. SITE PLAN
 2. EROSION CONTROL PLAN
 3. EROSION CONTROL DRAWING
 4. KARST CONTROL ELEVATIONS
ON PLAN
 5. M.C.S.W.C.D. REPORT AND
PLAN APPROVAL

DAYLIGHT WINDOW
DRAWING 2



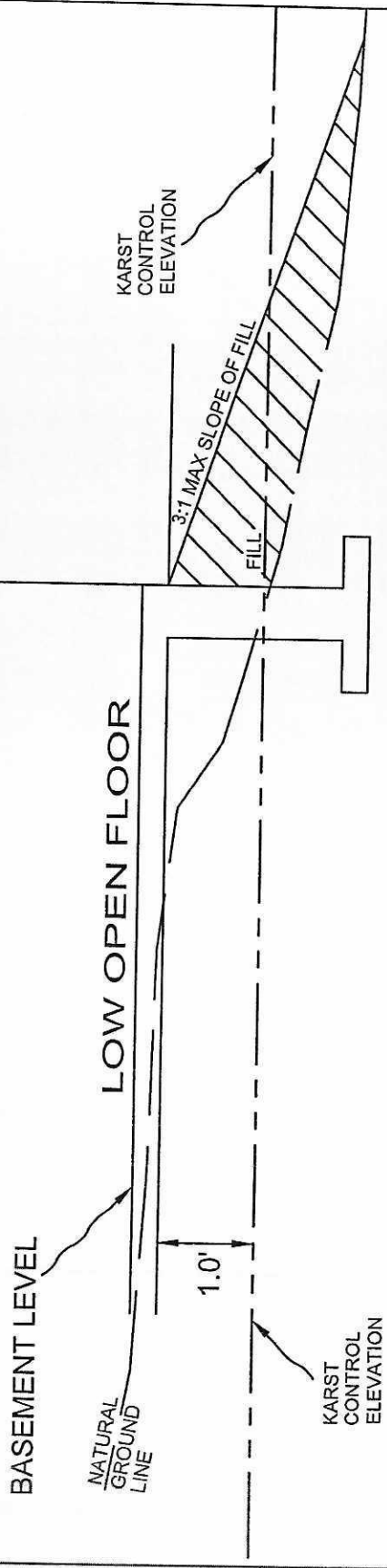
KARST ZONE BUILDING
FOUNDATION WITH IN REGULATED AREA
MINIMUM STANDARD

FOR ONE SIDE OF BASEMENT WALL
EXTENDING INTO REGULATED ZONE

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 4. KARST CONTROL ELEVATIONS
ON PLAN
 5. M.C.S.W.C.D. REPORT AND
PLAN APPROVAL

WALKOUT
DRAWING 3



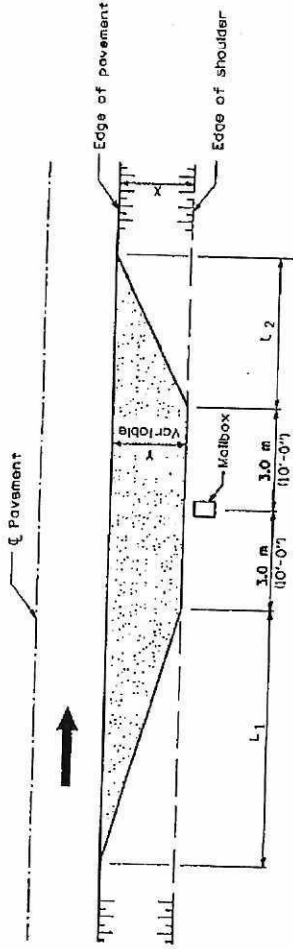
KARST ZONE BUILDING
FOUNDATION WITH IN REGULATED AREA
MINIMUM STANDARD

FOR ONE SIDE OF BASEMENT WALL
EXTENDING INTO REGULATED ZONE

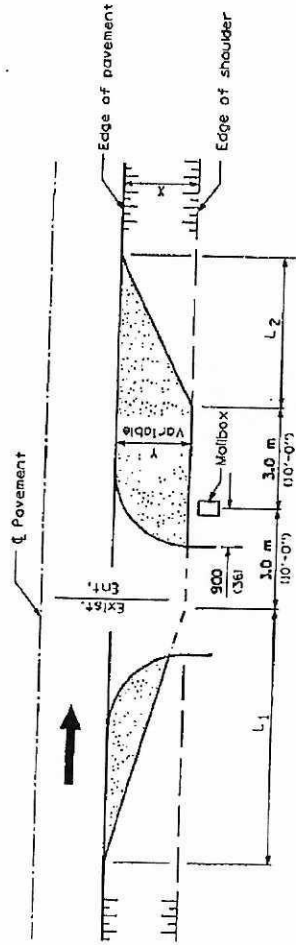
NOTE: THIS POLICY APPLIES WHEN 25% OR LESS
OF THE BASEMENT WALL IS WITH IN
THE KARST REGULATED ZONE

- NOTES: THE FOLLOWING ITEMS
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ON PLAN
 5. M.C.S.W.C.D. REPORT AND
PLAN APPROVAL

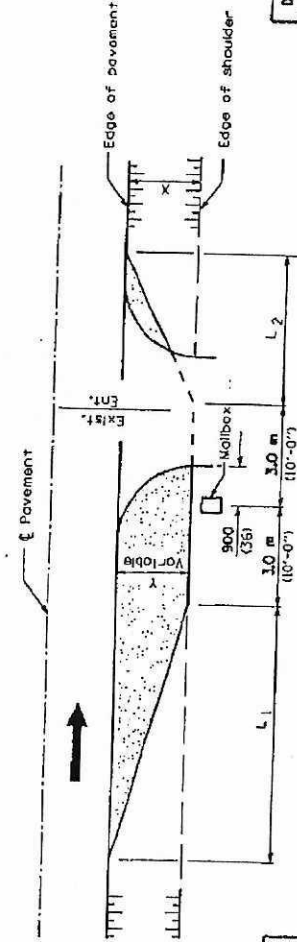
BOX SUPPORTS
 (Maximum Size)
 Wood Posts - 4"x4" or 4 1/2" dia.
 Steel or Aluminum Posts - 2" dia.
 Standard Pipe



TYPICAL APPLICATION



MAILBOX ON FAR SIDE OF ENTRANCE



MAILBOX ON NEAR SIDE OF ENTRANCE

DIMENSIONS - (ft.)		DIMENSIONS - (m)	
Width of Shoulder (A)	3.6 (12)	3.0 (10)	2.4 (8)
Width of Turnout (B)	2.4 (8)	1.8 (6)	1.2 (4)
L ₁	9.0 (30)	6.0 (20)	4.5 (15)
L ₂	6.0 (20)	3.0 (10)	3.0 (10)

Note: Dimensions for Township and District Roads may vary from the above dimensions.

GENERAL NOTES

Mailboxes shall be mounted such that the face of the mailbox is 150 mm (6") to 300 mm (12") and the post a minimum of 500 mm (24") from the edge of the turnout surfacing.

All dimensions are in millimeters (inches) unless otherwise shown.

DATE	REVISIONS
1-1-99	Add width of shoulder X ₁
1-1-97	New B.L.R. Standard.

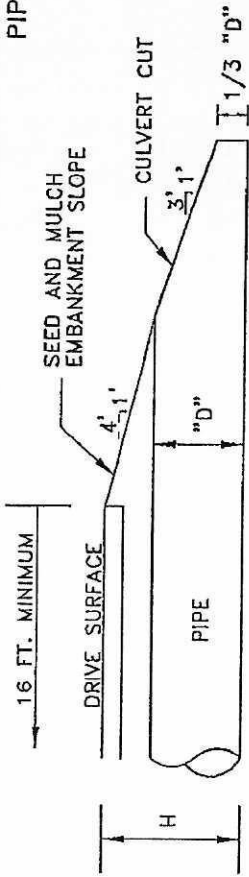
MAILBOX TURNOUT FOR LOCAL ROADS

STANDARD B.L.R. 24-1

Approved by: *[Signature]*
 Director of Local Roads & Districts
 Approved: *[Signature]*
 Director of Design and Environment
 15540 1-1-97

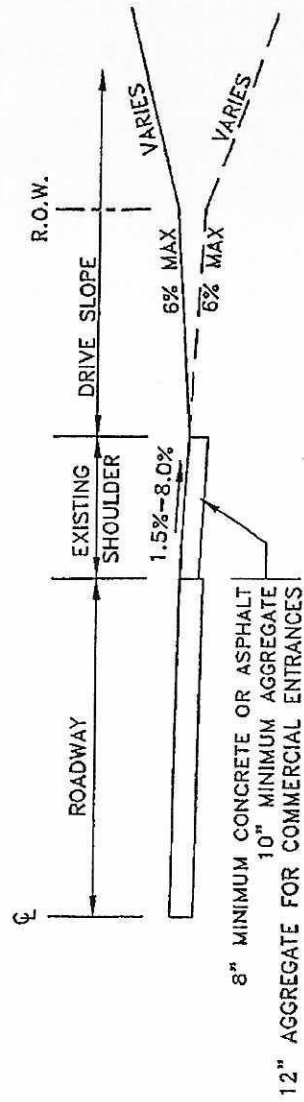
EXAMPLE: PIPE LENGTH FOR H = 2.5FT.
 $L = 16 + 2(4 \times 2.5) = 36$ FT. MINIMUM

NOTE: USE EMBANKMENT SLOPE 4:1 FOR
 PIPE LENGTH DETERMINATION



CULVERT END SECTION

(NOT TO SCALE)



DRIVEWAY SECTION
NON-CURB AND GUTTER

(NOT TO SCALE)

- COUNTY WILL ADVISE AS TO PAVEMENT WIDTH AND SHOULDER WIDTH & SLOPE.
- DRIVEWAY SURFACE TO SLOPE DOWN FROM THE PAVEMENT EDGE TO THE BACK OF THE SHOULDER LINE.
- CONCRETE ENTRANCES ADJACENT TO OIL & CHIP ROADWAYS BY SPECIAL APPROVAL ONLY

MONROE COUNTY HIGHWAY DEPARTMENT
 ENTRANCE STANDARD

REV. 2/13

TAXATION

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CHAPTER 36

TAXATION

ARTICLE I - SALES TAXES

DIVISION I - USE TAX

36-1-1 **TAX ESTABLISHED.** A County Supplementary Use Tax is hereby imposed upon the privilege of using in the County of Monroe Illinois, any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of this State's government at a rate of **one-fourth (1/4) of one percent (1%)** of the selling price of such tangible personal property as "selling price" is defined in the "Use Tax Act", approved **July 14, 1955**, as amended. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being within the County of Monroe, State of Illinois.

36-1-2 **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, found in the "Use Tax Act", as are now or hereafter amended, unless otherwise noted or excepted in **805 ILCS 30/11. (Ord. No. 86-05; 03-03-86)**

36-1-3 **RESERVED.**

DIVISION II - SERVICE OCCUPATION TAX

36-1-4 **TAX ESTABLISHED.** A County Supplementary Service Occupation Tax is hereby imposed upon all persons engaged in the business of making sales of service within the County of Monroe, Illinois, at the rate of **one-fourth (1/4) of one percent (1%)** of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

36-1-5 **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, penalties, and definitions of terms, and the same mode of procedures as found in the "Service Occupation Tax Act and Retailers' Occupation Tax Act", respectively as are now or hereafter amended, unless otherwise noted. (**Ord. No. 86-03; 03-03-86**)

DIVISION III - SUPPLEMENTARY RETAIL OCCUPATION TAX

36-1-6 **TAX ESTABLISHED.** A County Supplementary Retailers' Occupation Tax at a rate of **one-fourth (1/4) of one percent (1%)** is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail within the County of Monroe.

36-1-7 **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties and the same conditions, restrictions, limitations, penalties, and definitions of terms, and the same mode of procedures

as found in the "Retailers' Occupation Tax Act" as are now or hereafter amended, unless otherwise noted or excepted in **805 ILCS 30/11. (Ord. No. 86-04; 03-03-86)**

36-1-8 RESERVED.

DIVISION IV – REPLACEMENT VEHICLE TAX

36-1-9 TAX IMPOSED. There is hereby imposed a Replacement Vehicle Tax of **Fifty Dollars (\$50.00)** on any passenger car as defined in Section 1-157 of the Illinois Vehicle Code (FNI) purchased within the County but outside the corporate limits of any County imposing a Replacement Vehicle Tax or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim.

36-1-10 COLLECTION. The tax imposed by this Division shall be collected and enforced by the State of Illinois Department of Revenue in accordance with the Illinois Replacement Vehicle Tax (**55 ILCS 5/5-1035**).

(Ord. No. 97-14; 03-04-97)

DIVISION V – AUTO RENTING OCCUPATION TAX

36-1-11 TAX IMPOSED. There is hereby imposed upon all persons engaged in the business of renting automobiles in the County, but outside any municipality, a County Automobile Renting Occupation Tax, at the rate of **one percent (1%)** of the rental price of such automobile.

36-1-12 COLLECTION. The tax imposed by this Division shall be collected and enforced by the State of Illinois Department of Revenue in accordance with the Illinois County Automobile Renting Occupation Tax Act (**55 ILCS 5/5-1032**).

(Ord. No. 97-13; 08-04-97)

DIVISION VI – RENTING USE TAX

36-1-13 TAX IMPOSED. There is hereby imposed upon the privilege of using an automobile which is rented from a renter located outside the State of Illinois that is titled or registered with an agency of the State of Illinois and whose Illinois address for titling or registration purposes is given as being the unincorporated area of the County of Monroe, Illinois, a County Automobile Renting Occupation Tax, at the rate of **one percent (1%)** of the rental price of such automobile.

36-1-14 COLLECTION. The tax imposed by this Division shall be collected and enforced by the State of Illinois Department of Revenue in accordance with the Illinois County Automobile Renting Occupation Tax Act (**55 ILCS 5/5-1033**).

(Ord. No. 97-12; 08-04-97)

ARTICLE II - MANUFACTURED HOME TAX

36-2-1 DEFINITIONS.

"Mobile Home". As used in this Article, "manufactured home" means a factory assembled structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, and placement on a temporary foundation, at which it is intended to be a permanent habitation, and situated so as designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons, provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch removed at the time of registration provided for in **Section 36-2-3** of this Article, shall not be construed as a "manufactured home", but shall be assessed and taxed as real property as defined by Section 1 of the "Revenue Act of 1939", filed **May 17, 1939**, as amended. Manufactured homes owned by a corporation or partnership and on which personal property taxes are paid as required under the Revenue Act of 1939 shall not be subject to this tax. Manufactured homes located on a dealer's lot for resale purposes or as an office shall not be subject to this tax.

"Manufactured Home Park". As used in this Article, the phrase "manufactured home park" has the meaning ascribed to it by Section 2.5 of "An Act to provide for, license and regulate manufactured homes and manufactured home parks and to repeal an act names herein", approved **September 8, 1971**, as amended. **(210 ILCS 115/1 et seq.)**

"Permanent Habitation". As used in this Article, "permanent habitation" means available for habitation for a period of **two (2)** or more months.

36-2-2 TAX ESTABLISHED. Manufactured homes in addition to such taxes as provided in the "Use Tax Act" shall be subject to the following privilege tax only, and to no ad valorem tax. Except as provided in **Section 36-2-7**, the owner of each inhabited manufactured home shall pay to the County Treasurer of the County in which such manufactured home is located an annual tax to be computed at the rate shown in the table below:

<u>TAX YEAR FOLLOWING MODEL YEAR OF MANUFACTURED HOME</u>	<u>TAX PER SQUARE FOOT</u>
Model year and 1st and 2nd year following	\$.15.0
3rd, 4th and 5th years following model year	\$.13.5
6th, 7th and 8th years following model year	\$.12.0
9th, 10th, and 11th years following model year	\$.10.5
12th, 13th and 14th years following model year	\$.09.0
15th year following model year and subsequent years	\$.07.5

For purposes of this Article, the square-footage shall be based upon the outside dimensions of the manufactured home excluding the length of the tongue and hitch. The owner of a manufactured home on **January first (1st)** of any year shall be liable for the tax of that year, except that the owner of a manufactured home on **July 1, 1975**, shall be liable for the tax for the period of **July 1, 1975**, to **December 31, 1975**.

36-2-3 REGISTRATION FORM; CONTENTS OF REGISTRATION FORM; SIGNATURE; MISINFORMATION; APPLICATION OF SECTION. The owner of each inhabited manufactured home located in this County on the effective date of this Article shall, within **thirty (30) days** after such date, file with the Supervisor of Assessments a manufactured home registration form containing the information hereinafter specified. Manufactured home park operators shall forward a copy of the manufactured home registration form provided in Section 12 of "An Act to provide for, license and regulate manufactured homes and manufactured home parks and to repeal an Act named herein", approved **September 8, 1971**, as amended to the Supervisor of Assessments within **five (5) days** of the entry of a manufactured home into such park. The owner of a manufactured home not located in a

manufactured home park shall, within **thirty (30) days** after initial placement of such manufactured home in any county and within **thirty (30) days** after movement of such manufactured home to a new location, file with the Supervisor of Assessments a manufactured home registration showing the name and address of the owner and every occupant of the manufactured home, the location of the manufactured home, the year of manufacture, and the square feet of floor space contained in such manufactured home. Such registration shall also include the license number of such manufactured home and of the towing vehicle, if there be any, and the State issuing such licenses. The registration shall be signed by the owner or occupant of the manufactured home. It is the duty of the Supervisor of Assessments to require timely filing of a properly completed registration for each manufactured home located in his County. Any person furnishing misinformation for purposes of registration or failing to file a required registration is guilty of a Class A misdemeanor. **(210 ILCS 115/1 et seq. and 35 ILCS 515/4)**

36-2-4 DELIVERY OF REGISTRATIONS TO COUNTY CLERK. The Supervisor of assessments, within **seven (7) days** after filing of a registration, shall deliver such registration to the County Clerk. **(35 ILCS 515/4)**

36-2-5 COMPUTATION OF TAX; DUE DATE; DISTRIBUTION TO DISTRICTS. Except as otherwise provided in this Section, within **sixty (60) days** of receipt of each registration form, the County Clerk shall compute the tax due, as provided in **Section 36-2-2**, and certify the tax to the County Treasurer who shall mail the tax bill to the owner of such manufactured home at the time he receives the certification or the annual billing date, whichever occurs later. If the registration form is accompanied by a receipt for privilege taxes paid in Illinois for the current tax year, no further privilege tax shall be imposed for the remainder of the current tax year. If the manufactured home is initially harbored after the annual liability date, as provided in **Section 36-2-2** of this Article, the County Clerk shall reduce such tax **one-twelfth (1/12)** for each month that has passed since such annual liability date. A manufactured home harbored after the **first (1st) day** of such month shall be considered to have been harbored for the entire month for the purposes of this Section. Thereafter, except for the year 1975, the County Clerk shall compute such tax as the **first (1st) day of June** of each year and certify the tax to the County Treasurer. Such tax shall be due and payable to the County Treasurer within **sixty (60) days** after the Treasurer mails the tax bill to the address of record. The County Treasurer shall distribute such taxes to the local taxing districts within the boundaries of which such manufactured homes are located, in the same proportion as the property taxes collectible for each such taxing district in the prior year.

36-2-6 ERROR IN TAX BILL. If a tax bill is in error as to the square footage of the manufactured home or as to the rate of tax, the owner may file an affidavit with the County Treasurer setting forth such error. If the tax bill does not show the name of the correct owner, the person whose name appears as owner on the bill may file an affidavit with the County Treasurer so stating and identifying the correct owner, if known. Upon the filing of an affidavit as provided in this Section, the County Treasurer shall issue a corrected bill and shall so indicate on his records. **(35 ILCS 515/7)**

36-2-7 REDUCTION OF PRIVILEGE TAX; CONDITIONS. The privilege tax for owners of manufactured homes who:

- (A) are actually residing in such manufactured homes,
- (B) hold title to such manufactured home as provided in the "Illinois Vehicle Code", approved **September 29, 1969**, as amended, and
- (C) are **sixty-five (65) years** of age or older or are disabled persons within the meaning of Section 3.14 of the "Senior Citizens and Disabled Persons Property Tax Relief Act" on the annual billing date, shall be reduced to **eighty percent (80%)** of the tax provided for in **Section 36-2-2** of this Article. An application for reduction of the tax shall be filed with the County Clerk by the

individuals who are entitled to the reduction. If the application is filed after **May 1**, the reduction in tax shall begin with the next annual bill. Application for the reduction in tax shall be done by affidavit in substantially the following form:

APPLICATION FOR REDUCTION OF MANUFACTURED HOME LOCAL SERVICES TAX

I hereby make application for a reduction to **eighty percent (80%)** of the total tax imposed under "An Act to provide for a privilege tax on manufactured homes".

(A) **Senior Citizens.**

- (1) I actually reside in the manufactured home...
- (2) I hold title to the manufactured home as provided in the Illinois Vehicle Code...
- (3) I reached the age of **sixty-five (65)** on or before either **January 1** of the year in which this statement is filed.

(B) **Disabled Persons.**

- (1) I actually reside in the manufactured home...
- (2) I hold title to the manufactured home as provided in the Illinois Vehicle Code...
- (3) I was totally disabled on and have remained disabled until the date of this application. My Social Security, Veterans, Railroad or Civil Service Total Disability Claim Number is the undersigned declares under the penalty of perjury that the above statements are true and correct.

Dated _____, 20____

Signature of Owner

Address

(City) (State) (Zip)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department of Revenue under the "Senior Citizens and Disabled Persons Property Tax Relief Act", approved **July 17, 1972**, as amended.

36-2-8 UNPAID TAXES; LIEN ON MANUFACTURED HOME. If any privilege tax imposed by this Article is not paid when due, the County Treasurer of the County in which the manufactured home is located shall have a lien on the manufactured home for the amount of the tax, addition to the tax, penalty and interest due. Such lien shall terminate unless the County Treasurer files with the County Recorder of the County in which the manufactured home is located a notice of lien and files a financing statement in the office of the Secretary of State pursuant to Article 9 of the "Uniform Commercial Code", as now or hereafter amended within **two (2) years** of such tax due date. From the time of filing, the amount set forth in the certificate also constitutes a lien upon all property of the taxpayer then owned by him or thereafter acquired by him in the period before the expiration of the lien. Such liens have the same force, effect and priority as a judgment lien and continue for **ten (10) years** from the date of the recording unless sooner released or otherwise discharged. The County Treasurer may, at any time, release all or any portion of the property subject to any lien provided for in this Chapter or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien or other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes. **(35 ILCS 515/9.1)**

36-2-9 **INTEREST ON DELINQUENT TAXES; PENALTY FOR FRAUD.** If any privilege tax, or part thereof, imposed by this Article is not paid on or before the due date for such tax, interest on such amount at the rate of **one and one-half percent (1 1/2%)** per month shall be paid for the period from such due date to the date of payment of such amount. If such failure to pay such tax is the result of fraud, there shall be added to the tax as a penalty an amount equal to **fifty percent (50%)** of the deficiency. **(35 ILCS 515/9)**

36-2-10 **INVALIDITY OF PROVISIONS.** If any section, subsection, sentence or clause of this Article shall be adjudged unconstitutional, such adjudication shall not affect the validity of the Article as a whole or of any section, sub-section, sentence or clause thereof not adjudged unconstitutional.

36-2-11 **MANUFACTURED HOME DEALERS - NOTIFICATION.** Manufactured home dealers shall, within **ten (10) days** after any retail sale and delivery of a manufactured home, notify the County Clerk of the County in which the point of delivery is located of the sale, the name of the purchaser, the point at which delivery to the purchaser was made, and the serial number and exterior measurements of the manufactured home.

36-2-12 **MOVING PERMITS - PENALTY.** Before any manufactured home subject to the tax imposed by this Article may be moved, the transporting company must obtain a permit from the County Treasurer certifying that the tax on the manufactured home has been paid for the current tax period. It shall be a Class B misdemeanor for any person or entity to move any manufactured home or cause it to be moved a distance of more than **one (1) mile** without having received such permit from the taxpayer. It shall be a Class B misdemeanor for any taxpayer to move any manufactured home or cause it to be moved a distance of more than **one (1) mile** without such permit having been issued by the County Treasurer. This Section does not apply to any person or entity who moves a manufactured home or causes it to be moved pursuant to a court order.

36-2-13 **PENALTY.** It shall be a violation of this Code to fail to submit information required under this Article or to knowingly submit any false information under this Article.

(See 35 ILCS 515/1 et seq.)

ARTICLE III - LODGING TAX

36-3-1 **TAX IMPOSED.** There is hereby imposed upon all the renting, leasing or letting rooms in a hotel at the rate of **five percent (5%)** of the gross rental receipts from such renting, leasing or letting.

36-3-2 **EXCLUSIONS.** Excluded from said gross rental receipts is all proceeds of such renting, leasing or letting to permanent residents of that hotel.

36-3-3 **APPLCIATION OF ARTICLE.** This Article applies only to a hotel which is not located within a city, village or incorporated town that imposes a tax under Section 8-3-14 of the Illinois Municipal Code as defined in the Hotel Operator's Occupation Tax Act, **35 ILCS 145/1 et seq.**

36-3-4 **DEFINITIONS.** As used in this Code, unless the context otherwise requires:
 (A) **"Hotel"** means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

(B) **"Permanent resident"** means any person who occupies or has the right to occupy any room or rooms, regardless of whether or not it is the same room or rooms, in a hotel for at least **thirty (30) consecutive days.**

(C) **"Rent or rental"** means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

36-3-5 **REIMBURSEMENT.** Persons subject to any tax imposed pursuant to this Article may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State Tax imposed under the Hotel Operator's Occupation Tax Act.

36-3-6 **ADMINISTRATION.** At the same time that every person renting, leasing or letting rooms in a hotel subject to this Article files a return and pays over to the Illinois Department of Revenue the tax owed under the provisions of Section 6 of the Hotel Operator's Occupation Tax Act he shall file a copy of said return and shall at that time pay to the Monroe County Treasurer the amount of tax herein imposed.

36-3-7 **LIMITATION ON USE.** The amounts collected by this Section shall be expended to promote tourism, conventions, expositions, theatrical, sports and cultural activities within Monroe County or otherwise attract nonresident overnight visitors to Monroe County.

36-3-8 **PENALTY.** It shall be a violation of this Code to fail to submit a report or pay the tax imposed herein or to knowingly submit any false information under this Article.

(Ord. No. 00-07; 03-20-00)

ARTICLE IV – FLOOD PREVENTION TAXES

36-4-1 **FINDINGS.** The County Board hereby finds that all of the recitals contained in the preambles to this Article are full, true and correct and does incorporate them into this Article by this reference.

36-4-2 **IMPOSITION OF TAXES.** The County hereby imposes the following taxes (heretofore defined as the "Flood Prevention Taxes") within the territory of the District.

(A) **Retailers' Occupation Tax.** Except as otherwise provided in Subsection (C) of this Section, there is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail within the territory of the District, a retailers' occupation tax at a rate equal to **one-fourth of one percent (0.25%)** of the gross receipts from all taxable sales made in the course of that business.

(B) **Service Occupation Tax.** Except as otherwise provided in Subsection (C) of this Section, there is hereby imposed upon all persons engaged within the territory of the District in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, a service occupation tax at a rate equal to **one-fourth of one percent (0.25%)** of the selling price of tangible personal property or real estate so transferred within the District.

(C) **Exclusions from Tax.** The retailers' occupation tax and the service occupation tax imposed pursuant to this Article shall not be imposed on personal property titled or registered with an agency of the state; food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption); prescription and non-prescription medicines, drugs, and medical appliances; modifications to a motor vehicle for the purpose of rendering it usable by a disabled person; or insulin, urine testing materials, and syringes and needles used by diabetics.

36-4-3 **REVENUES DERIVED FROM TAXES.** The revenues derived from the flood prevention taxes, if, as and when received by the County, shall be maintained in a special fund known as the "Monroe County Flood Prevention Occupation Tax Fund." The County shall, at the direction of the District, use moneys in said fund to pay the costs of providing emergency levee repair and flood prevention and to pay bonds, notes, and other evidences of indebtedness of the District issued under the Act.

36-4-4 **COPY TO BE FILED.** The County Clerk is hereby directed to transmit a certified copy of this Article to the Department of Revenue (the "Department") of the State of Illinois not later than **September 30, 2008**, for administration and enforcement by the Department commencing on **January 1, 2009**.

(Ord. No. 08-03; 09-02-08)

ARTICLE V – COUNTY LAW LIBRARY FEE

36-5-1 **FEE ESTABLISHED.** The Clerk of the Circuit Court of Monroe County is authorized to charge and collect a fee of **Five Dollars (\$5.00)** at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance.

36-5-2 **ADDITIONAL FEE.** The fees shall be in addition to all other fees and charges of the Clerk, assessable as costs, remitted by the Circuit Clerk monthly to the County Treasurer in a special fund designated as the County Law Library Fund. Disbursements from the fund shall be by the County Treasurer, on order of the resident Circuit Judge of Monroe County.

36-5-3 **EXCEPTIONS.** Fees shall not be charged in any criminal or quasi-criminal case, in any manner coming to the Clerk on change of venue, or in any proceeding to review the decision of any administrative officer, agency, or body. The Circuit Clerk shall commence the charging and collection of such fees as of **January 31, 1996. (See 55 ILCS 5/5-39001)**

(Ord. No. 96-09; 01-16-96)

ARTICLE VI – COURTROOM SECURITY FEE

36-6-1 **FEE ESTABLISHED.** The Circuit Clerk of the Twentieth Judicial Circuit Court of Monroe County, Illinois, shall collect a fee of **Twenty-Five Dollars (\$25.00)** in all civil cases from each party at the time of filing the first pleading, paper or other appearance, provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance.

36-6-2 **DEFENDANT FEES.** In criminal, local ordinance, County ordinance, traffic and conservation cases, the following fee shall be assessed against the defendant upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgement pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or Subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependence Act, or Section 10 of the Steroid Control Act. No fee shall be imposed or collected, however, in traffic, conservation, and ordinance cases in which fines are paid without a court appearance.

- (A) Felony - **\$25.00**
- (B) Misdemeanor - **\$25.00**
- (C) Conservation and ordinance violation - **\$25.00**
- (D) Traffic violations - **\$25.00**

36-6-3 **EFFECTIVE DATE.** This Section shall become effective **October 1, 2015.**

36-6-4 **COLLECT FEES.** The Circuit Clerk of the Twentieth Judicial Court of Monroe County shall collect the aforesaid fees and shall remit same to the Treasurer of Monroe County as expeditiously as possible, but not less than on a monthly basis.

36-6-5 **SEPARATE FUND.** The Treasurer of Monroe County shall maintain a separate fund known as the "Court Services Fund" to receive and hold such fees, and to transfer those monies to the General Fund of Monroe County only upon order of the Circuit Court of Monroe County for payment solely of costs incurred by the Sheriff in providing court security or for any other court services deemed necessary by the Sheriff to provide for court security.

36-6-6 **ACCOUNTING FOR FEES.** The Treasurer of Monroe County shall provide an accounting of said fees and expenditures on an annual basis to the Chief Judge of the Twentieth Judicial Circuit and the Presiding Judge of Monroe County in a manner and form as directed by the Court.

(Ord. No. 15-06; 09-08-15)

ARTICLE VII – 9-1-1 SURCHARGE

36-7-1 FEE IMPOSED. A surcharge is hereby imposed, subject to the provisions of **Section 36-7-2**, upon the monthly billed subscribers of telecommunication carriers residing within the County for funding of a 9-1-1 Emergency Telephone System.

36-7-2 FEE ESTABLISHED. A surcharge is hereby imposed on monthly billed subscribers of telecommunication carriers residing within the County at a rate of **One Dollar (\$1.00)** per month per in-service network connection, as hereinafter defined.

36-7-3 RESIDENCE. A monthly billed subscriber shall be deemed to reside within the County if the service address, as hereinafter defined is located within the County.

36-7-4 DEFINITIONS. For purpose of this Article the following definitions shall apply:
"Network Connections" means the number of voice grade communication channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers switched network which would be required to carry the subscriber's inter-premises traffic.

"Telecommunications Carrier" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator, or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

"Transmitting Messages" shall have the meaning ascribed to the term in Section 8-11-2 of the Illinois Municipal Code.

36-7-5 EXEMPTION CONNECTIONS. The Monroe County Clerk shall provide any telecommunication carrier collecting the surcharge with a certified list of those network connections assigned to the Monroe County Clerk to be exempt from imposition of the surcharge. The certified list may be revised by the Monroe County Clerk on **sixty (60) days** prior written notice provided to the telecommunication carriers.

36-7-6 ACCOUNTING FEE. Each telecommunication carriers is hereby authorized and instructed to deduct **three percent (3%)** from the gross amount of surcharge collected prior to remittance under **Section 36-7-7** of this Article in reimbursement for the expense of accounting and collecting the surcharge.

36-7-7 SURCHARGE DUE. Every telecommunication carrier shall remit to the County Treasurer the amount of surcharge collected for each calendar month within **thirty (30) days** following expiration of each month to which the surcharge applies, net of any network or other 9-1-1 or sophisticated 9-1-1 system charge then due the particular telecommunication carrier as shown on an itemized bill and the **three percent (3%)** accounting and collection charge described in **Section 36-7-6**.

36-7-8 REPORTS TO COUNTY. Simultaneously with the remittance described in **Section 36-7-6** each telecommunication carrier shall make a report to the County Treasurer for the period to which the remittance applies stating as follows:

- (A) The name of the telecommunication carrier;
- (B) The telecommunication carriers principal place of business;
- (C) The number of network connections to which the surcharge applies;
- (D) The amount of surcharge collected; and
- (E) Such other reasonable and related information as the corporate authorities may require.

36-7-9 **AMOUNT PAID BUT NOT DUE.** If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this Article provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefore shall be so credited. **Ninety (90) days** prior notice shall be given to the Emergency Telephone System Board on any credit against a surcharge due.

36-7-10 **ACTION TO RECOVER SURCHARGE.** No action to recover any amount of surcharge due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

(See 750 ILCS 15.3)

[Unless Otherwise Noted, This Article Ord. No. 89-19; 12-18-89]

ARTICLE VIII – CIRCUIT CLERK FEES**DIVISION I – CRIMINAL FEES**

36-8-1 **CIVIL FEES AND CRIMINAL ASSESSMENTS.** Civil fees and criminal assessments shall meet the requirements of Section 27.1b of the Clerks of Courts Act, **705 ILCS 105/27.1b**, and the Criminal and Traffic Assessment Act, **705 ILCS 105/135 et seq.**

36-8-2 - 36-8-3 **RESERVED.**

DIVISION II – GENERAL FEES**36-8-4** **CIVIL FEES.**

(A) Fees in civil matters shall be assessed and distributed as set forth herein, in compliance with Section 27.1b of the Clerks of Courts Act, **705 ILCS 105/27.1b**.

(B) The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

- (1) **Schedule 1:** \$306.00 to be divided as follows:
 - (a) \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court Automation Fund - \$15.00
 - (ii) Court Document Storage Fund - \$20.00
 - (iii) Circuit Court Clerk Operation and Administrative Fund - \$10.00
 - (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to Justice Fund - \$2.00
 - (ii) Supreme Court Special Purposes Fund - \$9.00
 - (c) \$250.00 to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk Filing Cost - \$200.00
 - (ii) Judicial Security Fund - \$50.00
- (2) **Schedule 2:** \$256.00 to be divided as follows:
 - (a) \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court Automation Fund - \$15.00
 - (ii) Court Document Storage Fund - \$20.00
 - (iii) Circuit Court Clerk Operation and Administrative Fund - \$10.00
 - (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to Justice Fund - \$2.00
 - (ii) Supreme Court Special Purposes Fund - \$9.00
 - (c) \$200.00 to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk Filing Cost - \$150.00
 - (ii) Judicial Security Fund - \$50.00
- (3) **Schedule 3:** \$89.00 to be divided as follows:
 - (a) \$22.00 to be retained by the Clerk of the Circuit Court and deposited as follows:

- (i) Court Automation Fund - \$6.00
- (ii) Court Document Storage Fund - \$10.00
- (iii) Circuit Court Clerk Operation and Administrative Fund - \$6.00
- (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to Justice Fund - \$2.00
 - (ii) Supreme Court Special Purposes Fund - \$9.00
- (c) \$56.00 to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk Filing Cost - \$36.00
 - (ii) Judicial Security Fund - \$20.00

(4) **Schedule 4:** \$0.00

(C) The fees for filing an appearance in a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

(1) **Schedule 1:** \$181.00 to be divided as follows:

- (a) \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court Automation Fund - \$15.00
 - (ii) Court Document Storage Fund - \$20.00
 - (iii) Circuit Court Clerk Operation and Administrative Fund - \$10.00
- (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
 - (i) Access to Justice Fund - \$2.00
 - (ii) Supreme Court Special Purposes Fund - \$9.00
- (c) \$125.00 to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk Filing Cost - \$75.00
 - (ii) Judicial Security Fund - \$50.00

(2) **Schedule 2:** \$109.00 to be divided as follows:

- (a) \$10.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - (i) Court Automation Fund - \$3.00
 - (ii) Court Document Storage Fund - \$5.00
 - (iii) Circuit Court Clerk Operation and Administrative Fund - \$2.00
- (b) \$9.00 to be remitted to the State Treasurer and deposited as follows:
 - (i) Supreme Court Special Purposes Fund - \$9.00
- (c) \$90.00 to be remitted to the County Treasurer and deposited as follows:
 - (i) Circuit Clerk Filing Cost - \$50.00
 - (ii) Judicial Security Fund - \$40.00

(3) **Schedule 3:** \$0.00

(D) Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County General Fund to be used for purposes related to the operation of the court system in the County:

- (1) Alias summons or citation: \$5.00
- (2) Jury services: 212.50
- (3) Change of venue: 40.00
- (4) Petition to vacate or modify:
 - (a) If filed within 30 days: 50.00
 - (b) If filed after 30 days: 75.00
 - (c) Notice sent to Secretary of State: 40.00

- (5) Appeals preparation:
 - (a) If record is 100 pages or less: 50.00
 - (b) If record is between 100 and 200 pages: 100.00
 - (c) If record is 200 pages or more: Additional fee of 0.25 per page
- (6) Garnishment, wage deduction, and citation proceedings:
 - (a) Not more than \$1,000 or less: 15.00
 - (b) Greater than \$1,000.01 and not more than \$5,000: 30.00
 - (c) Greater than \$5,000.01: 50.00
- (7) Collections:
 - (a) All collections (except State and County and maintenance and child support cases): 2.5% of the amount collected and turned over
 - (b) In child support and maintenance cases: \$36.00 annually to be deposited in the Child Support Maintenance Fund
 - (c) Certifications to Secretary of State pursuant to Section 7-703 of the Family Financial Responsibility Law: \$5.00
 - (d) In proceedings to foreclose a delinquent real estate tax lien the State's Attorney shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings
- (8) Mailing: \$10.00 plus the cost of postage
- (9) Certified copy of a judgment: 10.00
- (10) Certification, authentication, and reproduction:
 - (a) Each certification or authentication for taking acknowledgement of a deed or other instrument in writing with the seal of office: 6.00
 - (b) Reproduction of any document contained in the Clerk's files:
 - (i) \$2.00 for the first page
 - (ii) \$0.50 per page for the next 19 pages
 - (iii) \$0.25 per page for all additional pages
- (11) Record search: 6.00
- (12) For each page of hard copy print output, when case records are maintained on an automated medium: 6.00
- (13) Performing a marriage in court: 10.00
- (14) For filing each deed of voluntary assignments: 0.50 for each 100 words
- (15) Expungement petition: \$60.00 and an additional fee of \$4.00 for each certified copy of an order to expunge arrest records.
- (16) Probate filings:
 - (a) Filing a claim:
 - (i) Amount claimed greater than \$150.00 and not more than \$500.00: 25.00
 - (ii) Amount claimed greater than \$500.00 and not more than \$10,000.00: 40.00
 - (iii) Amount claimed greater than \$10,000: 60.00
 - (b) For filing a claim, petition, or supplemental proceeding based upon an action seeking equitable relief: 60.00
 - (c) For a jury demand: 137.50
 - (d) For each certified copy of letters of office, of court orders or other certifications: 2.00 per page
 - (e) For each exemplification: 2.00 plus the fee for certification
- (17) For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the Clerk's Office: 25.00

- (18) For any check, draft, or other bank instrument returned to the Clerk for non-sufficient funds, account closed, or payment stopped, the Clerk shall collect a fee of \$25.00.

36-8-5 CRIMINAL ASSESSMENTS.

(A) Assessments shall be imposed in criminal, traffic, conservation and non-traffic matters in accordance with the schedules set forth in the Criminal and Traffic Assessment Act, **705 ILCS 135/1-5 et seq.**, and shall be distributed as set forth herein.

(B) **Schedules.**

(1) **Schedule 1 - Generic Felony Offenses.**

(a) The Clerk shall collect \$549.00 and remit as follows:

(i) \$354.00 to the County Treasurer who shall deposit the money as follows:

- a. \$20.00 to the Court Automation Fund
- b. \$20.00 to the Court Document Storage Fund
- c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- d. \$255.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$145.00
 - ii. State's Attorney Fund: \$50.00
 - iii. Judicial Security Fund: \$60.00
- e. \$10.00 to the Child Advocacy Center Fund
- f. \$2.00 to the State's Attorney Records Automation Fund
- g. \$2.00 to the Public Defender's Records Automation Fund
- h. \$20.00 to the County Jail Medical Costs Fund
- i. \$20.00 to the Probation and Court Services Fund

(ii) \$195.00 to the State Treasurer

- a. \$50.00 into the State Police Operations Assistance Fund
- b. \$100.00 into the Violent Crime Victims Assistance Fund
- c. \$10.00 into the State Police Merit Board Public Safety Fund
- d. \$35.00 into the Traffic and Criminal Conviction Surcharge Fund

(2) **Schedule 2 – Felony DUI Offenses.**

(a) The Clerk shall collect \$1,709.00 and remit as follows:

(i) \$399.00 to the County Treasurer who shall deposit the money as follows:

- a. \$20.00 to the Court Automation Fund
- b. \$20.00 to the Court Document Storage Fund
- c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- d. \$300.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$190.00
 - ii. State's Attorney Fund: \$50.00
 - iii. Judicial Security Fund: \$60.00
- e. \$10.00 to the Child Advocacy Center Fund
- f. \$2.00 to the State's Attorney Records Automation Fund

- g. \$2.00 to the Public Defender Records Automation Fund
 - h. \$20.00 to the County Jail Medical Costs Fund
 - i. \$20.00 to the Probation and Court Services Fund
 - (ii) \$1,110.00 to the State Treasurer
 - a. \$730.00 into the State Police Operations Assistance Fund
 - b. \$5.00 into the Driver's Education Fund
 - c. \$100.00 into the Trauma Center Fund
 - d. \$5.00 into the Spinal Cord Injury Paralysis Cure Research Trust Fund
 - e. \$5.00 into the State Police Merit Board Public Safety Fund
 - f. \$160.00 into the Traffic and Criminal Conviction Surcharge Fund
 - g. \$5.00 into the Law Enforcement Camera Grant Fund
 - h. \$100.00 into the Violent Crime Victims Assistance Fund
 - (iii) \$200.00 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the DUI Fund of that local government (unless it is a State agency – See 10-5(c)); if more than one (1) agency responsible for the arrest, the amount shall be equally split
- (3) **Schedule 3 – Felony Drug Offenses.**
- (a) The Clerk shall collect \$2,215.00 and remit as follows:
 - (i) \$354.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$255.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$145.00
 - ii. State's Attorney Fund: \$50.00
 - iii. Judicial Security Fund: \$60.00
 - e. \$10.00 to the Child Advocacy Center Fund
 - f. \$2.00 to the State's Attorney Records Automation Fund
 - g. \$2.00 to the Public Defender Records Automation Fund
 - h. \$20.00 to the County Jail Medical Costs Fund
 - i. \$20.00 to the Probation and Court Services Fund
 - (ii) \$1,861.00 to the State Treasurer
 - a. \$50.00 into the State Police Operations Assistance Fund
 - b. \$100.00 into the Violent Crime Victims Assistance Fund
 - c. \$100.00 into the Trauma Center Fund
 - d. \$5.00 into the Spinal Cord Injury Paralysis Cure Research Trust Fund
 - e. \$1,500.00 into the Drug Treatment Fund

- f. \$5.00 into the State Police Merit Board Public Safety fund
- g. \$38.00 into the Prescription Pill and Drug Disposal Fund
- h. \$28.00 into the Criminal Justice Information Projects Fund
- i. \$35.00 into the Traffic and Criminal Conviction Surcharge Fund

(4) **Schedule 4 – Felony Sex Offenses.**

(a) The Clerk shall collect \$1,314.00 and remit as follows:

- (i) \$354.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$255.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$145.00
 - ii. State’s Attorney Fund: \$50.00
 - iii. Judicial Security Fund: \$60.00
 - e. \$10.00 to the Child Advocacy Center Fund
 - f. \$2.00 to the State’s Attorney Records Automation Fund
 - g. \$2.00 to the Public Defender Records Automation Fund
 - h. \$20.00 to the County Jail Medical Costs Fund
 - i. \$20.00 to the Probation and Court Services Fund
- (ii) \$960.00 to the State Treasurer
 - a. \$520.00 into the State Police Operations Assistance Fund
 - b. \$100.00 into the Violent Crime Victims Assistance Fund
 - c. \$200.00 into the Sexual Assault Services Fund
 - d. \$100.00 into the Domestic Violence Shelter and Services Fund
 - e. \$5.00 into the State Police Merit Board Public Safety Fund
 - f. \$35.00 into the Traffic and Criminal Conviction Surcharge Fund

(5) **Schedule 5 – Generic Misdemeanor Offenses.**

(a) The Clerk shall collect \$439.00 and remit as follows:

- (i) \$282.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$185.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$100.00
 - ii. State’s Attorney Fund: \$35.00
 - iii. Judicial Security Fund: \$50.00

- f. \$10.00 to the Child Advocacy Center Fund
 - g. \$2.00 to the State’s Attorney Records Automation Fund
 - h. \$2.00 to the Public Defender Records Automation Fund
 - i. \$10.00 to the County Jail Medical Costs Fund
 - j. \$20.00 to the Probation and Court Services Fund
 - (ii) \$155.00 to the State Treasurer
 - a. \$50.00 into the State Police Operations Assistance Fund
 - b. \$10.00 into the State Police Merit Board Public Safety Fund
 - c. \$75.00 into the Violent Crime Victims Assistance Fund
 - d. \$20.00 into the Traffic and Criminal Conviction Surcharge Fund
 - (iii) \$2.00 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the E-Citation Fund of that unit of local government (unless it is a State agency – see 10-5(c)); if more than one (1) agency is responsible for the arrest, the amount shall be equally split
- (6) **Schedule 6 – Misdemeanor DUI Offenses.**
- (a) The Clerk shall collect \$1,381.00 and remit as follows:
 - (i) \$322.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$225.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$130.00
 - ii. State’s Attorney Fund: \$40.00
 - iii. Judicial Security Fund: \$55.00
 - f. \$10.00 to the Child Advocacy Center Fund
 - g. \$2.00 to the State’s Attorney Records Automation Fund
 - h. \$2.00 to the Public Defender Records Automation Fund
 - i. \$10.00 to the County Jail Medical Costs Fund
 - j. \$20.00 to the Probation and Court Services Fund
 - (ii) \$707.00 to the State Treasurer
 - a. \$330.00 into the State Police Operations Assistance Fund
 - b. \$5.00 into the Driver’s Education Fund
 - c. \$5.00 into the State Police Merit Board Public Safety Fund
 - d. \$100.00 into the Trauma Center Fund
 - e. \$5.00 into the Spinal Cord Injury Paralysis Cure Research Trust Fund
 - f. \$22.00 into the Fire Prevention fund

- g. \$160.00 into the Traffic and Criminal Conviction Surcharge Fund
 - h. \$5.00 into the Law Enforcement Camera Grant Fund
 - i. \$75.00 into the Violent Crime Victims Assistance Fund
 - (iii) \$352.00 as follows unless more than one agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:
 - a. If the arresting agency is a local agency to the treasurer of the unit of local government:
 - i. \$2.00 into the E-Citation Fund of the unit of local government
 - ii. \$350.00 into the DUI Fund of the unit of local government
 - b. As provided in Section 10-5(c) if the arresting agency is a State agency
- (7) **Schedule 7 – Misdemeanor Drug Offenses.**
- (a) The Clerk shall collect \$905.00 and remit as follows:
 - (i) \$282.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$185.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$100.00
 - ii. State’s Attorney Fund: \$40.00
 - iii. Judicial Security Fund: \$45.00
 - f. \$10.00 to the Child Advocacy Center Fund
 - g. \$2.00 to the State’s Attorney Records Automation Fund
 - h. \$2.00 to the Public Defender Records Automation Fund
 - i. \$10.00 to the County Jail Medical Costs Fund
 - j. \$20.00 to the Probation and Court Services Fund
 - (ii) \$621.00 to the State Treasurer
 - a. \$50.00 into the State Police Operations Assistance Fund
 - b. \$75.00 into the Violent Crime Victims Assistance Fund
 - c. \$100.00 into the Trauma Center Fund
 - d. \$5.00 into the Spinal Cord Injury Paralysis Cure Research Trust Fund
 - e. \$300.00 into the Drug Treatment Fund
 - f. \$38.00 into the Prescription Pill and Drug Disposal Fund
 - g. \$28.00 into the Criminal Justice Information Projects Fund
 - h. \$5.00 into the State Police Merit Board Public Safety Fund

- i. \$20.00 into the Traffic and Criminal Conviction Surcharge Fund
 - (iii) \$2.00 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the E-Citation Fund of that unit of local government (unless it is a State agency - See 10-5(c)); if more than one (1) agency is responsible for the arrest, the amount shall be equally split
- (8) **Schedule 8 – Misdemeanor Sex Offenses.**
 - (a) The Clerk shall collect \$1,184.00 and remit as follows:
 - (i) \$282.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$185.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$100.00
 - ii. State’s Attorney Fund: \$40.00
 - iii. Judicial Security Fund: \$45.00
 - f. \$10.00 to the Child Advocacy Center Fund
 - g. \$2.00 to the State’s Attorney Records Automation Fund
 - h. \$2.00 to the Public Defender Records Automation Fund
 - i. \$10.00 to the County Jail Medical Costs Fund
 - j. \$20.00 to the Probation and Court Services Fund
 - (ii) \$900.00 to the State Treasurer
 - a. \$500.00 into the State Police Operations Assistance Fund
 - b. \$75.00 into the Violent Crime Victims Assistance Fund
 - c. \$200.00 into the Sexual Assault Service Fund
 - d. \$100.00 into the Domestic Violence Shelter and Service Fund
 - e. \$5.00 into the State Police Merit Board Public Safety Fund
 - f. \$20.00 into the Traffic and Criminal Conviction Surcharge Fund
 - (iii) \$2.00 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the E-Citation Fund of that unit of local government (unless it is a State agency – See 10-5(c)); if more than one (1) agency is responsible for the arrest, the amount shall be equally split
- (9) **Schedule 9 – Major Traffic Offenses.**
 - (a) The Clerk shall collect \$325.00 and remit as follows:
 - (i) \$203.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund

- c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$150.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$80.00
 - ii. State's Attorney Fund: \$30.00
 - iii. Judicial Security Fund: \$40.00
 - (ii) \$97.00 to the State Treasurer
 - a. \$20.00 into the State Police Operations Assistance Fund
 - b. \$5.00 into the Driver's Education Fund
 - c. \$5.00 into the State Police Merit Board Public Safety Fund
 - d. \$22.00 into the Fire Prevention Fund
 - e. \$40.00 into the Traffic and Criminal Conviction Surcharge Fund
 - f. \$5.00 into the Violent Crime Victims Assistance Fund
 - (iii) \$2500 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the following:
 - a. \$2.00 into the E-Citation Fund of the unit of local government or as provided in Section 10-5(c) if the arresting agency is a State agency, unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally
 - b. \$23.00 into the General Fund of that unit of local government or as provided in Section 10-5(c) if the arresting agency is a State agency, unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally
- (10) **Schedule 10 – Minor Traffic Offenses.**
- (a) The Clerk shall collect \$226.00 and remit as follows:
 - (i) \$168.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$115.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$55.00
 - ii. State's Attorney Fund: \$30.00
 - iii. Judicial Security Fund: \$30.00
 - (ii) \$46.00 to the State Treasurer
 - a. \$10.00 into the State Police Operations Assistance Fund
 - b. \$5.00 into the State Police Merit Board Public Safety fund

- c. \$4.00 into the Driver’s Education Fund
 - d. \$20.00 into the Traffic and Criminal Conviction Surcharge Fund
 - e. \$4.00 into the Law Enforcement Camera Grant Fund
 - f. \$3.00 into the Violent Crime Victims Assistance Fund
- (iii) \$12.00 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the following:
- a. \$2.00 into the E-Citation Fund of the unit of local government or as provided in Section 10-5(c) if the arresting agency is a State agency, unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally
 - b. \$10.00 into the General Fund of that unit of local government or as provided in Section 10-5(c) if the arresting agency is a State agency, unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally
- (11) **Schedule 10.5 – Truck Weight and Load Offenses.**
- (a) The Clerk shall collect \$260.00 and remit as follows:
- (i) \$168.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$115.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$55.00
 - ii. State’s Attorney Fund: \$30.00
 - iii. Judicial System Fund: \$30.00
 - (ii) \$92.00 to the State Treasurer who shall deposit the money as follows:
 - a. \$31.00 into the State Police Merit Board Public Safety fund, regardless of the type of overweight citation or arresting law enforcement agency
 - b. \$31.00 into the Traffic and Criminal Conviction Surcharge Fund
 - c. \$30.00 into the State Police Operations Assistance Fund
- (12) **Schedule 11 – Conservation Offenses.**
- (a) The Clerk shall collect \$195.00 and remit as follows:
- (i) \$168.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund

- d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$115.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$55.00
 - ii. State’s Attorney Fund: \$30.00
 - iii. Judicial Security Fund: \$30.00
 - (ii) \$25.00 to the State Treasurer who shall deposit the money into the Conservation Police Operations Assistance Fund
 - (iii) \$2.00 to the treasurer of the unit of local government of the arresting agency who shall deposit the money into the E-Citation Fund of that unit of local government or as provided in Section 10-5(c) if arresting agency is a State agency, unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally
- (13) **Schedule 12 – Dispositions under Supreme Court Rule 529.** (No Court Appearance Required Traffic Offenses)
- (a) The Clerk shall collect \$164.00 and remit as follows:
 - (i) \$100.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$47.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$37.00
 - ii. Judicial Security Fund: \$10.00
 - (ii) \$14.00 to the State Treasurer who shall deposit the money as follows:
 - a. \$3.00 into the Driver’s Education Fund
 - b. \$2.00 into the State Police Merit Board Public Safety Fund
 - c. \$4.00 into the Traffic and Criminal Conviction Surcharge Fund
 - d. \$1.00 into the Law Enforcement Camera Grant Fund
 - e. \$4.00 into the Violent Crime Victims Assistance Fund
 - (iii) \$50.00 to the arresting agency unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:
 - a. If arresting agency is a local agency to the treasurer of the unit of local government of the arresting agency who shall deposit the money as follows:
 - i. \$2.00 into the E-Citation Fund of the unit of local government
 - ii. \$48.00 into the General Fund of that unit of local government

- b. As provided in Section 10-5(c) if the arresting agency is a State agency
- (14) **Schedule 13 – Petty Offense, Business Office, or Non-Traffic Ordinance Violations.**
- (a) The Clerk shall collect \$100.00 and remit as follows:
 - (i) \$75.00 to the County Treasurer who shall deposit the money as follows:
 - a. \$20.00 to the Court Automation Fund
 - b. \$20.00 to the Court Document Storage Fund
 - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
 - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
 - e. \$22.00 to the County General Fund to be distributed as follows:
 - i. Circuit Clerk Filing Cost: \$17.00
 - ii. Judicial Security Fund: \$5.00
 - (ii) \$25.00 to the arresting agency unless more than one (1) agency is responsible for the arrest in which case the amount shall be remitted to each unit of government equally:
 - a. If arresting agency is a local agency to the treasurer of the unit of local government:
 - i. \$2.00 into the E-Citation Fund of the unit of local government
 - ii. \$23.00 into the General Fund of that unit of local government
 - b. As provided in Section 10-5(c) if the arresting agency is a State agency

(C) **Conditional Assessments.** In addition to payments under one of the Schedule of Assessments 1 through 13 of the Act, the court shall also order payment of any of the following conditional assessment amounts for each sentenced violation in the case to which a conditional assessment is applicable, which shall be collected and remitted by the Clerk of the Circuit Court as allowed in Section 15-70:

- (1) Arson, residential arson, or aggravated arson \$500.00
- (2) Child Pornography under Section 11-20.1 of the Criminal Code of 1961 or the Criminal Code of 2012 500.00
- (3) Crime laboratory drug analysis for drug-related offense involving possession or delivery of cannabis or possession or delivery of a controlled substance 100.00
- (4) DNA analysis 250.00
- (5) DUI analysis 150.00
- (6) Drug-related offense
 - (a) 12.5% of the street value assessment paid into Youth Drug Abuse Prevention Fund
 - (b) 37.5% to county which charge was prosecuted General Fund
 - (c) 50% to treasurer of arresting law enforcement agency of municipality or county or to the State Treasurer if arresting agency was a state agency
 - (d) If arrest made in combination with multiple law enforcement agencies, Clerk shall equitably allocate the according to the Act
- (7) Methamphetamine-related offense
 - (a) 12.5% of the street value assessment paid into Youth Drug Abuse Prevention Fund
 - (b) 37.5% to county which charge was prosecuted General Fund

- (c) 50% to treasurer of arresting law enforcement agency of municipality or county or to the State Treasurer if arresting agency was a state agency
 - (d) If arrest made in combination with multiple law enforcement agencies, Clerk shall equitably allocate the according to the Act
 - (8) Order of protection violation under 12-3.4 of the Criminal Code of 2012 - \$200.00 per conviction to County Treasurer for deposit into Probation and Court Services Fund
 - (9) Order of protection violation - \$25.00 per violation to State Treasurer for deposit into Domestic Violence Abuser Services Fund
 - (10) Prosecution by the State's Attorney of a:
 - (a) Petty or business offense - \$4.00 to County Treasurer of which \$2.00 deposited into State's Attorney Records Automation Fund and \$2.00 into Public Defender Records Automation Fund
 - (b) Conservation or traffic offense - \$2.00 to County Treasurer for deposit into State's Attorney Records Automation Fund
 - (11) Speeding in a construction zone violation - \$250.00 to State Treasurer for deposit into Transportation Safety Highway Hire-Bank Fund
 - (12) Supervision disposition on offense under the Illinois Vehicle Code or similar provision of a local ordinance - \$0.50, unless waived by the court, into Prisoner Review Board Vehicle and Equipment Fund
 - (13) Victim and offender are family or household members, etc. - \$200.00 for each sentenced violation to the State Treasurer for deposit as follows:
 - (a) When offender and victim are family members – one-half to Domestic Violence Shelter and Service Fund and one-half to the Sexual Assault Services Fund
 - (b) For the remaining offenses to the Domestic Violence Shelter and Service Fund
 - (14) Violation of Section 11-501 of IL Vehicle Code (Snowmobile and Boat) - \$1,000.00 maximum to public agency that provided an emergency response related to person's violation and if more than one agency responded, the amount payable to public agencies shall be shared equally
 - (15) Violation of Section 401, 407, or 407.2 of IL Controlled Substances Act that proximately cause any incident resulting in an appropriate drug-related emergency response - \$1,000.00
 - (16) Violation of reckless driving, aggravated reckless driving or driving 26 miles per hour or more in excess of the speed limit that triggered an emergency response - \$1,000.00 maximum reimbursement
 - (17) Violation based upon each plea of guilty, stipulation of facts, or finding of guilt resulting in a judgment of conviction or order of supervision
 - (a) \$50.00 to County Treasurer for deposit into Circuit Court Clerk Operation and Administrative Fund to cover the costs in administering this paragraph (17)
 - (b) \$300.00 to State Treasurer
 - (c) Remainder for deposit into Specialized Services for Survivors of Human Trafficking Fund
 - (18) Weapons violation under Section 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or the Criminal Code of 2012 - \$100.00 for each conviction to the State Treasurer for deposit into the Trauma Center Fund
- (D) Monroe County Law Library Fee - \$20.00 according to **55 ILCS 5/5-39001**
- (1) Established; amount; payment. There is hereby established a County Law Library fee of \$20.00, which shall be paid at the time of filing the

- first pleading, paper, or other appearance filed by each party in all civil cases pursuant to statute
- (2) Collection. Such fee shall be charged and collected by the Monroe County Circuit Clerk
 - (3) Exception. No additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance.
 - (4) Remission to Treasurer; Disbursements. The filing fee as hereinbefore provided shall be remitted by the Monroe County Circuit Clerk monthly to the Monroe County Treasurer and shall be retained by the Monroe County Treasurer in a special fund designated as the "County Law Library Fund" with all disbursements made by the Monroe County Treasurer on written order of a majority of resident Circuit Judges of the Circuit Court of Monroe County.
- (E) Probate Guardianship and Advocacy Fee according to **705 ILCS 27.3f** - \$100.00
 - (F) Chancery Foreclosure Fee according to **735 ILCS 5/15-1504.1(a)** - \$50.00 – 98% to the State Treasurer for deposit into the Foreclosure Prevention Program Fund, and 2% to the Clerk of the Court to be retained by the Clerk for deposit into the Circuit Court Clerk Operation and Administrative Fund to defray administrative expenses related to implementation of this subsection.
 - (G) Foreclosure Tier Fee according to **735 ILCS 5/15-1504.1(a-5)** – Additional fee paid by plaintiffs with respect to residential real estate. Until **January 1, 2020** - \$500.00, \$250.00 or \$50.00 according to cited statute.
 - (H) Unpaid Fees.
 - (1) Unless a court-ordered payment schedule is implemented or the fee requirements of this Section are waived by court order, the Clerk is authorized to add to any unpaid fees and costs a delinquency amount equal to **fifteen percent (15%)** of the unpaid fees that remain unpaid after **ninety (90) days**.
 - (2) Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Court Clerk Operation and Administrative Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs.
 - (I) Child Support Annual Fee - \$36.00 according to **705 ILCS 105/27.1(b)/(k)(2)** Collections.
 - (1) In child support and maintenance cases, the Clerk may collect an annual fee of up to \$36.00 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee is in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child support Collection Fund, of which the Clerk shall be the custodian, ex officio, to be used by the Clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The Clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.
 - (J) Establish New Funds.
 - (1) In order to comply with the collection of monies for the Public Defender Records Automation and County Sheriff-LEO assessments, **two (2)** new funds by the same name shall be created in the Monroe County Treasurer's office.
 - (2) The monies or these funds shall be collected and remitted by the Monroe County Circuit Clerk monthly to the Monroe County Treasurer and shall be retained by the Monroe County Treasurer in a special fund designated

- as the "Public Defender Records Automation Fund" and "County Sheriff-LEO" with all disbursements made by the Monroe County Treasurer.
- (3) Public Defender Records Automation Fund – This fund is established to defray the expense of establishing and maintaining automated record keeping systems in the offices of the Public Defender. The money shall be remitted monthly by the Clerk to the County Treasurer for deposit into the Public Defender Records Automation Fund. Expenditures from this fund may be made by the Public Defender for hardware, software, and research and development related to automated record keeping systems.
 - (4) County Sheriff-Leo Fund – All fines imposed on an ordinance offense or a misdemeanor traffic, misdemeanor conservation, or misdemeanor driving under the influence offense where the arresting agency is the office of the Monroe County Sheriff, the County Treasurer shall deposit the fine into a fund to support the law enforcement operations of the office of the Monroe County Sheriff.

(Ord. No. 19-03; 07-01-19)

(See 705 ILCS 105/27.1a)

ARTICLE IX - COUNTY CLERK'S FEES

36-9-1 **FEES ESTABLISHED.** The fees for the County Clerk's office are as follows:

(A) **County Clerk.**

Redemption Certificates	\$78.00
Notary Public Commission Certificate Registration	
In Person	20.00
By Mail	20.00
Assumed Name Business Registration	20.00
Genealogy Copies	
Certified	12.50
Non-Certified	2.00
Marriage License	60.00
Copy Fees	1.50
Certified Copy of Birth Certificate	16.00
Additional Copies of Same Certificate	6.00
Certified Copy of Death Certificate	16.00
Additional Copies of Same Certificate	6.00

(Ord. No. 18-01; 01-02-18)

(B) **Recorder's Fees.**

Recorded Documents – Up to 4 pages	59.00
Including but not limited to Deeds, Mortgages, Mortgage Releases, Liens, Surveys, Special Assessments, Covenants and Restrictions, Condominium Documents, etc.	
Assignments	59.00
If additional assignments are included within the same instrument – for each additional assignment	10.00
Plats	79.00
Non-Standard Documents	85.00
Ordinances of Public Bodies	49.00
Annexation, De-Annexation or Vacation Ordinances	49.00
Notice of Probate	49.00
Lis Pendens Notices	59.00
Memorandum of Judgment or Release of Memorandum	49.00
Monument Records	59.00
UCC Filings	49.00
UCC Filings in Real Estate Records	59.00
Certified Copy of Real Estate Records	25.00
Corporation Documents	49.00
Transfer on Death Instruments	59.00

(Ord. No. 18-11; 11-19-18)

ARTICLE X – SHERIFF’S FEES

36-10-1 FEES ESTABLISHED. The fees established for the Sheriff’s Department are as follows:

Fee	Statutory Price	Actual Cost	Proposed New Price
For serving or attempting to serve summons on each defendant in each county	\$10.00	\$32.04	\$32.00
For serving or attempting to serve an order or judgement granting injunctinal relief in each county	10.00	32.04	32.00
For serving or attempting to serve each garnishee in each county	10.00	52.03	52.00
For serving or attempting to serve an order for replevin in each county	10.00	32.04	32.00
For serving or attempting to serve a warrant of arrest, \$8 to be paid upon conviction	8.00	Hourly rate	
For returning a defendant from outside the State of Illinois, upon conviction, the court shall assess, as court cases, the cost of returning a defendant to the jurisdiction		Hourly rate	
For taking special bail, \$1 in each county	1.00	See note 1	
For serving or attempting to serve a subpoena on each witness, in each county	10.00	32.04	32.00
For advertising property for sale	5.00	See note 1	
For returning each process, in each county	5.00	8.18	11.00
Mileage for each mile of necessary travel to serve any such process as stated above, calculating from the place of holding court to the place of residence of the defendant, or witness	0.50/mile each way	See note 1	0.50
For summoning each juror, \$3 with \$0.30 mileage each way in all counties	3.00 with 0.30/mile each way	See note 1	
For serving or attempting to serve notice of judgments or levying to enforce a judgment, \$3 with \$0.50 mileage each way in all counties	3.00 with 0.50/mil each way	See note 1	
For taking possession of and removing property levied on, the officer shall be allowed to tax the actual cost of such possession or removal	cost	Hourly rate	
For feeding each prisoner, such compensation to cover the actual cost as may be fixed by the county board, but such compensation shall not be considered part of the fees of the office	cost	See note 1	
For attending before a court with prisoner, on an order for habeas corpus, in each county	10.00/day	Hourly rate	
For attending before a court with a prisoner in any criminal proceeding, in each county \$10/day	Hourly rate		
For each mile of necessary travel in taking such Prisoner before the court as stated above, \$0.15 a mile each way	0.15/mile each way	See note 1	

Fee	Statutory Price	Actual Cost	Proposed New Price
For serving or attempting to serve an order or judgment for the possession of real estate in an action of ejectment or in any other action, or for restitution in an action of forcible entry and detainer without aid, \$10 and when aid is necessary, the Sheriff shall be allowed to tax in addition the actual costs thereof, and for each mile of necessary travel, \$0.50 each way	\$10.00 with \$0.50/mile each way	Hourly rate	
For executing and acknowledging a deed of sale of real estate, in counties of first class, \$4; second class, \$4	4.00	See note 1	
For preparing, executing and acknowledging a deed on redemption from a court sale of real estate in counties of first class, \$5; second class, \$5	5.00	See note 1	
For making certificates of sale, and making and filing duplicates	3.00	See note 1	
For making certificates of redemption	3.00	See note 1	
For certificate of levy and filing, \$3, and the fee for recording shall be advanced by the judgment creditor and charged as costs	3.00	See note 1	
For taking all bonds on legal process, civil and criminal, in counties of first class, \$1; in second class, \$1	1.00	16.47	16.00
For executing copies in criminal cases, \$4 and mileage for each mile of necessary travel, \$0.20 each way	4.00 with 0.20/mile each way	See note 1	
For executing requisitions from other States	5.00	See note 1	
For conveying each prisoner from the prisoner's own county to the jail of another county, or from another county to the jail of the prisoner's county, per mile, for going, only	0.30/mile one way	See note 1	
For conveying persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, the following fees, payable out of the State Treasury. For each person who is conveyed, \$0.35 per mile in going only to the penitentiary, reformatory, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers, from the place of conviction	0.35/mile one way	See note 1	
The fees provided for transporting persons to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers shall be paid for each trip so made. Mileage as used in this Section means the shortest practical route, between the place from which the person is to be transported, to the penitentiary, reformatories, Illinois State Training School for Boys, Illinois State Training School for Girls and Reception Centers and all fees per mile shall be computed on such basis.		See note 1	

Fee	Statutory Price	Actual Cost	Proposed New Price
For conveying any person to or from any of the charitable institutions of the State, when properly committed by competent authority, when one person is conveyed, \$0.35 per mile; when two persons are conveyed at the same time, \$0.35 per mile for the first person and \$0.20 per mile for the second person; and \$0.10 per mile for each additional person	0.35/mile	See note 1	
For conveying a person from the penitentiary to the county jail when required by law	0.35/mile	See note 1	
For attending Supreme Court	10.00/day	Hourly rate	
In addition to the above fees there shall be allowed to the Sheriff a fee of \$600 for the sale of real estate which is made by virtue of any judgment of a court, except that in the case of a sale of unimproved real estate which sells for \$10,000 or less, the fee shall be \$150. In addition to this fee and all other fees provided by this Section, there shall be allowed to the Sheriff a fee in accordance with the following schedule for the sale of personal estate which is made by virtue of any judgment of a court	600.00/ 150.00	See note 1	
For judgments up to \$1,000	75.00	See note 1	
For judgments from \$1,001 to \$15,000	150.00	See note 1	
For judgments over \$15,000	300.00	See note 1	
Paper service, currently \$32			37.00
Civil/eviction standby/replevin			81.00
Sex offender registration			100.00
Bond fee			35.00
Inmate nurse visit			15.00
Inmate doctor visit			15.00
Escort inmate to medical/dental			45.00

NOTE 1: Not included in review at client request, primarily due to infrequency demand and limited source data for cost calculations. Statutory prices will remain in effect for these services.

(Ord. No. 17-12; 12-18-17)

ARTICLE XI – CANNABIS RETAILERS’ OCCUPATION TAX

36-11-1 **TAX IMPOSED; RATE.** A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail locations in the County on the gross receipts from these sales at the following rates:

(A) **3.75%** of the gross receipts from these sales are made in the course of that business in unincorporated areas of Monroe County; and

(B) **3.00%** of the gross receipts of sales made in a municipality located in Monroe County; and

(C) The imposition of this tax is in accordance with the provisions of the County Cannabis Retailers’ Occupation Tax Law (**55 ILCS 5/5-1006.8**).

36-11-2 **COLLECTION OF TAX BY RETAILERS.**

(A) The tax imposed by this Article shall be remitted by such retailer to the Illinois Department of Revenue (the “Department”). Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller’s tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(B) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this Article.

36-11-3 **EFFECTIVE DATE.** The tax provided for herein shall take effect for all sales on or after **January 1, 2022**.

(Ord. No. 2021-5; 07-19-21)

MONROE COUNTY

**APPLICATION FOR REDUCTION OF
MANUFACTURED HOME LOCAL SERVICES TAX**

I hereby make application for a reduction to 80% of the total tax imposed under "An Act to provide for a privilege tax on manufactured homes".

(A) Senior Citizens.

- (1) I actually reside in the manufactured home.
- (2) I hold title to the manufactured home as provided in the Illinois Vehicle Code.
- (3) I reached the age of 65 on or before either January 1 (or July 1) of the year in which this statement is filed. My date of birth is _____.

(B) Disabled Persons.

- (1) I actually reside in the manufactured home.
- (2) I hold title to the manufactured home as provided in the Illinois Vehicle Code.
- (3) I was totally disabled on _____ and have remained disabled until the date of this application. My Social Security, Veterans, Railroad or Civil Service Total Disability Claim Number is _____. The undersigned declares under the penalty of perjury that the above statements are true and correct.

Dated _____, 20__

Signature of Owner

Address

Approved by:

(City) (State) (Zip)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department of Revenue under the "Senior Citizens and Disabled Persons Property Tax Relief Act", approved July 17, 1972, as amended.

ZONING CODE

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CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **TITLE.** This Code shall be known and cited as the Monroe County, Illinois Zoning Code. (See 55 ILCS 5/5-12001)

40-1-2 **INTENT AND PURPOSE.** It is the intent and purpose of this Zoning Code to assist in the achievement of balanced development within the County. The County requires an approach to the use, administration and enforcement of development regulations that protects existing property owners in equity and social experience; that recognizes developers' problems, yet, maintains high development standards; and that produces development resulting in balanced growth. When reviewing parcels for rezoning and approving plats, the County shall consider: impact to and suitability of the roadway system abutting and accessing the property, availability to provide public utilities and emergency services, impact on adjacent properties and the area in general, effect on watersheds and stormwater volumes, encouragement of additional development area, general terrain and geology of the area, and effect on general purposes of the Comprehensive Plan. Roadway suitability issues to be addressed include the number of proposed accesses, sight distance, roadway width, surface condition and geometric deficiencies. The assessment shall be taken into consideration when making recommendations to the County Board. All reviews shall be on a case-by-case basis. This Zoning Code, in regulating and guiding the use of land is designed to:

- (A) Promote and protect the public health, safety, morals, comfort and general welfare of the people;
- (B) Fix reasonable standards to which buildings or structures shall conform;
- (C) Encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits for County citizens;
- (D) Provide adequate light, air, privacy and safe convenient access to property;
- (E) Lessen and avoid congestion in the public streets and highways;
- (F) Prohibit uses, buildings or structures incompatible with the character of such districts respectively;
- (G) Establish minimum requirements and standards for development and redevelopment within the area of the County's jurisdiction to achieve reasonable initial costs and to reduce future maintenance costs of public and private improvements and services;
- (H) Serve as an implementation tool of comprehensive planning;
- (I) Conserve the values of property throughout the County and to protect the character and stability of agricultural, residential, business, and industrial areas, and to promote the orderly and beneficial development of such areas; and
- (J) Provide for the elimination of incompatible and nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district.

(Ord. No. 06-04; 04-17-06)

General References

- Zoning Administrator – See Ch. 1, Art. V
- Planning Commission – See Ch. 5, Art. VI
- Building Regulations – See Chapter 6
- Flood Plain Code – See Chapter 14
- Mapping and Platting – See Chapter 23
- Stormwater and Erosion Regulations – Chapter 32
- Subdivision Code – See Chapter 34
- Communication Support Structures and Antennas – See Chapter 9

40-1-3 **JURISDICTION.** This entire Code shall be applicable throughout the unincorporated portion of the County. Moreover, the articles of this Code pertaining to zoning shall be applicable within the corporate limits of municipalities which have not adopted their own Zoning Code.

40-1-4 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the County, and every requirement imposed in this Code shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-5 **EXISTING PERMITS.** This Code does not abrogate any building permit, certificate of occupancy, variance, license, or other lawful permit issued prior to the effective date of this Code. However, all prior conditions attached to any building permit, certificate of occupancy, variance, license, or other lawful permit shall continue to apply.

40-1-6 **DISCLAIMER OF LIABILITY.**
(A) Except as may be provided by statute or ordinance, no officer, board member, agent, or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.
(B) Any suit brought against any officer, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the State's Attorney until the final determination of the legal proceedings.
(See 745 ILCS 10/1-101)

40-1-7 **EFFECTIVE DATE.** The original Zoning Code was passed by the Monroe County Board of Commissioners and became effective **July 7, 1969.**
The latest Revised Zoning Code shall take effect **ten (10) days** after it is adopted as provided by law.
(See 55 ILCS 5/5-12-007)

40-1-8 **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:
(A) Words and phrases shall have the meaning respectively ascribed to them in **Section 40-1-9** unless the context clearly indicates otherwise; terms not defined in **Section 40-1-9** shall have their standard English dictionary meanings;
(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders;
(C) Words used in the present tense shall include the future tense;
(D) Words used in the singular number shall include the plural number, and the plural the singular;
(E) The term "shall" is mandatory; the term "may" is discretionary;
(F) The term "the County" shall mean Monroe County, Illinois;
(G) The words "lot," "parcel," "tract," and "site" shall be synonymous;
(H) The words "extend," "enlarge," and "expand" shall be synonymous;
(I) The words "abutting," "adjacent," and "contiguous" shall be synonymous;
(J) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection;
(K) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited; and
(L) The words "Code" and "Ordinance" shall be synonymous.

40-1-9 SELECTED DEFINITIONS.

Abandonment. An action to give up one's rights or interests to property.

Abutting. Having a common lot line or district line.

Access Way. A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

Accessory Use. Any structure or use that is:

- (A) subordinate in size or purpose to the principal structure or use which it serves;
- (B) necessary or contributing to the comfort and convenience of the occupants or the principal structure or use served; and
- (C) located on the same lot as the principal structure or use served.

Administrator. See Zoning Administrator.

Adult Use Entertainment Establishment. Any adult bookstores, adult entertainment cabarets, adult motion-picture theaters, adult novelty stores, and other similar uses as defined in Ordinance No. 99-16 of this County.

Agriculture. Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, apiculture, aquaculture, floriculture, viticulture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agriculture activities conducted on the premises.

Alley. A public access way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

Alter. To change in size, shape, or use of a structure.

Amendment. A change in the provision of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Anchor. Any approved device designed to be implanted in the ground and to which the mobile home tie-down equipment is attached so as to prevent the home from shifting or toppling over as a result of high winds.

Animal, Farm. The species of fowl, ovine, caprine, bovine, porcine, equine, that have been domesticated for agricultural purposes.

Animal Hospital. Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Animal, Shelter. A facility, which may include buildings and/or structures, where non-domesticated animals are given short term medical care by qualified persons prior to their release in the wild.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Apartment. A suite of rooms or a room in a building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Appeal. A procedure whereby any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of this Code may seek relief under the procedure contained herein.

Applicant: The entity or person who has submitted an application for a Special Use Permit for a WECS project, commonly known as a Wind Farm; or for a solar project.

Area, Gross. The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Net. The entire area within the boundary lines of the tract proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and/or public purposes.

Area of Special Street Graphics Controls. Any portion of the territory of this County designated by Monroe County where, due to the special needs/characteristics of such area, a special street graphic sign or permit is required to erect a new street graphic or to alter, enlarge, relocate, or reconstruct any existing street graphic.

Array: Multiple solar panels designed to work together to generate more power than a single panel.

Attached. As applied to buildings, attached means having a common wall and/or common roof.

Auditorium. A room, hall, or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays, and other presentations.

Automobile, Sales. The use of any building, land area or other premise, for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreational vehicles, including any warranty repair work or other repair service conducted as an accessory use.

Automobile and Trailer Sales Area. An open area, other than a street, used for the display or sale of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.

Automobile, Servicing and Parts. The use of any building, land area or other premise for the sale and installation of parts such as tires, batteries, mufflers, and brakes; routine maintenance such as oil change and lubrication; or other incidental repair; but excludes the outdoor storage of damaged vehicles.

Automobile Wrecking/Salvage Yard. Any place where **three (3)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being immediately restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and are not being immediately restored to operating condition; and including the commercial salvaging of any other vehicles, goods, articles or merchandise.

Awning. Any roof-like structure made of cloth, metal, or other material attached to a building and erected over a window, doorway, etc. in such a manner as to permit its being raised or retracted to a position against the building when not in use.

Banner. Any sign of light weight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

Basement. A story having **one-half (1/2)** or more of its height below the average level of the adjoining ground.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Establishment. An operator occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. They shall comply with all State and County Health Codes.

(A) **Operator** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

(B) **Guest Room** shall mean a sleeping room intended to serve no more than **two (2)** transient guests per night.

Billboard. Any single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display of messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon.

Block. An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way), or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Appeals. The Board of Appeals of Monroe County, Illinois.

Boarding House. A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodations of **three (3) to ten (10)** persons who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis to the transient public.

Buffer Strip. An area of land, undeveloped except for landscaping, fences, etc., used to protect a use situated on one lot from the deleterious effects of the use on the adjacent lot.

Building. Any covered structure permanently affixed to land and designed or used to shelter persons or chattels.

Building Height. The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to mean height level between eaves and ridge for gable, hip, or gambrel roofs. Chimneys, towers, cooling towers, and similar projections (other than signs) shall not be included in calculating building height.

Building Line. The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way.

Bulk. Any one or more combination of the following structural or site design characteristics:

- (A) size or height of structure;
- (B) location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) lot area; and
- (D) yards or setbacks.

Business Sign. See "commercial message."

Canopy. A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

Canopy Sign. A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building. A marquee is not a canopy.

Centerline.

- (A) The centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Final. A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Certificate of Zoning Compliance, Initial. A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed.

Changeable Copy Sign. A sign which has provision for changing the message thereon either manually or electronically, without altering the face or surface of the sign. A sign on which the message changes more than **eight (8)** times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Code. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Code.

Church. A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.

Class III Special Resource Groundwater: A unique classification for areas that either have been determined by the Illinois Pollution Control Board to be "demonstrably unique...or...vital for a particularly sensitive ecological system...or...groundwater that contributes to a dedicated nature preserve..." (Ill. Admin. Code 620.230). In addition to lands dedicated as Nature Preserves, groundwater recharge basins or known cave systems in Monroe County also are designated as Class III Special Resource Groundwater resources.

Clinic. An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge. A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Clubhouse. A structure containing less than **nine hundred (900) square feet** which is occupied less than **ninety (90) days** within a calendar year. All clubhouse wastewater systems must be approved by the Monroe County Health Department.

Collector Substation: The apparatus that connects with the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission line or high-voltage electric transmission grid.

Commercial Animal Feeding Facility. A structure or enclosed area used for feeding cattle, hogs or other livestock (not including poultry or fowl) in lots of **one hundred (100)** animal units or more and not otherwise connected with a farming operation.

Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Commercial Poultry Feeding Facility. A structure or enclosed area used for feeding and raising poultry or fowl in excess of **five hundred (500)** domestic fowl and not otherwise connected with a farming operation.

Commercial Use/Establishment. Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or the other business (wholesale).

Comprehensive Plan. The plan or any portion thereof adopted by this County to guide and coordinate the physical and economic development of the County. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial, or industrial land uses; parks; drainage facilities; etc.

Conforming. In compliance with the applicable provisions of this Code.

Consultant: A person(s) who provide expert advice and/or studies of a professional or specialized nature. Consultants who are members of professions that generally require licensing or certifications, are to be licensed in the State of Illinois.

Convenience Store. Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multiple-family complex, mobile home park, or similar development.

Conventional. As applied to a dwelling or residential development, conventional means built on-site largely piece-by-piece and attached to a permanent foundation in accordance with the adopted Building Code.

Corrective Action Order. A legally binding order to effect compliance with this ordinance, issued by the Administrator in accordance with the procedures set forth herein.

County. Monroe County, Illinois.

County Board. The County Board of Monroe County, Illinois.

County Engineer. Generally, the County Superintendent of Highways; but in certain instances, another licensed professional engineer designated by the County Board to perform specified professional engineering services for the County.

County Road. Designated as a Federal-Aid Secondary road, maintained by the County Highway Department.

Dairy. Any premises where **five (5)** or more dairy animals are kept, milked and maintained; the term "dairy animal" meaning either cows or goats.

Day Care Center. See "Nursery School."

Density, Gross. The total number of dwelling units divided by the total project area.

Density, Net. The total number of dwelling units divided by the total amount of residential acreage, not including the area for street and alley rights-of-way or public uses.

Detached. As applied to buildings, detached means surrounded by yards on the same lot as the building.

Dimensions. Refers to both lot depth and width.

Directional Signs. Means of communication for directing persons to desired destinations. No advertising shall be permitted on any directional sign.

District. A portion of the territory of the County outside the limits of cities, villages and incorporated towns which have in effect, municipal zoning ordinances within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Code.

Drainageway. A watercourse, gully, dry stream, or ditch which naturally carries stormwater runoff or which is fed by street or building gutters or by stormwater sewers.

Drive-In Restaurant. An establishment principally used for the sale of fast order food. Fast order food means food that is:

- (A) primarily intended for immediate consumption;
- (B) available after a short waiting time; and
- (C) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Drive-In Theater. A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing from the patrons' automobiles parked on the premises.

Driveway. A minor way commonly providing vehicular access to a garage or off-street parking area.

Dwelling. A building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public.

Dwelling, Multiple-Family. A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Row. A dwelling whose walls on **one (1)** or **two (2)** sides are in common with the walls of adjoining dwellings and are party or lot line walls.

Dwelling, Single-Family. A detached dwelling containing **one (1)** dwelling unit and intended for the occupancy of **one (1)** family.

Dwelling, Two-Family. A dwelling containing **two (2)** dwelling units.

Dwelling Unit. One (1) or more rooms designed or used as living quarters by **one (1)** family. A dwelling unit always includes a bathroom and a kitchen.

Easement. A right to use another person's property, but only for a limited and specifically-named purpose.

Enclosed. As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge. To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect. To build, construct.

Establishments. Either of the following:

- (A) an institutional, business, commercial, or industrial activity that is the sole occupant of **one (1)** or more buildings; or
- (B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
 - (1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

- (2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Event Center shall mean a licensed facility that hosts activities such as wedding receptions, company parties, birthday celebrations and the like. It may have a liquor license shall be compliant with the applicable zone district regulations. The center shall comply with all adopted building and fire codes.

Existing. Actually constructed, under permit to be constructed, or in operation on the effective date of this Code.

Family. Either:

- (A) A single individual living upon the premises as a separate housekeeping unit; or
(B) A collective body of persons living together upon the premises as a single housekeeping unit in a domestic relationship based upon birth, marriage, or adoption; or
(C) A group of not more than **five (5)** unrelated persons living together on the premises as a single housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity, or hotel).

Farm or Farmland. (See also Agriculture.) A farm is a parcel of land or an aggregate of adjoining parcels containing not less than **forty (40)** acres, in common ownership, that is used principally for the commercial, soil dependent cultivation of agricultural crop production and/or for the raising of livestock.

Farmer. The operator of a farm spending **fifty percent (50%)** or more of his/her work time annually in farming or ranching. Land rented to or otherwise assigned to a tenant for operation shall be considered as the operation of the tenant, not the owner.

Farm Residence. The dwelling(s) of the owner, farm operator or full-time farm employees of the farmer. Buildings occupied as residences by those not engaged in agricultural operations shall not be considered to be used for agricultural purposes.

Financial Assurance: Reasonable assurance from a creditworthy party, examples of which include surety bond, cash escrow, or irrevocable letter of credit.

Flood, Base. The flood having a **one percent (1%)** chance of being equaled or exceeded in any given year. The base flood is also known as the **one hundred (100)** year flood.

Flood Elevation, Base. The elevation in relation to Mean Sea Level of the crest of the base flood.

Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (A) the overflow of inland waters, and/or,
(B) the unusual and rapid accumulation or runoff of surface waters from any source.

Floor Area. The area included within outside walls of a building, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

Floor Area Ratio. The ratio of total floor area, in square feet, of all buildings on a lot or parcel to total lot area in square feet.

Flush-Mounted/Wall Sign. Any sign attached to or erected against any wall, awning, canopy, or marquee with the exposed face of said sign in a place approximately parallel to the plane of the wall, etc. and not projecting more than **twelve (12) inches**. Such signs shall not be painted directly on any exterior wall.

Freestanding Sign. Any sign supported by one or more uprights, poles, or braces placed in or upon the ground in a permanent manner, independent from any building or other structure.

Frontage. The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting a public parking area if the lot has no street frontage.

Garage - Parking, Private. A building or portion thereof for the storage of **one (1)** or more motor vehicles for persons living on the premises.

Garage - Parking, Public. A building or portion thereof used by the public for the storage or parking of motor vehicles for compensation or otherwise.

Garages, Repair Shop. Any building, premise or land in which or upon which a business, service, or industry principally engaged in the repair of vehicles for compensation or otherwise; which may include engine replacement and rebuilding; body, frame, or fender straightening; and painting of vehicles.

Gasoline, Service Station. See "Service Station."

Gone on Record. As used herein, the term "gone on record" means officially adopted by the legislative body of a municipality, township, County, State, or other governmental entity; or officially adopted by a department of the State (e.g., IDOT). Generally, materials which are on record may be found in the Office of the Recorder of Deeds, but certain other legal materials such as State Regulations or municipal ordinances which cannot be found in the Recorder of Deeds Office shall nonetheless be deemed on record.

Grade. The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym of slope.

Greenhouse. See "nursery."

Ground-Mount: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

Hardship. A situation in which the strict application of the provisions of this Code will result in a condition which is difficult for the person(s) so affected by the provisions to endure, and is not caused by actions of such person(s).

Home Occupation. Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

Hospital. Any building or portion thereof used for diagnosis, treatment, and care of human ailments, including sanitariums, but not including clinics, rest homes, convalescent homes or nursing homes.

Hotel. A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least **six (6)** guest rooms; where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

Immobilize. To permanently remove the wheels, tongue, and hitch from a mobile home, and to place any mobile home on a permanent foundation.

Improvements. Site grading or any street, curb and gutter, sidewalk drainage ditch, sewer, catch basin, newly-planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.

Intensify. To increase the level or degree of.

Interstate Highway. Means any highway, including a tollway, designated by the Illinois Department of Transportation and approved by the United States Department of Transportation as a part of the national system of interstate and defense highways.

Junk Yard. A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, baling, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or parts thereof), and metals, glass, paper, plastics, rags, and rubber tires. A lot on which **three (3)** or more inoperable vehicles are stored shall be deemed a junk yard. A junk yard includes an automobile wrecking yard.

Karst: An internationally used term as defined by geologists: karst terrane refers to a fault-bounded area or region with a distinctive stratigraphy, structure, and geological history, generally underlain by limestone...in which the topography is chiefly formed by dissolving of rock, and which may be characterized by sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

Karst-Sinkhole Plain: The area of southwest Illinois, principally within Monroe, Randolph, and St. Clair Counties, the Illinois sinkhole plain contains the highest concentration of karst features in the state. The bedrock geology is Mississippian-age limestone with an overburden of loess and glacial till soil averaging less than **twenty-six and one-quarter (26.25) feet** thickness. Thin soils, presence of numerous solution-enlarged crevices in the limestone bedrock, collapse of soil into the crevices, create large numbers of cover-collapse sinkholes. In Monroe County, greatest sinkhole density is in areas of known and suspected cave systems.

Kennel, Commercial. Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals over **four (4)** months of age, not including domesticated livestock. Commercial activities may include but need not be limited to, public boarding, wholesaling of dogs or domesticated animals and the sale of items or products related to dogs or domesticated animal care.

Kennel, Private. Any building, lot or structure used or intended to be used for the housing of dogs or domesticated animals, not including domesticated livestock. All dogs or domesticated animals kept must be owned or co-owned or under contract to the owner or lessor of the site.

Land Use Plan. The long-range plan for the desirable use of land in the County or municipalities as officially adopted and as amended from time to time by the County Board or appropriate corporate authority (see "Comprehensive Plan").

Landowner: A person/persons or entity holding title to a tract of land.

Large Solar Project: A utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

Laundries.

(A) **Laundromat.** A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(B) **Commercial Industrial Laundry.** A business that provides washing, drying and ironing services operated by the employees on the premises.

Loading Space. An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot. A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A lot may or may not coincide with a lot of record.

Lot Area. The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot, Corner. A lot having at least **two (2)** adjacent sides that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Coverage. The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth. The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front. The lot boundary abutting the street.

Lot Line, Rear. An interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side. Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record. An area of land designated as a lot on a plat of subdivision recorded with the Recorder of Deeds of Monroe County, Illinois, in accordance with State Law.

Lot Size Requirements. Refers to the lot area, width, and depth requirements of the applicable district.

Lot, Through. A lot having a pair of approximately parallel lot line that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width. The mean horizontal width of a lot measured at right angles to the side lot lines.

Maintenance. The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep the structure in sound condition.

Maintenance Bond. A surety bond, posted by the developer and approved by the County, guaranteeing the satisfactory condition of installed improvements for a specified time period following their dedication.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

Message. A communication of identification or advertising information visually perceived. Said communication may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

Mobile Home. As defined by this Chapter, a factory-fabricated single-family home built on a permanent chassis that consists of wheel, undercarriage, and towing hitch assemblies. The length of a mobile home (excluding garages, carports, porches, or attachments) is in excess of three times its average width. Mobile homes must have a minimum of **nine hundred (900) square feet** of floor area and must contain a complete kitchen and sanitary facilities. All mobile homes must be permanently attached to a full perimeter permanent foundation, extending below the frost depth. All wheels, and towing devices must be removed. As with all residences, a mobile home must have a minimum 3/12 pitch roof with residential-style siding and roofing and a **six (6) inch** minimum eave overhang. Mobile homes moved into Monroe County must meet the HUD Federal Mobile Home Construction and Safety Standard. **(Ord. No. 06-04; 04-17-06)**

Manufactured Home Park. A tract of land or **two (2)** or more continuous tracts of land upon which **five (5)** or more independent manufactured homes are located for permanent habitation either free of charge or for revenue purposes.

Manufactured Home Park License. A permit issued by the Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

Manufactured Home Park Manager. The person primarily responsible for the operation of a manufactured home park.

Manufactured Home Space. A portion of a manufactured home park designed and improved for the placement of **one (1)** manufactured home and for the private use of the occupants of that home.

Manufactured Home Stand. The part of the manufactured home space that includes the concrete slab of runners on which the home is placed.

Modular Home. As defined by this Chapter, a factory-fabricated, single-family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes must be placed on a full-perimeter, permanent foundation, extending below the frost depth. All wheels and towing devices must be removed. A modular home must have a minimum 3/12 pitch roof with residential style siding and roofing, a minimum eave overhang of **six (6) inches** and must have a minimum living area of not less than **nine hundred (900) square feet.** (State of Illinois Code) (Ord. No. 12-10; 11-05-12)

Noisome and Injurious Substances, Conditions and Operations.

- (A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.
- (B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.
- (C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.
- (D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any person(s).
- (E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.
- (F) Creation or causation of any unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
- (G) Creation or maintenance of any unreasonable reflection or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.
- (H) Creation or maintenance of any unreasonably distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.
- (I) Any public nuisance.

Nonconforming. As applied to a lot, structure, or use, "nonconforming" means:

- (A) lawfully existing on the effective date of this Code, but
- (B) not in compliance with the applicable provisions thereof or amendments thereto.

Nonconforming Street Graphic. Any permitted street graphic which existed on the effective date of this Code (or amendment thereto), but which does not comply with the regulations set forth therein.

Nonconsenting Parcel: A parcel on which the landowner has an easement agreement with the Owner, Operator or Applicant of a WECS but does not consent to a tower being placed on the landowner's property.

Nonparticipating Parcel: A parcel on which the landowner has no financial or easement agreement with the Owner, Operator or Applicant of a WECS project.

Nuisance. Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life. **(See 740 ILCS 55/221)**

Nursery. A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which the activities are conducted.

Nursery School. An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

Nursing Home. A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office. Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Off-Premises Advertising Sign. See "billboard."

On-Premises Signs. Means those signs which advertise activities conducted on the property on which they are located.

Operator:

(A) The entity responsible for the day-to-day operation and maintenance of the WECS, including any third-party subcontractors.

(B) The entity responsible for the day-to-day operation and maintenance of the solar project, including any third-party subcontractors.

Owner:

(A) The entity or entities with an equity interest in the WECS, including their successors and assigns. Owner does not mean the landowner from whom land is leased for locating the WECS, unless the property owner has an equity interest in the WECS.

(B) The entity or entities with an equity interest in the solar project, including their successors and assigns. Owner does not mean the landowner from whom land is leased for locating the solar project, unless the property owner has an equity interest in the solar project.

Owner as Related to Manufactured Home Parks. The person having legal title to, or effective control of, all land constituting the manufactured home park in question.

Panel: A panel containing photovoltaic cells for generating electricity.

Parking Area/Lot, Off-Street. Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An off-street parking area, depending on the circumstances of its use, may be either a principal use or an accessory use; and may be either open to public use or reserved for private use for a specified group.

Parking Space, Off-Street. An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

Participating Parcel:

(A) A parcel on which the landowner has entered into a financial or easement agreement with the Owner, Operator or Applicant of a WECS project.

(B) A tax parcel on which the landowner has entered into a financial or easement agreement with the Owner, Operator or Applicant of a solar project.

Pawnbrokers. As defined in the **Illinois Compiled Statutes (205 ILCS 510/1)**. (Ord. No. 03-04; 03-17-03)

Percolation Test. A subsurface soil test at a depth of a proposed seepage system or similar component of sewage disposal system to determine the water absorption capability of the soil.

Permanent Foundation. A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation, except where flood plain requirements prevail.

Permitted Use. Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to the district(s) and use(s).

Person. Any agent, individual, firm, association, organization, partnership, corporate body, or similar entity.

Planned Unit Development. A tract of land which is planned as a whole for development under single ownership or control in accordance with this Code, and which, by virtue of such unified planning and development, provides greater amenities, convenience, or other benefits (especially open space) than would normally be had through the development of diverse smaller tracts under multiple ownership. A planned unit development may be a planned unit commercial or planned unit residential development.

Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Premises. A lot and all the structures and uses thereon.

Primary Highway. Means any highway, other than an interstate highway, designated by the department and approved by the United States Department of Transportation as a part of the federal-aid primary system.

Primary Structure: The structure that one or more person(s) occupy the majority of the time on that property for either business or personal reasons. Primary structure includes structures such as residence, commercial building, hospital, and day-care facility. Primary structure excludes structures such as hunting shed, storage shed, pool house, unattached garage, and barn.

Principal Building/Structure/Use. The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Professional Engineer: A qualified individual who is licensed as a professional engineer in the required area of expertise.

Projecting Sign. Any sign which is supported by an exterior wall of a building or suspended beneath any awning, canopy, or marquee with the exposed face of said sign in a plane approximately perpendicular to the plane of the wall, etc., and projecting more than **three (3) feet** beyond the surface of building or wall.

Property Line. See "Lot Lines."

Reconstruct. As applied to nonconforming signs or structures, reconstruct means to rebuild after partial or total destruction.

Recreational Vehicle. A term encompassing any type of vehicle used primarily for pleasure such as travel trailers, motor homes, boats, snowmobiles, etc.

Refuse. Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate. To move to another portion of a lot or to a different lot.

Repair. To restore to sound condition, but not to reconstruct.

Replace. To substitute a street graphic for an existing street graphic.

Reserve. To set aside a parcel of land in anticipation of its acquisition by the County (or other governmental entity) for public purpose.

Reserve Strip. A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Residence. A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences must be placed on a full perimeter permanent foundation extending below the frost depth unless located in a Special Flood Hazard Area and must have a minimum 3/12 pitch roof. All residences must have a minimum of **nine hundred (900) square feet** of living area and must be built to the adopted Monroe County Building Code.

Residential Metal Roofing. Only approved residential metal roofing shall be of the nonexposed fastener style. Exposed fasteners shall be allowed at the ridgeline, on the trim work and to secure the bottom ends of the roof sheets. **(Ord. No. 12-10; 11-05-12)**

Restrictive. Tending to keep within prescribed limits.

Retail. Refers to the sale of goods or services directly to the consumer rather than to another business.

Right-of-Way, Public. A strip of land which the owner/subdivider has dedicated to the County or other unit of government for streets, alleys, and other public improvements.

Road District Road. Designated by a township route number and listed by a County name. Road is maintained by road district official.

Roof Line. The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof-Mount: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

Roof-Mounted Sign. Any sign erected or maintained on the roof of any building.

Rooming House. See "Boarding House."

Safety/Evacuation/Fall Zone: The wind turbine manufacturers determined (and certified) distance from a wind turbine which is safe from falling tower components in the event of turbine failure or malfunction. This distance marks the safe zone for Emergency First Responders and repair crews.

Sanitarium. See "Hospital."

Sanitary Landfill. A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a sanitary landfill the refuse is periodically covered with topsoil.

Sanitary Station. Facilities designed to be used for the sanitary disposal of sewage from the holding tanks of travel trailers.

Screening. Trees, shrubs, walls, solid fences, etc. used as means of visual and noise control.

Service Building. The building in a travel trailer park containing laundry, toilet, and bathing facilities.

Service Station. Any building, land area or other premise, or portion thereof, used or intended to be used for the retail dispensing of vehicular fuels; including the sale and installation of lubricants, tires, batteries, and similar accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs. Accessory uses may include convenience store and food service.

Service Use/Establishment. Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback:

(A) The distance from the closest point of a WECS feature to the center of a WECS tower or the edge of a substation to a property line.

(B) The distance from the closest point of a solar project feature to a property line. Feature shall include any overhanging projections.

Setbacks. The minimum horizontal distance between a lot line and:

(A) the nearest wall of a building or side of a structure facing such lot line; or

(B) the edge of the area of operation of a principal use involving no building or structure.

Setback Line. A line that is roughly parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, side, or rear yard. (See "Building Line.")

Sewerage System, Private Central. A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

SFHA or Special Flood Hazard Area. Those lands within the jurisdiction of the County that are subject to inundation by the base flood.

Shopping Center Identification Sign. Any sign identifying a building or group of buildings that is under single ownership or control, that provides common off-street parking facilities, and that is occupied by two or more retail sales establishments.

Sign. Means any outdoor sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or structure, which is designated, intended or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place located inside or outside a building, which is visible from any lot line or roadway, interstate, or primary highway.

Sign Area. The area of the one imaginary square or rectangle that would completely enclose all parts of a sign including the background.

Sign Area Allowance. The total of the areas of all signs which a particular establishment is permitted to display under the terms of this Code.

Sinkhole. Any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of a collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines, with hash-marks on the contour lines, on the USGS 7½ (seven and one-half) minute quadrangle topographic maps or as determined by field investigations.

Skirting. The covering affixed to the bottom of the exterior of a mobile home to conceal the underside thereof.

Small Solar Project: Any solar energy system that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite use with primary purpose for electrical generation of property that it is located on.

Soil and Water Conservation District. The Monroe County Soil and Water Conservation District.

Solar Energy System: A system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Project: All solar project features, substations and ancillary facilities, underground cable installations, and third-party transmission lines associated with the project up to the point of connection with a utility company power line or private home electrical wiring.

Solar Project Site: All parcels of land making up a solar project.

Special Use. A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district and are allowed only by permit.

Special Use Permit. A permit issued in accordance with the provisions of this Code to regulate development of a special use.

Special Use Street Graphic Sign Permit. A permit issued by the Board of Appeals/Planning Board in accordance with the provisions of this Code to regulate the design and placement of street graphics in areas of special controls.

Stable, Commercial. A structure and/or land use operation to keep equine for hire, and to solicit and promote business for services as a primary source of income. Such stable can also be used for boarding and giving lessons.

Stable, Private. An accessory structure, and/or land use situated on the same lot as a dwelling and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Street. A public or private way for motor vehicle travel. The term street includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street Frontage. The lineal extent of the lot abutting a street or public roadway, or the lineal extent of the lot abutting a public parking area if the lot has no street frontage.

Street Graphic. Any on-premises identification or advertising sign, or any billboard or off-premises advertising sign, visible from the public right-of-way or from any parking area used by the general public.

Street Graphic Sign Permit. A permit issued by the Administrator to regulate the erection, expansion, alteration, relocation, or reconstruction of street graphics in all parts of this County except in areas of special controls and exempt signs, following the requirements of this Code.

Street Frontage. See "frontage."

Street, Private. Any street providing access to abutting property that is not maintained by and dedicated to this County or other public entity.

Stringent. Binding, exacting.

Structure. Anything constructed or erected on the ground or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary. Any structure that is not attached to a permanent foundation.

Subdivision Sign. An entrance sign advertising a recorded platted subdivision, for sale and/or development thereof, with such sign erected upon the subject property, as distinguished from a real estate sign.

Substation: The apparatus that connects with the electrical collection system of the solar project and increases the voltage for connection with a utility's transmission line or high voltage electric transmission grid.

Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Tattoo Parlor. Any establishment, having a fixed place of business, where designs, letters, scrolls, figures, symbols or any other marks are placed upon or under the skin with ink or any other substance resulting in the colorization of the skin by the aid of needles or any other instrument designed to touch or puncture the skin. **(Ord. No. 03-04; 03-17-03)**

Temporary Occupancy Permit. A permit issued in accordance with the provisions of this Code and valid for not more than **one (1) year**, which allows the occupation of a temporary structure.

Temporary Sign. Any sign that is used only temporarily and is not permanently mounted. A sign, banner, or display of cloth canvas, cardboard, wall board, or other light temporary material, with or without a structural frame.

Tie-Down Equipment. Any approved device(s) used to attach a mobile home to anchors so as to keep the home securely on its stand.

Topography. The relief features or surface configuration of an area of land.

Tower Height: The distance from the rotor blade at its highest point to the surface of the ground.

Travel Trailer. Any mobile structure built on a chassis and designed for temporary occupancy. A travel trailer may or may not contain complete sanitary facilities.

Travel Trailer Park. A tract of land or **two (2)** or more contiguous parcels on which facilities are developed for accommodating travel trailers for temporary occupancy during **one (1)** or more seasons of the year.

Travel Trailer Space. A portion of a travel trailer park designed and improved for the parking of **one (1)** travel trailer.

Use. The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Use, Temporary. A use established for a fixed period of time with the intent of discontinuing such use upon the expiration of the time period.

Utility Company Sign. Signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.

Utility Substation. A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Variance, Sign. A relaxation of the requirements of this Code that are applicable to a particular sign.

Variance, Subdivision. A relaxation of the strict application of the design and improvement standards set forth in this Code.

Variance, Zoning. A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

WECS: A Wind Energy Conversion System is a system by which wind energy is converted to electricity including wind turbines, towers, support systems, blades, and associated control and conversion electronics. Size, electric-generating capacity, and the end-user of the electricity so generated also are specified:

(A) **Industrial-scale WECS.** A wind turbine energy conversion system generating 2 Mw or more electricity.

(B) **Utility-scale (or large scale) WECS.** A wind turbine energy conversion system generating 100 Kw to 1.99 Mw of electricity.

(C) **Small-scale WECS.** A wind turbine energy conversion system generating less than 100 Kw of electricity.

(D) **Sole-User of Small-scale WECS.** Property owners' use of small-scale WECS' generated electrical power on only their own property and for their own needs; that is, use of power only on the property and/or parcel where the WECS is sited and the electrical power is used.

WECS Perimeter: The outer boundaries of the WECS site.

WECS Project: All WECS, substations and ancillary facilities, WECS towers, underground cable installations, and third-party transmission lines associated with the project up to the point of connection with the high-voltage electric transmission grid.

WECS Site: All parcels of land making up a WECS project; may include nonparticipating parcels as well as participating parcels.

WECS Tower: The support structure, nacelle, rotor, gear box and blades.

Wind Generator/Windmill. A structure erected to generate electricity or pump water using the power of wind. Such structures would require a set of plans signed and sealed by a structural engineer. These structures would be required to be built according to Monroe County's current Building Code adopted by the Monroe County Board of Commissioners. Minimum setback shall be as follows: **(Ord. No. 11-02; 03-07-11)**

(A) The horizontal separation distance to the nearest lot line shall not be less than the height of the structure including blades; except that if the structure exceeds **ninety-nine (99) feet** in height, the horizontal separation distance to the nearest lot line shall be at least **one hundred (100) feet** or **eighty percent (80%)** of the height of the structure, whichever is greater.

(B) The horizontal separation distance to the nearest lot line shall not be less than the height of the structure including blades; except that if the structure exceeds **ninety-nine (99) feet** in height, the horizontal separation distance to the nearest lot line shall be at least **one hundred (100) feet** or **eighty percent (80%)** of the height of the structure, whichever is greater.

Window Sign. A sign visible from the exterior of a building which is painted on, affixed to, or suspended immediately behind a window. A permanent window sign is one that is intended to remain on display for

thirty (30) days or more; a temporary window sign is one that is intended to remain on display for a shorter time period.

Wholesale. Refers to the sale of goods or services by one business to another business.

Yard. Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Front. A yard which is bounded by the side lot lines, front lot lines, and the building line.

Yard Line. A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot at any point than the required depth or width of the yard.

Yard, Rear. A yard which is bounded by the side lot lines, rear lot lines, and the building line.

Yard, Side. A yard which is bounded by the rear yard line, front yard line, side yard, and side lot line.

Zoning Map. The map(s) and any amendments thereto designating zoning districts and incorporated into this Code by reference.

Zoning Administrator. The officer, or person, designated by the County Board of Commissioners and charged with the responsibility of administering standards.

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ARTICLE II - ZONING DISTRICT REGULATIONS

DIVISION I - GENERAL PROVISIONS

40-2-1 ZONING DISTRICTS - INTENT AND PURPOSE. For the purpose of this Code, the entire County of Monroe outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances is hereby divided into the following zoning districts:

District	Designation	Minimum Size In Acres *
Agricultural	A-1	None
Agricultural/Single-Family Residential	A-2	15
Single-Family Residential	R-1	15
Single-Family Residential	R-2	15
Single-Family Residential	R-3	10
Single-Family Residential	R-4	5
<u>Manufactured</u> Home	R-MH	5
Multiple-Family Residential	R-MF	5
Neighborhood Business	B-1	2
Highway Business	B-2	5
General Business	B-3	5
Light Industrial	I-1	10
Heavy Industrial	I-2	20
Conservation	C-1	None
Special Food Hazard Areas	F-1	None

* The "minimum zone district area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

(Ord. No. 06-04; 04-17-06)

40-2-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the County. This official zoning map, including all notations and other information hereto, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the office of the Administrator.

40-2-3 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION. In determining with precision what territory is actually included with any zoning district, the Administrator shall apply the following rules:

- (A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below they shall be deemed the district boundary:
 - (1) Center line of any street, alley, or highway.
 - (2) Lot line.
 - (3) Railroad tracks.
 - (4) Stream.

(5) Section lines, quarter section lines, quarter-quarter section lines, survey lines.

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) The regulatory flood elevation at any point in question shall determine where the flood hazard overlay boundary is located on the land.

40-2-4 DE-ANNEXED TERRITORY. Any territory hereafter de-annexed from a municipality shall automatically be in the County zone classification most closely corresponding to the zone classification while under the municipal zoning jurisdictions until duly changed by an amendment to this Code.

40-2-5 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as permitted or special within a particular zoning district, the use shall be deemed prohibited in that district. However, if the Land Use Committee, following consultation with the Administrator, finds that the unlisted use is similar to and compatible with the listed uses, they may make a written ruling to that effect, and classify the use as a use permitted by right. The Committee's decision shall become a permanent public record.

40-2-6 TEMPORARY USES. Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise except by written permission of the Administrator.

40-2-7 - 40-2-10 RESERVED.

DIVISION II - "A-I" AGRICULTURAL DISTRICT

40-2-11 PURPOSE OF DISTRICT. The Agricultural District of Monroe County encompasses areas where soil, water, vegetal, and topographical resources generally provide conditions well suited to the raising of crops and domestic animals. The district is designed to prevent the intrusion of non-agricultural land use and development which would hinder agricultural pursuits by reason of congestion on public roads, chemical and biological pollution of air and water, environmental conditions, soil erosion, and the depletion of natural cover causing runoff of storm water onto and across agricultural land. The district is designed to protect and preserve the areas of high agricultural productivity and is intended to preserve conditions suitable to agricultural purposes. Anyone applying for a permit for a residence in this Agriculture Zoned District must sign a certificate that they are aware that there might be a sight, smell, or sound of agriculture business in the area. **(Ord. No. 03-04; 03-17-03)**

40-2-12 CONDITIONS OF USE.

(A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)

(B) Living area shall be a minimum of **nine hundred (900) square feet.**

40-2-13 USES PERMITTED BY RIGHT. All uses commonly classified as agriculture, apiculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery

operations, dairy farming, livestock raising, animal and poultry breeding, raising and feeding of animals, forestry operations together with building and the operations of machinery or vehicles, but not including stockyards or agricultural product processing plants other than for agricultural use. **(See Section 40-3-16)**

- (A) Clubhouses.
- (B) Farm residences, existing prior to **July 1, 1995**, may be sold off of an existing agricultural zoned plot, provided at least **two and one-half (2.5) acres** is deeded with the residence. These residences must meet exception 9 of the State Plat Act.
- (C) Fish and game preserves.
- (D) Greenhouses and nurseries, wholesale.
- (E) Governmental use facilities and buildings for the County.
- (F) Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another lot and must meet setbacks from the lot line, whichever is greater.
- (G) Modular homes.
- (H) Non-commercial recreational activities.
- (I) Parks, forest preserves, and recreational areas, when publicly owned and operated.
- (J) Railroad rights-of-way and trackage, but not including classification yards, terminal facilities or maintenance facilities.
- (K) Single-family detached residences.

40-2-14 SPECIAL USES.

- (A) Agricultural implement and machinery sales, service and repair.
- (B) Airports or aircraft landing fields.
- (C) Animal feed, storage, preparation, grinding, and mixing--wholesale and retail.
- (D) Animal hospitals, provided that adequate safeguards, structural, mechanical, and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.
- (E) Bed and Breakfast Establishments.
- (F) Blacksmith or welding shops.
- (G) Churches, rectories, and parish houses.
- (H) Commercial recreation areas or camps.
- (I) Construction-related equipment, limited storage of.
- (J) Fairgrounds.
- (K) Fertilizer sales, including bulk storage and mixing.
- (L) Golf courses, and country clubs, of regulation size, but not commercially operated driving ranges or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500) feet** to any dwelling on another zoning lot.
- (M) Governmental facilities and uses, other than Monroe County.
- (N) Grain elevators and storage, commercial.
- (O) Greenhouses and nurseries, retail--including landscaping operations.
- (P) Gun clubs, if located not nearer than **one thousand (1,000) feet** to any residence other than that of the owner or lessee of the site and if not so operated as to withdraw the land from its primary agricultural use.
- (Q) Home occupations, that do not comply with **Section 40-4-7**.
- (R) Hospitals, clinics, and sanitariums.
- (S) Kennels, commercial.
- (T) Livestock depots and sales yards.
- (U) Living quarters for persons employed in agricultural or related activities that are conducted on the premises.
- (V) Manufactured Homes.
- (W) Marinas.
- (X) Mineral extraction and storage.
- (Y) Oil Wells.

- (Z) Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business.
- (AA) Propane and fuel oil sales.
- (BB) Public service uses, other than the County, including utility substations, filtration plants, pump stations, water reservoirs, police and fire stations.
- (CC) Sanitary and natural material landfills to include any combustible or non-combustible materials.
- (DD) Sawmills.
- (EE) Schools and colleges for academic instruction.
- (FF) Stables, commercial.
- (GG) Storing explosives of any kind.
- (HH) Wedding/Reception Venues. **(Ord. No. 20-01; 01-21-20)**
- (II) Wind generator/windmill. **(Ord. No. 11-02; 03-07-11)**
- (JJ) Wineries. **(Ord. No. 12-07; 08-20-12)**
- (KK) Wind energy conversion system. **(Ord. No. 12-11; 11-19-12)**

40-2-15 PERMITTED ACCESSORY USES.

- (A) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Home occupations, that comply with **Section 40-4-7**.
- (C) Kennels, private, however, such use is limited to **ten (10)** or less dogs or domesticated animals over the age of **four (4) months**.
- (D) Permitted signs, see **Article VI** of Zoning Code (Street Graphics).
- (E) Stables, private.
- (F) Small solar energy installations. **(Ord. No. 2018-06; 02-05-18)**

40-2-16 PERMITTED TEMPORARY USES. It is the intent of the following to regulate the operation of certain transitory or seasonal uses as follows:

- (A) Auctions.
- (B) Carnivals, circuses and similar amusement enterprises provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto (Permit required, see **Section 40-4-28**).
- (C) Garage/yard sales, limited to **three (3)** per calendar year.
- (D) Outdoor festivals, music or religious gatherings (Permit required, see **Section 40-4-28**).
- (E) Sawmills, temporary.
- (F) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto.

40-2-17 RESERVED.

DIVISION III - "A-2" AGRICULTURAL DISTRICT

40-2-18 PURPOSE OF THE DISTRICT. The "A-2" Agricultural District of Monroe County recognizes that some of the land indicated for agricultural purposes in the Comprehensive Plan Land Use Map will not be farmed because of a variety of conditions including topography, karst terrain, flooding, wetlands, vegetation, man-made facilities and barriers, including essential services and public facilities. Further, that all areas of high agricultural productivity in the County have not been designated in the

Comprehensive Plan and zoned exclusively for agriculture because of existing urban development. This district is primarily for areas undergoing transition from agriculture to more intensive residential uses, to serve as a buffering district between the "A-1" and the residential districts.

40-2-19 **CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)
- (B) Living area shall be a minimum of **nine hundred (900)** square feet.

40-2-20 **USES PERMITTED BY RIGHT.**

- (A) Agricultural uses, limited to the growing of crops, truck farming, and the raising of grazing animals, see **Section 40-3-16.**
- (B) Clubhouses.
- (C) Fish and game preserves.
- (D) Governmental use facilities and buildings for Monroe County.
- (E) Lakes, including fee fishing, provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another lot, and must meet setbacks from the lot line, whichever is greater.
- (F) Modular homes.
- (G) Non-commercial recreational activities.
- (H) Residential alternatives for developmentally disabled, having 1-8 residents.
- (I) Single-family detached residences.

40-2-21 **SPECIAL USES.**

- (A) Animal hospitals and animal shelters, provided that adequate safeguards, structural, mechanical and location shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.
- (B) Athletic fields.
- (C) Bed and breakfast establishments.
- (D) Cemeteries and mausoleums.
- (E) Churches, rectories and parish houses.
- (F) Commercial recreational areas or camps.
- (G) Day care and nursery schools.
- (H) Golf courses, and country clubs, driving ranges without overhead lighting, or miniature golf courses; and provided that no clubhouses or accessory buildings shall be located nearer than **five hundred (500) feet** to any dwelling on another lot.
- (I) Greenhouses and nurseries, wholesale and retail, including landscaping operations.
- (J) Home occupations that do not comply with **Section 40-4-7.**
- (K) Hospitals, clinics, and sanitariums.
- (L) Kennels, commercial.
- (M) Private clubs or lodges, private recreation areas or camps, except those the chief activity of which is customarily carried on as a business.
- (N) Public service uses, other than the County, including utility sub-stations, filtration plants, pump stations, water reservoirs, police and fire stations.
- (O) Residential alternatives for developmentally disabled, having more than **eight (8)** residents.
- (P) Schools and colleges for academic instructions.
- (Q) Wedding/Reception Venues. (**Ord. No. 20-01; 01-21-20**)
- (R) Wind generator/windmill. (**Ord. No. 11-02; 03-07-11**)
- (S) Wineries. (**Ord. No. 12-07; 08-20-12**)

40-2-22 PERMITTED ACCESSORY USES.

- (A) Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot.
- (C) Home occupations that do not comply with **Section 40-4-7**.
- (D) Kennels, private, however, such use is limited to **ten (10)** or less dogs or domesticated animals over the age of **four (4) months**.
- (E) Permitted signs.
- (F) Small solar energy projects. (Ord. No. 18-06; 02-05-18)
- (G) Stables, private.

40-2-23 PERMITTED TEMPORARY USES. It is the intent of the following to regulate the operation of certain transitory or seasonal uses as follows:

- (A) Auctions.
- (B) Carnivals, circuses and similar amusement enterprises provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto. Permit required, see **Section 40-4-28**.
- (C) Christmas tree sales.
- (D) Garage/yard sales, limited to **three (3)** per calendar year.
- (E) Outdoor festivals, music or religious gatherings. Permit required, see **Section 40-4-28**.
- (F) Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that traffic congestion or hazard would not be created in conjunction with the location or access thereto.

40-2-24 RESERVED.

DIVISION IV - "R-1 -- R-4" SINGLE-FAMILY RESIDENTIAL DISTRICTS

40-2-25 PURPOSE OF DISTRICT. The Single-Family Residential Districts of Monroe County, as differentiated herein, and the district locations as depicted on the Monroe County Zone District map, reflect the wide variety of physical and social characteristics found in Monroe County, to the extent that the range of such conditions and characteristics can be divided into meaningful categories. It is the purpose of these regulations to encourage the creation and maintenance of stable and enduring residential areas by establishing limitations on the use and character of development so as to take advantage of, or to avoid conflict with, natural topography, existing or planned community facilities and social needs of the County.

40-2-26 CONDITIONS OF USE.

- (A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)
- (B) Living areas shall be a minimum of **nine hundred (900) square feet**.

40-2-27 USES PERMITTED BY RIGHT.

- (A) Governmental uses, facilities and buildings of the County.
- (B) Modular homes.
- (C) Single-family detached residences.

40-2-28 **SPECIAL USES.**

- (A) Apartments (except in R-1 where they are prohibited) with a minimum of **six hundred (600) square feet** of living area.
- (B) Bed and Breakfast Establishments.
- (C) Cemeteries and mausoleums in conjunction therewith.
- (D) Churches, rectories, and parish houses.
- (E) Clubhouses.
- (F) Day care or nursery schools.
- (G) Golf courses of regulation size, provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit or other zoning lot.
- (H) Governmental uses of entities other than Monroe County.
- (I) Home occupations.
- (J) Hospitals, sanitariums, nursing homes, and institutions for children and the aged.
- (K) Parks, forest preserves and recreational areas, when publicly owned and operated.
- (L) Private recreational areas or campus, when not operated for profit.
- (M) Public libraries, community centers or grounds.
- (N) Railroad rights-of-way and trackage.
- (O) Schools: Public, denominational or private, elementary and high, including playgrounds, garages for school buses, and athletic fields auxiliary thereto.
- (P) Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.
- (Q) Farm animals. **(Ord. No. 12-01; 02-21-12)**

40-2-29 **ACCESSORY USE.**

- (A) Accessory uses clearly associated with and consistent with the principal use of the lot or tract of land.
- (B) Boats and Camping Trailers: The storage of not more than one boat and/or unoccupied camp trailer in rear yard only.
- (C) Construction: Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations; provided all other regulations of the County are complied with, but in no case shall such office be continued beyond the duration of construction of the project for **one (1) year**.
- (D) Permitted signs.
- (E) Pets: Keeping of not more than **five (5)** domestic household pets, over the age of **four (4) months**, provided farm kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained or kept.
- (F) Private: Tool sheds, garages or carports, greenhouses, tennis courts, patios, swimming pools.
- (G) Servants' accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot.
- (H) Vegetable gardens.

40-2-30 - 40-2-31 **RESERVED.**

DIVISION V - "R-MH" MANUFACTURED HOME DISTRICT

40-2-32 **PURPOSE OF DISTRICT.** The R-MH Manufactured Home District is primarily intended to delineate areas suitable for the placement of mobile homes on individual lots and for the establishment of mobile home parks. This district is also intended to preserve all other "urban" residential districts.

- 40-2-33** **CONDITIONS OF USE.**
(A) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)
(B) Living areas shall be a minimum of **nine hundred (900) square feet.**

- 40-2-34** **USES PERMITTED BY RIGHT.**
(A) Governmental uses, facilities and buildings of Monroe County.
(B) Manufactured homes.
(C) Modular homes.
(D) Single-family detached residences.

- 40-2-35** **SPECIAL USES.**
(A) Clubhouses.
(B) Manufactured home courts and parks.
(C) Same as for the Single-Family Residential Districts.

- 40-2-36** **ACCESSORY USE.**
Same as for Single-Family Residential Districts.

40-2-37 - 40-2-39 RESERVED.

DIVISION VI - "R-MF" MULTIPLE FAMILY RESIDENTIAL DISTRICT

40-2-40 **PURPOSE OF DISTRICT.** The R-MF Multiple Family Residential District is established to stabilize, conserve, and promote the redevelopment of existing neighborhoods that predominantly consist of multiple-family dwellings built either at low/medium or at relatively high densities. These districts are also intended to promote the development of designated areas with new multiple-family housing so as to accommodate all persons desiring this type of residential environment.

- 40-2-41** **CONDITIONS OF USE.**
See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)

- 40-2-42** **USES PERMITTED BY RIGHT.**
(A) Same as for Single-Family Residential Districts.
(B) Multiple-family residences.
(C) Row houses not to exceed **eight (8)** attached in a single instance.
(D) Townhouses, condominiums and cooperatives.
(E) Two-family and three-family residences.

- 40-2-43** **SPECIAL USES.**
(A) Same as for Single-Family Residential Districts.
(B) Boarding and rooming houses.
(C) Clubhouses.

40-2-44 **ACCESSORY USES.**
 Same as for Single-Family Residential Districts.

40-2-45 **RESERVED.**

DIVISION VII - "B-1" NEIGHBORHOOD BUSINESS DISTRICT

40-2-46 **PURPOSE OF DISTRICT.** The B-1 Neighborhood Business District encompasses small commercial enclave located within predominantly residential areas. Only selected small-scale retail sales and service facilities that constitute a convenience to residents of the immediate neighborhood may locate in this district. These establishments must be designed and operated in such a way that they are compatible with an essentially residential environment.

40-2-47 **CONDITIONS OF USE.**

(A) See Schedule 2A: AREA BULK REGULATIONS.

(B) **DESIGN STANDARDS:** The lot on which the neighborhood shopping unit is situated shall be landscaped and maintained in conformity with the general character of the surrounding area. There shall be provided and maintained along rear lines and side lines of the lot a planting or other appropriate screen of a size and density adequate to provide visual screening from adjacent properties. Yard requirements for a lot on which a neighborhood shopping unit is located shall not be less than the yard requirements of the most restrictive abutting zoning district.

(C) There shall be no manufacturing, processing, or treatment of products other than those which are clearly incidental and essential to the retail business conducted on the same premises. Not more than **five (5) persons** (exclusive of manager, clerks, and drivers) shall be engaged in the manufacture, processing, or treatment of products. Such uses, operations, or products shall not cause objectionable odor, dust, smoke, noise, vibrations, or other similar nuisance.

(D) All buildings shall meet all Building Codes adopted by the County of Monroe and the Americans with Disabilities At (ADA) and will be required to receive an occupancy permit before they are put into service or if there is any change of use.

(Ord. No. 06-04; 04-17-06)

40-2-48 **USES PERMITTED BY RIGHT.**

(A) Bed and Breakfast Establishments.

(B) Churches.

(C) Governmental uses.

(D) Medical facilities.

(E) Office uses.

(F) Professional/Customer services.

(G) Restaurants/Taverns.

(H) Retail sales.

40-2-49 **SPECIAL USES.**

(A) Car washes.

(B) Gasoline service stations.

(C) Mini/Self storage warehouses.

(D) Recreational uses.

40-2-50 **ACCESSORY USES.**

- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Off-Street parking and loading.
- (C) Residences that are only occupied by the owner or operator of the establishment and not for rental purposes, and further provided for each dwelling unit there shall be an additional off-street parking space in addition to those required by this Code.
- (D) Storage of merchandise or inventory usually carried in stock, provided that such storage shall be located on the lot with the retail, service, or commercial use, and shall be within a completely enclosed building.

40-2-51 **RESERVED.**

DIVISION VIII - "B-2" HIGHWAY BUSINESS DISTRICT

40-2-52 **PURPOSE OF DISTRICT.** The B-2 Highway Business District is intended to accommodate and regulate highway oriented commercial developments and compatible uses. Since such enterprises draw their patrons primarily from the motoring public, they typically require direct access to major roads and large lots for off-street parking and loading.

40-2-53 **CONDITIONS OF USE.**

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
 - (B) There shall be no manufacturing, processing, or treatment of products other than those which are incidental and essential to the retail business conducted on the same premises. Not more than **ten (10) persons** (exclusive of manager, clerks, and drivers) shall be engaged in the manufacturing, processing, or treatment of products.
 - (C) **Uses:** Operations or products in this District shall not cause objectionable odor, dust, smoke, noise, vibration, or other similar nuisances.
 - (D) **Buffer Area:** Wherever a "B-2" District abuts any Residential District a **ten (10) foot** wide planting screen, consisting of suitable shrubbery and trees, shall be planted. Such screen shall consist of shrubbery and trees at least **five (5) feet** in height when planted and shall be maintained at not less than **twenty (20) feet** in height when fully grown or as reviewed by the Administrator and approved by the Land Use Committee.
 - (E) All buildings shall meet all Building Codes adopted by the County of Monroe and the Americans with Disabilities Act (ADA) and will be required to receive an occupancy permit before they are put into service or if there is any change of use.
- (Ord. No. 06-04; 04-17-06)**

40-2-54 **PERMITTED USES.**

- (A) Any uses permitted and any special uses permitted in the B-1 District.
- (B) Auto Sales and Auto Service.
- (C) Funeral Chapels and Mortuaries.
- (D) Greenhouses.
- (E) Lumber Yards.
- (F) Manufactured Housing/Recreational Vehicle Sales.
- (G) Mini/Self Storage Warehouses – up to **thirty thousand (30,000) square feet** in area. **(Ord. No. 03-04; 03-17-03)**
- (H) Motels.
- (I) Recreational Uses.

(J) Processing, manufacturing and fabricating provided it meets the requirements of **Section 40-2-38**, subsection (B).

40-2-55

SPECIAL USES.

- (A) Single and Multiple Family Dwelling Units.
- (B) Utility Substations.
- (C) Propane storage and sales. **(Ord. No. 08-01; 04-21-08)**

40-2-56

ACCESSORY USES.

- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Off-street parking and loading.
- (C) Storage or merchandise or inventory usually carried in stock provided the such storage shall be located on the lot with the retail, service, or commercial use, and shall be within a completely enclosed building.
- (D) Small solar energy projects. (Ord. No. 18-06; 02-05-18)

40-2-57 - 40-2-58 RESERVED.

DIVISION IX - "B-3" GENERAL BUSINESS DISTRICT

40-2-59

PURPOSE OF DISTRICT.

The B-3 General Business District has been established to provide for areas in which pedestrian oriented, comparative shopping facilities which offer a wide range of retail goods and services to the general public are encouraged to locate. Uses incompatible with such activities are prohibited within this district.

40-2-60

CONDITIONS OF USE.

- (A) See Schedule 2A: AREA AND BULK REGULATIONS.
- (B) Dwelling units and lodging rooms are not permitted below the second floor, except for the business owner or operator of a motel, hotel, or similar use.
- (C) The sale of foodstuffs or articles intended for human consumption shall be conducted wholly within an enclosed building.
- (D) There shall be no manufacturing, processing, or treatment of products other than those which are incidental and essential to the retail business conducted on the same premises. Not more than **five (5) persons** (exclusive of manager, clerks and drivers) shall be engaged in the manufacture, processing, or treatment of products.
- (E) Uses, operation, or products in this district shall not cause objectionable odor, dust, smoke, noise, vibrations, or other similar nuisances.
- (F) Where existing buildings located in this district have already established a building line at a depth less than required by Schedule 2A, then all new buildings may conform to the same building line, except for the first **fifty (50) feet** of the district frontage adjacent to a residential district, whereupon there shall be provided a front yard of not less than **twenty-five (25) feet**.
- (G) All buildings shall meet all Building Codes adopted by the County of Monroe and the Americans with Disabilities Act (ADA) and will be required to receive an occupancy permit before they are put into service or if there is any change of use.
(Ord. No. 06-04; 0-17-06)

- 40-2-61** **USES PERMITTED BY RIGHT.**
- (A) Any use permitted by right in B-1 but not including a use requiring a special use permit.
- (B) Clubs and Lodges.
- (C) Funeral Chapels and Mortuaries.
- (D) Galleries and Studios.
- (E) Libraries or Museums.
- (F) Meeting Halls.

- 40-2-62** **SPECIAL USES.**
- (A) Any Special Use as identified in the B-1 District.
- (B) Single and multiple family dwelling units.
- (C) Utility Substations.

- 40-2-63** **ACCESSORY USES.**
- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Off-street parking and loading.
- (C) Storage of merchandise or inventory usually carried in stock provided that such storage be located on the lot with the retail, service, or commercial use, and shall be within completely enclosed buildings.

40-2-64 - 40-2-65 **RESERVED.**

DIVISION X - "I-1" LIGHT INDUSTRIAL DISTRICT

40-2-66 **PURPOSE OF DISTRICT.** The Light Industrial District of the County delineates areas where a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions, and adequate provisions of public utilities required by light industry may be achieved. It is intended that this particular district will generally provide for light industry of an assembly nature, research and development, manufacturing and fabrication or warehousing and wholesaling activity. It is also intended that "adult bookstores", "adult entertainment cabarets", "adult motion picture theaters", "adult novelty stores", and any other adult use or entertainment establishment allowed by law and ordinance will be located in this particular district. **(See Chapter 7 for licensing of Adult Uses.)**

- 40-2-67** **CONDITIONS OF USE.**
- (A) Any production, processing, cleaning, servicing, testing, repairing, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.
- (B) All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise approved. Storage of equipment and supplies in this district may be open to the sky but shall be enclosed by a wall or fence, including gates, at least **eight (8) feet** high and if abutting a Single-Family or Multiple-Family District an approved landscaped screen shall be provided. Open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required to protect adjacent uses or residential districts.
- (C) **Railroad Siding Frontage:** No yards shall be required for those portions of lots which front on railroad sidings.

(D) **Buffer Areas:** A **ten (10) foot** wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever an industrial use abuts any other use district. Such screen shall consist of shrubbery and trees at least **five (5) feet** in height when planted and shall be maintained at not less than **twenty (20) feet** in height when full grown or as reviewed by the Administrator and approved by the Land Use Committee. The planting screen must be planted no later than **thirty (30) days** after completion of primary structure.

(E) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)

40-2-68 **USES PERMITTED BY RIGHT.**

- (A) Equipment Storage and Repair.
- (B) Laboratories.
- (C) Manufacturing and fabricating excluding explosives and flammable material.
- (D) Material Processing/Cleaning.
- (E) Mini/Self Storage Warehouses.
- (F) Research and Development excluding explosives and flammable material.
- (G) Service Stations.
- (H) Utility Substations.
- (I) Warehouses/Freight Terminals.

40-2-69 **SPECIAL USES.**

- (A) Adult Use Entertainment Establishments (See Chapter 7).
- (B) Airports.
- (C) Dwelling units for watchmen when located on the premises where they are employed in such capacity.
- (D) Port facilities.
- (E) Stadiums/Auditoriums/Arenas.
- (F) Pawnbrokers. **(Ord. No. 03-04; 03-17-03)**
- (G) Tattoo Parlors. **(Ord. No. 03-04; 03-17-03)**

40-2-70 **ACCESSORY USES.**

- (A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.
- (B) Off-street parking and loading.
- (C) ~~Small solar energy projects. **(Ord. No. 18-06; 02-05-18)**~~
- (D) Storage of merchandise or inventory usually carried in stock.
- (E) Temporary buildings for construction purposes - for a period not to exceed the duration of such construction.

40-2-71 **RESERVED.**

DIVISION XI - "I-2" HEAVY INDUSTRIAL DISTRICT

40-2-72 **PURPOSE OF DISTRICT.** The I-2 Heavy Industrial District encompasses areas where a satisfactory correlation of factors such as adequate transportation, efficient land assembly, adequate topographical characteristics, and adequate availability of utilities required by industry may be achieved. It is intended that this district will provide for any type of manufacturing that meets the requirements and

conditions of this Code, and which may be carried out in a manner that will not endanger the public health, safety and general welfare. It is further intended to ensure the County will achieve a favorable position with respect to regional and national competition for production and distribution of manufactured goods.

40-2-73 **CONDITIONS OF USE.**

(A) Any production, processing, cleaning, servicing, testing, repairing, or storage of goods, materials, or products shall take place without creating disturbing influences to the use and occupancy of adjoining properties.

(B) All business, production, servicing, and processing shall take place within completely enclosed buildings unless otherwise approved. Storage of equipment and supplies in this district may be open to the sky but shall be enclosed by a wall or fence, including gates, at least **eight (8) feet** high and if abutting a Single-Family or Multiple-Family District an approved landscaped screen shall be provided. Open off-street loading facilities and open off-street parking facilities for the storage of motor vehicles may be unenclosed throughout the district, except for such screening of parking and loading facilities as may be required to protect adjacent uses or residential districts.

(C) **Railroad Siding Frontage:** No yards shall be required for those portions of lots which front on railroad sidings.

(D) **Buffer Areas:** A **twenty (20) foot** wide planting screen, consisting of suitable shrubbery and trees, shall be planted wherever and industrial use abuts any other use district. Such screen shall consist of shrubbery and trees at least **five (5) feet** in height when planted and shall be maintained at not less than **twenty (20) feet** in height when full grown or as reviewed by the Administrator and approved by the Land Use Committee.

(E) See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)

40-2-74 **USES PERMITTED BY RIGHT.**

(A) Any use permitted in the "I-1" District.

(B) Industrial/Manufacturing Operations which are not detrimental to the public health, safety and general welfare.

(C) Mineral Extraction.

(D) Railroad classification yards, terminal facilities and maintenance facilities.

40-2-75 **SPECIAL USES.**

(A) Dwelling units for watchmen when located on the premises where they are employed in such capacity.

(B) Oil wells, provided they meet other requirements as established by this Code.

(C) Salvage yards.

(D) Sanitary landfills.

(E) Storage of flammable materials.

(F) Wind Energy conversion System. (Ord. No. 2021-01; 01-19-21)

40-2-76 **ACCESSORY USES.**

(A) Accessory uses that are clearly associated with and supplementary to the principal use of the lot or tract of land.

(B) Off-street parking and loading.

(C) Small solar energy projects. (Ord. No. 18-06; 02-05-18)

(D) Storage of merchandise or inventory usually carried in stock.

(E) Temporary buildings for construction purposes for a period not to exceed the duration of such construction.

40-2-77 **RESERVED.**

DIVISION XII - "C-1" CONSERVATION DISTRICT

40-2-78 **PURPOSE OF DISTRICT.** The Conservation District of Monroe County encompasses various areas of rough topography, soil types, geological features and other characteristics which impose significant constraints on compact urban development. It is the intent and purpose of this district to require appropriate densities for preservation of natural amenities, reduction in the cost of public services and facilities, and to avoid damage to environmentally sensitive areas.

40-2-79 **CONDITIONS OF USE.**
See Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)

40-2-80 **USES PERMITTED BY RIGHT.**
All uses permitted in A-1 except oil wells.

40-2-81 **SPECIAL USES.**
All uses permitted in A-1 and R-1 Districts.

40-2-82 **RESERVED.**

DIVISION XIII - "F-1" SPECIAL FLOOD HAZARD AREAS

40-2-83 **PURPOSE.** The F-1 Special Flood Hazard Areas delineate areas which, in the absence of flood protection measures, are subject to periodic flooding that may result in hazards to persons and damage to property. The regulations of this District are intended to avoid such hazards.

40-2-84 **LOCATION OF DISTRICT.** The location of the F-1 Special Flood Hazard Areas shall be coextensive with the "A" Zones and shown on the Flood Insurance Rate Map, Community Panel Numbers 0025 through 0200 (Community #170509) dated May 15, 1986 and amendments thereto; as filed in the office of the County Clerk and the Administrator.

40-2-85 **PERMITTED USES, SPECIAL USES.** This overlay district has no effect on the classification -- whether permitted by right, special, or prohibited -- of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on all allowable uses.

40-2-86 **CONDITIONS OF USE.** This applies to all the regulations contained in Monroe County Ordinance 03-03, An Ordinance Regulating Development in Special Flood Hazard Areas.

40-2-87 - 40-2-89 **RESERVED.**

DIVISION XIV - INCENTIVE OVERLAY DISTRICT

40-2-90 **PURPOSE.** The Incentive Overlay District is intended to provide developers and landowners an opportunity to design higher density residential developments in areas capable of supporting such densities. This is intended to encourage compatible residential development in and around the existing communities with municipal services. The Incentive Overlay District shall be permitted only in areas where all of the following requirements can be met:

- (A) It is within **one and one-half (1½) miles** of the current corporate limits of the City of Waterloo and the City of Columbia;
- (B) It lies in an area of the County which is in an "A-2" Agricultural Zoning District;
- (C) It is not in an area identified "K-1" Karst Susceptible on the Monroe County Zone District Map; and
- (D) It is not in an area identified as "F-1" Special Flood Hazard Areas on the Monroe County Zone District Map.

40-2-91 **DENSITY CREDITS.** Developments within the "A-2", Agricultural District covered by the Incentive Overlay District can request density credits which would enable them to request smaller lot minimums to reduce the required **two and one-half (2½) acre** lot size down in increments. Multiple credits may be granted to a developer down to the minimum **one-third (1/3) acre** lot within **three-fourths (3/4) mile** of the City limits of Waterloo and Columbia, and **one-half (1/2) acre** lot within **one and one-half (1 ½) mile** of the City limits of Waterloo and Columbia. **(Ord. No. 06-04; 04-17-06)**

40-2-92 **CRITERIA.** The Zoning Administrator shall, upon receiving documentation of compliance with any of the following criteria, provide a reduction in minimum lot size in accordance with the following:

- (A) Provide a central collection system for wastewater to the development: worth **43,560 square feet** reduction in lot minimum size (without this central collection system for wastewater, the minimum lot size obtainable is **one (1) acre**, regardless of the number of density credit criteria met);
 - (B) Provide potable water to the development: worth **32,670 square feet** reduction in lot minimum size;
 - (C) Have entered into a pre-annexation agreement with the most appropriate adjacent community for the development: worth **14,670 square feet** reduction in lot minimum size.
- (Ord. No. 03-04; 03-17-03)**

40-2-93 **LOT SIZE AND SETBACK REQUIREMENTS.** Developments taking density credits must comply with lot size requirements and minimum setback requirements for resulting lot sizes as follows:

- For lot sizes of **2.00 acres** up to **2.50 acres** comply with A-2 District requirements
- For lot sizes of **.75 acres** up to **1.99 acres** comply with R-1 District requirements
- For lot sizes less than **.75 acres** comply with R-2 District requirements

(Ord. No. 03-04; 03-17-03)

ARTICLE III - GENERAL DEVELOPMENT REGULATIONS

DIVISION I - MISCELLANEOUS

40-3-1 **GENERAL PROHIBITION.** Hereafter, it shall be unlawful to:
(A) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;
(B) to create any lot; or
(C) to use, occupy, or develop any lot or part thereof, except in conformity with the provisions of this Code.

40-3-2 **AGRICULTURAL EXEMPTION.** The provisions of this Article shall not be exercised so as to impose regulations with respect to:
(A) land used or to be used primarily for agricultural purposes; OR
(B) the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or intended to be used for primarily agricultural purposes upon agricultural land, provided, that buildings or structures to be used for agricultural purposes shall be required to meet the district setback requirements.

In the event that part of a tract of land ceases to be used solely for agricultural purposes, then all of the provisions of this Code shall apply to that part.
(See 55 ILCS 5/12000)

40-3-3 **ACCESSORY USES.** Any accessory use shall be deemed permitted in a particular zoning district if such accessory use is:
(A) accessory to a principal structure or use that is allowed in that zoning district as of right (permitted uses) or by virtue of the fact that a special use permit has been granted; and
(B) in compliance with the restrictions set forth in Schedule 2A: AREA AND BULK REGULATIONS. (ED. NOTE: Schedule 2A is on file in the County offices.)

40-3-4 **ACCESSORY USE RESTRICTION.** No accessory building shall be used for residential purposes.

40-3-5 **BUILDING ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public or private street or road.

40-3-6 **BUILDING, EMERGENCY AND TEMPORARY OCCUPANCY.** No temporary structure (including trailers or mobile homes) shall be used or occupied for any residential, commercial, or industrial use except as specifically permitted or required by this Code. However, the Administrator may, upon application therefor, permit the use of such temporary structure for a period not to exceed **one (1) year**, subject to such conditions as the Land Use Committee deems to be compatible with the character of the area in which the structure is located and in compliance with reasonable consideration of the general health, safety, and welfare. Such occupancy shall be contingent on an emergency resulting from fire, explosion, or disaster, or in conjunction with personal hardship, construction, demolition, or related conditions.

40-3-7 **BUILDING, EXCEPTIONS TO HEIGHT LIMITS.**
(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed

above the roof line shall be permitted to exceed the maximum height limitations by **fifteen (15) feet** of the district in which they are located if they comply with all other pertinent County ordinances any appurtenances exceeding **fifteen (15) feet** would require a variance.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by the street line of such corner lots and a line joining the two points each of which is one street line and **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of adjacent street. **(See Exhibit 3-2)** (ED. NOTE: Exhibit 3-2 is on file in the County offices.)

40-3-8 BUILDING, ONE PRINCIPAL BUILDING PER LOT. Except as otherwise specifically provided in this Code, only one principal building shall be permitted on a lot.

40-3-9 BUILDING, USE AND BULK. No building, structure, or premises shall be used or occupied and no buildings or parts thereof or other structures shall be constructed, erected, raised, moved, placed, reconstructed, extended, enlarged, or altered and no building shall be occupied by more families and/or persons than prescribed for such building, structure, or premises for the district in which it is located and as otherwise regulated herein, except in conformity with this Code.

40-3-10 LOT, CONTIGUOUS PARCELS. When **two (2)** or more parcels of land, each of which lacks adequate area and/or minimum dimensions to qualify for a permitted use under the requirements of the district in which they are located are contiguous, and are held in one ownership, they shall be used as one zoning lot for such use.

Lots that were divided into tracts of **2.5 acres** or more prior to **July 3, 1995**, with a recorded deed or platted lot would be permitted, so long as they can meet the **200-foot** frontage and setback requirements.

40-3-11 LOTS, CORNER AND THROUGH. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage, unless otherwise regulated herein.

40-3-12 LOT, DIVISION OF. No zoning lot shall hereafter be divided into **two (2)** or more zoning lots unless all zoning lots resulting from each such division shall conform with all the applicable regulations of the zoning district in which the property is located.

40-3-13 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise, in any Residential or Business zoning district, where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setbacks on that block shall be the average of the existing front setbacks; provided, however, that in any built-up area, no front setback less than **fifteen (15) feet** shall be permitted, nor shall any front setback greater than **fifty (50) feet** be required.

40-3-14 LOT, FRONTAGE REQUIREMENTS. Any lot in any district shall have minimum frontage abutting a public street or road; the width of the lot shall be at least **fifty (50) feet**. The only exception to these requirements may be in a Planned Unit Development.

40-3-15 **LOTS, MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot.

40-3-16 **THE GRAZING OF DOMESTIC AND EXOTIC ANIMALS.** The grazing of domestic livestock is permitted, provided there is a minimum of **2½ (two and one-half) acre** lot. Any accessory structure for such livestock shall not be located closer than **two hundred (200) feet** from any residential dwelling on a neighboring property or **fifty (50) feet** from a property line, whichever is greater.

DIVISION II - NON-CONFORMITIES

40-3-17 **REQUIREMENTS.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, non-conformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations of this Section are intended to alleviate such existing/potential problems by encouraging the gradual elimination of non-conformities.

40-3-18 **NON-CONFORMING LOTS.** Any vacant lot that does not conform to one or more of the lot size (area, dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot was recorded in the County Recorder of Deeds office prior to the enactment of this Code (or pertinent amendment thereto) and is at least **fifty (50) feet** wide.

40-3-19 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If two or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if one or more of those lots does not meet the minimum lot width, depth, or area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-3-20 **NON-CONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code, because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

(A) **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.

(B) **Enlargement, Alterations.** A nonconforming structure may be enlarged and/or altered, provided that:

- (1) such enlargement and/or alteration is confined within the lot line of the property in question as such lot lines existed on the effective date of this Code; and
- (2) such enlargement and/or alteration does not increase or worsen the nonconforming characteristics of the structure.

(C) **Reconstruction.** A nonconforming structure that is damaged or destroyed shall not be rebuilt if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will

conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

(D) **Relocation.** A nonconforming structure shall not be moved to another lot unless, after relocation, it will conform to all the regulations of the district where it will be located.

40-3-21 NONCONFORMING USES. Any otherwise lawful use existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Expansion/Intensification.** A nonconforming use which does not occupy a structure (such as a nursery) may be expanded/intensified, but only within the confines of the lot lines as such lines existed on the effective date of this Code. A nonconforming use which occupies a structure may be expanded or intensified, but only within that structure and/or within any conforming addition to the structure. (FOR RULES CONCERNING EXPANSION OF NONCONFORMING STRUCTURES, SEE **SECTION 40-3-20(B).**)

(B) **Reestablishment.** A nonconforming use which is destroyed or damaged may be reestablished. However, if the owner of the damaged/destroyed use proposes to expand, relocate, or change it, then the other pertinent paragraphs of this Section shall control. Moreover, if no significant steps have been taken to reestablish the use within **one (1) year** from the date the damage/destruction occurred, then the use shall be considered abandoned and subject to the provisions of paragraph (E) of this Section.

(C) **Relocation.** A nonconforming use shall not be moved, in whole or in part, unless upon relocation it will conform to all pertinent regulations of the district in which it will be located.

(D) **Change of Use.** A nonconforming use may continue but shall not be changed except to a use that is of greater conformity.

(E) **Discontinuance.** When a nonconforming use has been intentionally discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of the premises shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-3-22 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Section shall not affect the terms of any permit issued prior to the effective date of this Code or any pertinent amendment thereto provided that the work authorized by such permit is completed within a reasonable time.

40-3-23 RESERVED.

DIVISION III - PERFORMANCE STANDARDS AND YARDS

40-3-24 GENERAL PERFORMANCE STANDARDS.

(A) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris, with all ground cover (grass, etc.) maintained.

(B) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises, due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(C) No obnoxious, toxic, or corrosive matter, smoke, fumes, or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or to cause injury or damage to property or business.

40-3-25 YARDS, EXISTING BUILDING REQUIREMENTS. No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Code for equivalent new construction except as otherwise specifically provided for herein.

40-3-26 YARDS, INTRUSIONS INTO. To the extent indicated below, the following feature of principal buildings may intrude into required yards without thereby violating the minimum setback requirements.

<u>Feature</u>	<u>Maximum Intrusion (Feet)</u>
(A) Cornices, chimneys, plants, or similar architectural features	2
(B) Fire escapes	4
(C) Patios	No limit
(D) Porches, if unenclosed and at ground level	6
(E) Balconies	4
(F) Canopies, roof overhangs	4

40-3-27 YARDS, LOCATION, REQUIRED OPEN SPACE. All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

40-3-28 YARDS, MAINTENANCE OF COURTS AND OTHER OPEN SPACES. The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which it is located if the building is vacant. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

40-3-29 FRONTAGE ROAD IMPROVEMENT REQUIREMENTS. Frontage road improvements meeting the following guidelines are to be made by the developer/owner when property is rezoned to other than an "A" Agriculture District.

- (A) Additional road right-of-way as required by the Subdivision Code **Section 34-5-6** shall be provided.
- (B) Frontage road widening shall be in accordance with Subdivision Code Figure 3, Standard Widening and Grading Section.
- (C) Completion of frontage improvement is not required to be completed until the subject property is developed or redeveloped.
- (D) Work shall be covered by bond or letter of credit in the amount of **one hundred fifty percent (150%)** of the estimated improvement cost, before issuance of a site development and/or building permit unless work is completed and approved before issuance of the permit.
- (E) The additional road right-of-way dedication shall be made before issuance of a site development and/or building permit.

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ARTICLE IV - SUPPLEMENTAL DEVELOPMENT REGULATIONS

DIVISION I - GENERALLY

40-4-1 ANIMAL HOSPITALS. All animals shall be kept in a completely enclosed, soundproof building and further adequate safeguards (structural, mechanical, and locational) shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions, and operations as defined in **Section 40-3-24**.

40-4-2 CHURCHES AND PLACES OF FORMAL WORSHIP. In any district where churches are permitted, the following additional requirements shall be met:

(A) For each **seventy-five (75) seats** (where benches are provided, each **twenty-four (24) inches** of the bench shall constitute a seat) or fraction thereof (not including Sunday School accommodations), the site shall contain at least **one-half (1/2) acre** of land.

(B) Each principal building shall be located at least **twenty-five (25) feet** from all property lines.

40-4-3 DRIVE-IN THEATERS. In any district where drive-in theaters are permitted, the establishment of such theaters shall be subject to the following requirements:

(A) Projection screens and parking areas shall not be closer than **fifty (50) feet** from any street right-of-way line and not closer than **one hundred (100) feet** from any Residential District.

(B) The projection surface of motion picture screens shall not be visible from any major traffic street.

(C) Loudspeakers shall be limited to the individual type which are designed to be heard by the occupants of one car only.

(D) Entrances and exits shall connect only to major arterial or collector streets and shall be designed so as not unduly to interfere with or unnecessarily impede traffic flow.

(E) Entrance and exit waiting space for cars shall be provided to accommodate not less than **five percent (5%)** of the theater's parking capacity.

(F) Fences and/or appropriate plant screening as approved by the Land Use Committee shall enclose the drive-in theater.

(G) All aisles and parking areas shall utilize at a minimum a dust palliative or its equivalent.

40-4-4 FENCES, WALLS, AND HEDGES. Fences, walls, or hedges for any purpose shall in all districts conform to the following:

(A) For the purpose of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than **two (2) feet** above the adjacent top of the curve elevation shall not be planted, placed, or erected on any corner lot within the triangular portion of land designated as "restricted area" shown on Exhibit 3-2. (ED. NOTE: Exhibit 3-2 is on file in the County offices.)

(B) No barbed wire or other such sharp pointed fence and no electrically charged fence shall be erected or maintained except in agricultural, conservation, and industrial districts.

(C) No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the County Board of Commissioners. Fences erected on public easement or across ditches shall be so constructed that drainage shall not be obstructed and, in event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.

(D) Fences, walls, and hedges in any district may be located along lot lines, provided such fences, walls, and hedges exceeding **six (6) feet** in height shall be subject to the minimum yard requirements of the district in which such fences are located.

40-4-5 GARAGES, REPAIR. In repair garages, all repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least **eight (8) feet** in height or a planting screen of at least **five (5) feet** in depth and **eight (8) feet** in height.

40-4-6 SERVICE STATION. In districts where service stations are permitted, the establishment of such uses shall be subject to the following requirements:

- (A) All gasoline pumps, lubrication or similar devices and other service facilities shall be located at least **twenty (20) feet** from any street right-of-way line, or side or rear lot line.
- (B) All fuel and oil storage, pumps, or other such fuel or lubricant dispensing devices shall be located at least **twenty (20) feet** from any street right-of-way line, or side or rear lot line.
- (C) No access drive shall be within **two hundred (200) feet** of a fire station, school, public library, church, park, or playground.
- (D) All devices for dispensing or selling milk, ice, cold drinks, and the like shall be located within, or immediately adjacent to the principal building.
- (E) Whenever a service station has been abandoned, all underground storage tanks shall either be removed or filled with some acceptable material approved by the Land Use Committee. A service station shall be considered abandoned when the owner, tenant, or the lessor has not sought to continue the use of a period exceeding **twelve (12) months**.
- (F) All waste and trash receptacles shall be in a screened, enclosed area except for minor receptacles adjacent to gasoline pumps.
- (G) State Fire Marshall permit is required.

40-4-7 HOME OCCUPATIONS. A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling. No home occupation shall be established or conducted without the submission of a site plan, a letter of intent to the Zoning Administrator and obtaining a permit from the Zoning Administrator issued in conformity with the following regulations:

- (A) **Employees.** A home occupation shall employ no more than one individual who is unrelated to the immediate family residing on the premises. Such occupation shall be clearly incidental and secondary to the principal use of the dwelling as a residence.
 - (B) **Floor Space.** The total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.
 - (C) **Dwelling Alterations.** In any Residential District, a principal residential building shall not be altered, to accommodate a home occupation, in such a way as to indicate from the exterior of the dwelling that the residence is being used for any purpose other than a residence.
 - (D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited.
 - (E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.
 - (F) **Parking.** A home occupation, including studios or rooms for instructions, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not fewer than **two (2)** parking spaces plus the parking spaces required for the dwelling unit.
 - (G) **Signs.** See **Article VI** of the Zoning Code (Street Graphics). A home occupation may have **one (1)** non-illuminated sign, not exceeding **four (4) square feet** in area.
 - (H) **Deliveries.** All receipt and delivery of merchandise, goods or equipment shall be made by either carrier service or passenger automobile owned by the resident, and no such receipt, delivery or transaction, except emergency service, shall be made between the hours of **9:00 p.m.** and **8:00 a.m.**
 - (I) **Occupancy.** Home occupations shall not permit instruction or counseling of more than **five (5)** individuals at a time other than persons residing on the premises.
 - (J) **Code Requirements.** Home occupations shall comply with the Building Code adopted by the County of Monroe and the Americans with Disabilities Act (ADA) before a permit is issued.
- (Ord. No. 06-04; 04-17-06)**

40-4-8 HOME OCCUPATIONS IN ACCESSORY BUILDINGS. The purpose of this Section is to encourage small business opportunities within the County. The intention is for the business, when ready for expansion, to relocate to a more appropriate zoning district. The following regulations apply:

- (A) Must meet the requirements for the Home Occupation except for the location within the accessory building and approved as a Special Use.
- (B) Permitted only in an A-1 or A-2 District.
- (C) Accessory Building for Home Occupations must not exceed **five hundred (500) square feet** in size of floor space; however, exceptions to this may be permitted by the Board of Appeals in the Special Use Permit process when it has been determined that greater floor space area will not be detrimental to the subject or adjacent properties. **(Ord. No. 03-04; 03-17-03)**
- (D) Expansion of the business, as approved as a Special Use, must occur into a more appropriate zoning district.
- (E) Home occupations shall comply with the Building Code adopted by the County of Monroe and the Americans with Disabilities Act (ADA) before a permit is issued.
- (F) Permit time period limited to a minimum of **two (2) years** to a maximum of **five (5) years**. **(Ord. No. 06-04; 04-17-06)**

40-4-9 HOSPITALS AND SANITARIUMS. In any district where hospitals are permitted the following requirements shall be met:

- (A) The minimum site for any hospital or sanitarium shall be **five (5) acres**, provided that for a hospital or sanitarium containing more than **fifty (50) beds**, the minimum shall be the greater of: **five (5) acres**, or the number of acres determined by the following formula:

$$\text{Number of Beds X } \frac{\text{Ground Floor Area}}{\text{Total Floor Area}} \div 5 = \text{Site Size in Acres}$$

- (B) All principal buildings shall be located at least **twenty-five (25) feet** from all lot lines.
- (C) The site shall have a minimum length and width dimension of **two hundred (200) feet**.

40-4-10 JUNK YARDS. In any district where junk yards are permitted the establishment and/or maintenance of such uses shall be subject to the following requirements:

- (A) All storage of parts and equipment and the dismantling of vehicles shall be done within a completely enclosed building or within an area enclosed by a solid fence not less than **eight (8) feet** in height, or a planting screen **ten (10) feet** in depth and expected to attain a height of at least **ten (10) feet**.
- (B) Any junk yard shall be located not less than **five hundred (500) feet** from any residential district boundary.

40-4-11 LIGHTING CONTROLS. Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorist.

40-4-12 MINERAL EXTRACTION. The Zoning Board of Appeals may issue a special use permit for mineral extraction activities in any district where such activities are permitted. Mineral extraction shall include surface mining of coal, clay, soil, stone, or any other mineral or material; and the extraction of natural gas.

- (A) **General Requirements.** Any mineral extraction development shall be subject to the following additional requirements:

- (1) No open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code.
- (2) All building or structures for screening, crushing, washing, mixing, storage shall be located not less than **one thousand (1,000) feet** from an existing residence or any Residential District established by this Code.
- (3) Applicable Federal and State requirements shall be met with inspections made as necessary by the County to determine compliance.
- (4) A valid State permit shall be required for issuance of a special use permit for mineral extraction development under this Code. Revocation of the State permit shall be sufficient cause for revoking any special use permit issued for the same mineral extraction development.
- (5) The application for a special use permit shall include two copies of a preliminary site plan of the proposed site, at a scale of not less than **two hundred (200) feet equal one (1) inch**, showing:
 - (a) Existing topography of the site at **five (5) foot** contour intervals;
 - (b) Present use of the land and all natural features such as natural watercourses and drainage areas, forested areas, historic sites and the like;
 - (c) Ownership of the subject property and the abutting properties at the time of filing for the special use permit;
 - (d) A plan for the proposed use of the land indicating the type and location of transportation facilities available and the intended use or loading of these facilities by the mineral extraction operation; the type and location of utilities and power facilities by the mineral extraction operation; the type and location of utilities and power facilities to be used; and such other data as is necessary to explain and define the intended operation;
 - (e) A plan shall be made for reshaping and final grading of the land after the operation has ceased which shall show final contours (at an interval of **five (5) feet** and drainage plan.
- (6) The plan for reshaping and final grading of the site shall provide that the land can be readily used for urban and/or agricultural purposes.
- (7) Any sediments, pollutants, or water borne wastes added to any surface water as a result of the extractive operation shall be removed by an acceptable engineering process before such water is discharged into any drainageway, stream, lake, or other waterway. The water shall be treated to comply with adopted Federal, State, and/or local water quality standards.

40-4-13 **NURSERY SCHOOLS/DAY CARE CENTERS.** In any district where nursery schools or day care centers are permitted, the following additional requirements shall be met:

- (A) For each child, at least **fifty (50) square feet** of floor space shall be provided in addition to that provided for sleeping purposes.
- (B) For each child, at least **one hundred (100) square feet** of outdoor, enclosed (fenced) play area shall be provided.

40-4-14 **NURSING HOMES.** In any district where nursing homes are permitted, the following requirements shall be met:

- (A) The minimum site for any nursing home shall be **two (2) acres**; provided that for a nursing home containing more than **forty (40) beds**, the minimum site area shall be the greater of: **two (2) acres**, or the number of acres determined by the following formula:

$$\text{Number of Beds} \times \frac{\text{Ground Level Floor Area}}{\text{Total Floor Area}} \div 20 = \text{Site Size in Acres}$$

- (B) All principal buildings shall be located at least **twenty-five 25 feet** from all lot lines.
- (C) The site shall have a minimum length and width dimension of **two hundred (200) feet**.

40-4-15 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

- (A) No fertilizer, compost, manure, or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line.
- (B) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

40-4-16 PUBLIC BUILDINGS. In any district where publicly owned buildings are permitted the following additional requirements shall be met:

In any district, other than the I-1 and I-2 Districts, where publicly-owned buildings are permitted there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

40-4-17 PUBLIC UTILITY STATIONS, EXCHANGES AND ESSENTIAL SERVICES. Electrical substations, gas regular stations, telephone exchange facilities, sewage treatment plants, water storage facilities or similar facilities in any Residential Zone District shall meet all of the following requirements and in other zone districts shall meet all requirements except (A), (E), and may be required to meet (G).

- (A) No public office, or principal repair or storage facilities shall be maintained in connection with such substations or exchanges.
- (B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.
- (C) The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.
- (D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yard; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **five (5) foot** minimum rear yard.
- (E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen (15) feet** to any side or rear lot line.
- (F) If transformers are exposed, there shall be provided an enclosing fence or wall at least **eight (8) feet** in height.
- (G) All parcels or lots on which substations, exchanges, equipment, or transformers are located shall meet the following minimum landscaping standards; a planting screen of at least **ten (10) feet** in depth and expected to reach a height of at least **ten (10) feet** shall be provided and maintained.

40-4-18 SANITARY LANDFILL. In any zone district where a sanitary landfill is permitted a special use permit shall be required. The following additional requirements shall apply:

(A) permit application:

A plan including the following items shall be submitted as part of the special use

- (1) Maps of the site at a scale of **one (1) inch** equals **two hundred (200) feet** or a smaller scale if necessary, for clarity. If map size would exceed **thirty-six (36) inches**, the next appropriate map scale may be used.
- (2) Existing topography of the site at **five (5) foot** contour intervals, spot elevations in places too flat to be adequately defined by contours, and all natural features such as natural water courses and drainageways.
- (3) Ownership of the subject property and the abutting properties. The present use of the land and of adjoining land uses shall be stated.
- (4) A statement from a qualified soil scientist, geologist, or engineer stating the expected severity of ground water and/or surface water pollution that will be generated, shall be required for sanitary landfill operations.
- (5) A section of the plan shall be devoted to the reshaping, final grading and expected drainage pattern of the site when completely filled. This Section shall include a map showing final contours at intervals of not more than **five (5) feet** and spot elevations in places too flat to be adequately defined by contours.
- (6) Final grading shall be implemented concurrently with landfill operations. The landfill plan shall designate which sections of the landfill parcel will be filled and final graded to accomplish concurrent implementation of the final plan with ongoing landfill operations. Those sections final graded shall be immediately seeded with foliage and/or grasses capable of minimizing erosion and preventing the siltation of streams.
- (7) The plan shall provide that the land can be readily used for urban and/or agricultural purposes after the landfill operation has ceased.

(B) The sanitary landfill site shall be completely fenced with a solid or wire mesh fence not less than **six (6) feet** in height and, if wire, with a mesh small enough to prevent windblown landfill materials from escaping the site.

(C) All topsoil shall be stored and retained on the site and re-spread during final grading of the site.

(D) A performance bond equal to the amount of the assessed valuation of the property for tax purposes shall be posted with the County to insure reshaping of the topography in conformance with the plan. If the sanitary land is to be conducted on only a portion of the total parcel at any one time the portion to be used may be so designated on the plan and the performance bond posted for the part or parts to be so used.

(E) No sanitary landfill shall be operated within **one thousand (1,000) linear feet** of any Residential District or any existing residential subdivision except when most unusual circumstances exist.

(F) A permit from the Illinois Environmental Protection Agency shall be required. **(See Chapter 32 of Revised Code.)**

(G) All other pertinent County Ordinances.

(See Chapter 32 – Sanitary Landfills)

40-4-19 **SCHOOLS, PRIVATE AND PAROCHIAL.** In any district where private or parochial schools are permitted, the following additional requirements shall be met:

(A) The site shall have a minimum for **four (4) acres** and **one (1) additional acre**, for each **one hundred fifty (150) pupils** in excess of **two hundred (200)**.

(B) Each principal building shall be located at least **twenty-five (25) feet** from all property lines.

40-4-20 **SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) **When Public Sewers Are Available.** Whenever the public sanitary sewerage system is reasonably available all sewage shall be discharged into such system, whether or not a private sewerage system already exists or is more convenient.

(B) **When Public Sewers Are Not Available.** Whenever the public sewerage system is not reasonably available, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, as amended from time to time.
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the Illinois Department of Public Health, as amended from time to time.
- (3) Pertinent current regulations issued by the Illinois Environmental Protection Agency.

The Administrator shall not issue any occupancy permits unless satisfied that these requirements will be met. **(See Chapter 18 – Health Regulations, Article IV)**

40-4-21 SWIMMING POOLS. No public or private swimming pool in any district shall be located in any front yard, side yard or rear yard setback areas. No swimming pool shall be located closer than **ten (10) feet** of any principal building.

In addition, every swimming pool that is more than **three (3) feet** deep shall be enclosed by a wall or fence at least **four (4) feet** in height. The passage through such wall or fence shall be equipped with a gate.

40-4-22 TRAVEL TRAILERS AND PARKS. Travel trailers and travel trailer parks shall meet the following requirements:

(A) **Parking, Outside of a Park.** The parking of not more than **one (1)** unoccupied travel trailer, recreational vehicle and/or utility trailer (not exceeding **ten (10) feet** wide and **thirty-five (35) feet** long) in the side or rear yard or in a completely enclosed garage only is hereby permitted, provided that no living quarters or businesses shall be maintained in any such trailer or vehicle, and provided further that the parking of such trailer or vehicle shall comply with the yard requirements for accessory buildings of the zone district in which it is located.

(B) **Travel Trailer Parks.** Travel trailer parks shall be permitted only by special use permit. A condition of the special use permit shall be in compliance with all applicable regulations of the State of Illinois, including but not limited to, "The Illinois Recreational Area Licensing Act", as now or hereafter amended. The site plan submitted for special use permit approval shall include necessary services such as water supply, service buildings, sewage disposal and facilities for travel trailers.

40-4-23 TEMPORARY USES. It is the intent of the following to govern the operation of certain transitory or seasonal uses. The Administrator, upon the receipt of an application for a temporary use permit, shall notify any other County Department which may be affected by the use.

(A) **Permits for Temporary Use.** Applications for a temporary use shall be made to the Administrator at least **seven (7) days** before the starting date of the Temporary Use, and shall contain the following information:

- (1) The common known address of the property to be used, rented or leased for the temporary use and legal description.
- (2) A description of the proposed use.
- (3) The applicant's name and the property owner's name, if different from the applicant.
- (4) Sufficient information to determine that the following are in compliance with the ordinances in effect:

- (a) Provisions for waste disposal (solid and human);
- (b) Provisions for temporary food services;
- (c) Security personnel;
- (d) Paved or graded ingress and egress for emergency, police and regulatory traffic;
- (e) General liability and dram shop insurance based on anticipated number of participants;
- (f) Yard requirements;
- (g) Adequate parking;
- (h) Traffic control; and
- (i) Provisions for clearing debris.

Said permit shall be issued only if the above criteria are met to the satisfaction of the Administrator.

40-4-24 KARST TOPOGRAPHY REGULATIONS. Areas within the County are underlain by carbonate bedrock such as limestone and dolomite. The dissolving of the bedrock causes surface depressions, open drainage passages, and the development of irregular, sub-surface rock topography known as karst. These conditions make such areas unstable and susceptible to subsidence and surface collapse. Fractures in the limestone may channel runoff water to public or private water supplies, making those sources especially susceptible to groundwater contamination.

Therefore, the purposes of enacting this chapter are to reduce the frequency of structural damage to public and private improvements by sinkhole collapse or subsidence and to protect, preserve and enhance a sensitive and valuable potable groundwater resource areas of karst topography, thus protecting the public health, safety and welfare and insuring orderly development within the County.

(A) **Placing Substances and Objects in Sinkholes.**

- (1) No person shall place or cause to be placed any substance or objects, other than those approved by the County Health Department, in any sinkhole. This specifically precludes any trash, garbage, or refuse material. If an accidental spill of any toxic, petroleum, or hazardous material occurs it shall be reported to the Illinois Emergency Management Agency (IEMA) immediately.
- (2) Any property that has a sinkhole present that has been used as a site for dumping trash, garbage, or refuse will be prohibited from obtaining building permits, zoning change requests, or land subdivision approvals until the sinkhole has been cleaned out and approved by the County Health Department.

(B) **Alteration of Sinkholes.** The filling, grading or excavation of sinkholes is prohibited unless an Erosion Control Site Plan is approved by the County. The Erosion Control Site Plan is to be submitted to the Monroe County Soil and Water Conservation District (SWCD). The SWCD will review the submitted Plan and make recommendations to the County Engineer. The County Engineer will either approve or disapprove the Plan.

(C) **Development in Sinkholes.** No building construction will be permitted in a sinkhole unless:

- (1) Site plans are approved by the County. Site plans are to be submitted to the Monroe County Soil and Water Conservation District (SWCD) for review. The SWCD will then make recommendations to the County Engineer. The County Engineer may either approve or disapprove the Site Plan.
- (2) If after review of the site plan the County Engineer may determine that more detailed information is needed, a sinkhole evaluation may be required. A sinkhole evaluation which addresses geologic, engineering, and environmental factors to the proposed development is to be performed by a professional with experience and expertise in karst topography. This evaluation shall, among other things, determine the proposed development's effect on ground water and the effect on surrounding property. After review of this evaluation and with the consultation of the

Monroe County Soil and Water Conservation District, the County Engineer may either approve or disapprove the site plan as submitted.

(3) Development within a sinkhole will require consultation with the Illinois Department of Natural Resources (IDNR).

(D) **Reporting Sinkholes.** Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the Monroe County Soil and Water Conservation District.

(E) **Building within a Sinkhole.**

(1) For the purpose of regulating building within a sinkhole, a sinkhole will be defined by the highest depressional contour line or sinkhole rim. This shall be the Karst Control Elevation. A building shall not have its lowest open elevation to be less than **one (1) foot** above the Karst Control Elevation, as determined by the County Engineer. Refer to Figures 1, 2 & 3 at the end of this Chapter.

(2) The altering of a sinkhole by cutting a sinkhole rim or piping through the rim in order to lower the building's karst control elevation, will not be allowed.

40-4-25 SHIPPING CONTAINERS. Steel shipping containers used commercially or industrially for storage facilities shall follow all Monroe County laws and building codes including signed and sealed plans, foundations and anchors. Residential and agriculture use shall require anchors. (Ord. No. 2018-06; 02-05-18)

40-4-26 STRUCTURAL FOUNDATION REQUIREMENTS. The foundation requirements for small buildings shall be as follows:

(A) Any building **one hundred (100) square feet** or more shall be anchored.

(B) Any building **four hundred (400) square feet** or more shall have a footing and foundation or be of pole structure construction.

(Ord. No. 2018-06; 02-05-18)

40-4-27 - 40-4-40 RESERVED.

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PROPOSED

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DIVISION II – OIL WELL REGULATIONS

40-4-41 OIL DRILLING, INJECTION WELLS OR CONVERSION WELLS.

(A) **Oil Drilling and Injection Wells or Conversion Certificates.** No oil well drilling or injection wells in connection therewith; are permitted within the County of Monroe in an A-1, I-1 & I-2 District unless granted under a Special Use Permit. Production well means a well drilled for the production of oil or gas, or well drilled for a water supply for use in connection with an enhanced oil recovery project.

(B) **Certificates.** Certificates shall be issued by Special Use. An application for Special Use Exception along with a filing fee of **Thirty-Five Dollars (\$35.00)** must be submitted to the Zoning Administrator. The application must include a copy of the drilling permit previously obtained from the State of Illinois, Department of Mines and Minerals, or other agency of the State of Illinois empowered to issue the required permits, copy of lease, copy of deed, and three photos of site. Also two copies of a survey map (aerial photo and topographic to include a distance of **one thousand (1,000) feet** radius from the well head) showing the following information with a scale of no smaller than **one (1) inch** to equal **four hundred (400) feet**:

- (1) Location of proposed production well, to include name of well, and any other production wells. General location of pipelines, public roads in surrounding areas as they relate to the production well. Furthermore, showing the location of any storage tanks, utilities, power lines both above and below ground level, and buildings located upon the real estate including residences, outbuildings, or other structures. The surrounding area relates to immediate **one thousand (1,000) feet** radius and neighboring property owners within **two thousand (2,000) feet** radius;
- (2) The location of any natural water sources including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as "sink holes" or karst areas;
- (3) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;
- (4) As accorded within Illinois State Statutes and the Illinois Revenue Code, all oil well purchasers and investors who produced oil in Monroe County will send to the Monroe County Tax Assessor's office a listing of those producers within Monroe County's jurisdiction. Failure to file or satisfy a tax lien on the oil production will result in well certificate forfeiture. Any new owners, operators, or permittee will be informed by the applicant on the State Permit of this requirement and must contact the Assessor's Office and Zoning Office at the time of the sale.
- (5) The Property Owner and Illinois State Permittee will both be required to sign for the Special Use Permit. However, the signature by owner does not constitute responsibility or the approval of the state permittee. If the owner or permittee is an individual, the application shall be signed by the individual. If the owner or permittee is a partnership, the application shall be signed by a general partner. If the owner or permittee is a corporation, the application shall be signed by an officer of the corporation.
- (6) The state permittee of the oil well site will be required to obey all local health, safety, aesthetic, and environmental regulations. All cleanup will be performed by the state permittee or forfeiture of state bond will result to enhance cleanup effort. Any additional cost to the County due to permittee's negligence shall be paid by said permittee. If any activities conducted by the state permittee result in violation of any state or county ordinances or regulations, subsequent prosecution will be conducted by the Monroe County State's Attorney.
- (7) Well Certificate fee will be **One Hundred Dollars (\$100.00)** per well.

- (8) The operator will present the Zoning Office a photocopy of any State security deposit or bond and an annual report of the monies paid to the Illinois Plugging and Restoration Fund. Any new owner/operator will be informed of this requirement and must contact Zoning Office at the time of sale.

(C) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, sinkholes, ravines, or other extreme topographical variances within the real estate.

(D) **Minimum Distance Requirement.** The drilling of an oil well shall not occur within **three hundred thirty (330) feet** from the nearest external boundary lines of the drilling unit, within **one hundred five (105) feet** of a public road right-of-way, within **two hundred (200) feet** of any residence located on the property, within **one hundred (100) feet** of any other building located on the specified site or property. Provided, however, that the owner of the real estate can ask for a variance to waive the minimum distance requirement for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.

(E) **Discontinuance.** If a well or tank site is not used for more than **two (2) years**, it will be considered abandoned and if in violation of Mines and Minerals regulations (Ill. Oil & Gas Act Sec. 240.1130) or County regulations, it shall be plugged and/or cleaned up. If failure to follow any of the regulations, penalties (**Section 40-8-52**) would apply and the tank permit and/or well certificate will be revoked.

(F) **Danger to Public Health and Welfare or Property Damage.** Upon the inspection of the oil wells and/or oil storage site referred to herein in an A-1, I-1 & I-2 zoned districts of Monroe County if the County Zoning Administrator or other officer designated by the County Board shall, after inspection of the site, determine that there is an imminent threat to public health and welfare or that there is imminent threat of property damage due to the topographical condition, then the regulatory penalties as dictated by the State's Attorney would apply with possible revoking of the permit and/or well certificate.

(G) **Flood Plain Regulations.** If oil site is located in a flood plain, refer to **Section 40-4-43. (See Chapter 14 – Flood Plain Code)**

40-4-42 OIL STORAGE TANK SITES.

(A) **Oil Storage Site Permits.** Oil Storage Tank Site Permits in the County of Monroe will only be issued through a Special Use Permit. There shall be submitted with all applications for a building permit for purposes of erecting oil storage tanks and accompanying apparatus, **three (3) photos** of site, list of landowners and landowners' addresses, copy of deed or lease of property, and **two (2) copies** of a layout or site plan, with a scale of **one (1) inch** to equal **four hundred (400) feet**, showing the following:

- (1) General location of the oil tanks, pipelines, and public roads in the surrounding areas as they relate to the oil well which was drilled pursuant to the permit set forth in **Section 40-4-41**. In addition the site plan shall show the location of any storage tanks, power lines and buildings located upon the real estate which is set forth in the well certificate including the residence, outbuildings or other buildings upon the property, if any. Surrounding area relates to immediate **one thousand (1,000) foot** radius, and neighboring property owners within **two thousand (2,000) foot** radius with a scale of **one (1) inch** to equal **four hundred (400) feet**;
- (2) The location of any natural water sources on the real estate set forth in the Well Certificate, including lakes, wetlands, ponds, creeks, rivers, and/or any other natural openings in the ground such as a natural geological phenomenon known as "sinkholes", or karst areas;
- (3) The location of all man-made water sources such as wells or cisterns, and any water conduit devices, such as public water supply mains;

- (4) The location of any power lines or other utility lines within the site or within **one hundred (100) feet** from the site;
- (5) **Three (3) photos** of the location of the proposed site from three different angles;
- (6) Size/Volume of storage tanks to be erected; oil spill confinement area (SF); and height of earthen dike/berm. (This plan will represent a relationship of the three variable Vol/Area/Height required to meet size requirements of **Section 40-4-42(C).**)

(B) **Extreme in Topography.** The application shall furthermore include an explanation of any extremes in topography such as location of bluffs, ravines, sinkholes, or other extreme topographical variances within the real estate which is set forth in the well certificate.

(C) **Distance and Size Requirements.**

- (1) The application shall provide that a properly constructed earthen dike around the oil tank storage site shall be sufficient to retain the maximum amount of oil, water or other liquid equal to **one and one-half (1 1/2)** times the storage capacity of the largest tank it contains, and be bermed at least **eighteen (18) inches** above the ground surface. The dike shall be continually maintained and reservoir within shall be kept free from vegetation, water, or oil. (Refer to specifications of Illinois Oil & Gas Act for minimum requirements.)
- (2) The oil tank storage site shall be a minimum of **sixty (60) feet** from any power line or power source located upon the premises or adjacent to the site which is not used as an on-site power source.
- (3) All water lines and oil lines or other transmission lines listed upon or used on the site shall be buried at a distance of at least **thirty-six (36) inches** below the surface of the ground.
- (4) The oil tank storage site shall be a minimum of **five hundred (500) feet** from any residence, church, school, or other regular gathering place, and a minimum of **two hundred (200) feet** from any other building, excluding a tank storage shed, and a minimum of **two hundred (200) feet** from any County, State or Federal maintained road, and a minimum of **three hundred (300) feet** from surrounding property owners boundary lines. The owner of the real estate can ask for a variance to waive the minimum distance requirements for residences or other buildings set forth under this paragraph by notifying the Zoning Administrator.
- (5) A fence or wall will be constructed **six (6) feet** in height and placed around the storage site with a posted sign. (DANGER), (KEEP OUT), (NO TRESPASSING). A sign will be posted to show current name of lessee and owner/or operator and section, township and range of storage site. All fenced areas will be locked.
- (6) The site shall be maintained, area mowed, clean of debris, unused equipment, and all abandoned and unused tanks will be removed and properly disposed of.
- (7) Tanks must be free from rust and painted a solid color with exterior paint.
- (8) Any abandoned equipment or abandoned vehicles used in the drilling or production process must be removed or stored in an appropriate outbuilding.
- (9) All well and tank locations shall be kept free of dead grass, brush, weeds, and other flammable material, and so maintained at all times.

(D) **Cost.** The operator shall pay a fee for the building permit under this Section of **One Hundred Dollars (\$100.00)** per tank.

(E) **Danger to Public Health and Welfare or Property Damage.** Same as **Section 40-4-41(F).**

(F) **Discontinuance.** Same as **Section 40-4-41(E).**

(G) **40-4-43.** Flood Plain. If site is located in a flood plain, applicant must also follow **Section**

(H) Definitions.

- (1) **FPE.** Flood Plain Elevation.
- (2) **Permittee.** Means the person or entity holding the Illinois State permit and listed on the Illinois State bond as principal.
- (3) **Property Owner.** Those responsible holders of Real Estate within Monroe County.
- (4) **Tank.** A tank or other receptacle into which oil or water is gathered, produced, or stored.
- (5) **Tank Storage Site.** An area comprising a tank or tanks; a berm or dike; storage facilities related to oil production or exploration; and related fencing when required.

40-4-43 OIL DRILLING & TANK SITES IN FLOOD PLAIN. Oil drilling, injection wells or conversion wells and tank site facilities in a flood plain area must comply with **Sections 40-4-41** and **40-4-42** and regulations listed below:

- (A) Require a Floodproof Certificate.
- (B) The well head can stay at grade level provided that it is floodproof and pump-jack should be placed on a **fifteen (15) foot** platform or **one (1) foot** above FPE.
- (C) Any additional cost to the County due to the applicant or permittee cleanup that exceeds Illinois State deposit shall be paid by said permittee. This shall include oil requirements stated in **Sections 40-4-41** and **40-4-42**.
- (D) Oil storage tank sites shall include said earthen dike but constructed to withstand a typical wet floodplain environment or flood.
- (E) Oil storage tanks must be elevated no less than **fifteen (15) feet** from grade or **one (1) foot** above the FPE by non-erodible methods to include a rock base berm or tanks need to be anchored to withstand any flood waters.
- (F) Oil well caps and mechanisms must be stored and secured on site for emergency use in times of flooding. Monroe County reserves the option to conduct unscheduled inspections by Zoning Administrator. Any site found in violation may be fined not less than **Two Hundred Dollars (\$200.00)** or no more than **Five Hundred Dollars (\$500.00)** per week.
- (G) Oil storage facilities should have a prepared oil evacuation plan in the event of possible evacuation by flood waters. A site ponding gauge should be installed on site and be visible from boundary fence. When ponding gauge shows **six (6) inches** from base, the oil evacuation plan should be implemented.
- (H) All regulations under the model ordinance for the State of Illinois and Monroe County regulating development in Special Flood Hazard Areas will also apply.

40-4-44 RESERVED.

DIVISION III - MINING

40-4-45 SURFACE MINING. The County Board shall exercise its authority under the Illinois "Surface-Mined Land Conservation and Reclamation Act" to review all proposed surface mine reclamation plans for mines within Monroe County.

As set forth in State Law whenever any land in the County is proposed to be surface-mined, the prospective mine operator shall file a reclamation plan for public inspection at the County Courthouse not less than **sixty (60) days** prior to any action on the plan by the Department of Mines and Minerals. Within **forty-five (45) days** of receiving the plan, the County Board may:

- (A) request that a public hearing be conducted in the County by the Department of Mines and Minerals; and
- (B) propose the uses for which surface-mined land is to be reclaimed.

40-4-46 RESERVED.

DIVISION IV – MANUFACTURED HOME REGULATIONS

40-4-47 MANUFACTURED HOMES ON PRIVATE LOTS. Manufactured homes on individual lots (as opposed to mobile home parks) may be permitted in R-MH Manufactured Home District provided they comply with all the following supplemental regulations:

- (A) **Same Lot Size/Setbacks.** No manufactured home shall be placed on any individual lot unless the district's minimum lot size and setback requirements are strictly observed.
- (B) **One Per Lot.** Not more than **one (1)** manufactured home shall be placed on any individual lot.
- (C) **Stand.** All manufactured homes on individual lots must be placed on a full permanent perimeter foundation with wheels and towing devices removed.
- (D) **Anchors.** Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every manufactured home stand or as otherwise necessary for protection against high winds. Every manufactured home shall be securely tied down to such anchors.

40-4-48 MANUFACTURED HOME, PARKING FOR INSPECTION AND SALES. A manufactured home may be parked for inspection and sale on any automobile or trailer sales lot but manufactured homes shall not be parked for inspection and sales to the general public within any manufactured home park.

40-4-49 MANUFACTURED HOME PARKS ALLOWED ONLY BY SITE PLAN APPROVAL.

(A) Except as provided otherwise in paragraph (B), upon the effective date of this Code, no manufactured home park shall be developed, expanded, or altered except upon approval of the site plans therefor. No such site plan shall be approved unless, at a minimum, the proposed project:

- (1) is or will be located in the "R-MH" zoning district; and
- (2) complies with all applicable regulations of this Article; and
- (3) conforms to the requirements of:
 - (a) "An Act to provide for, license, and regulate manufactured homes and manufactured home parks", as now or hereafter amended; and
 - (b) "Rules and Regulations for Manufactured Home Parks," Illinois Department of Public Health, Consumer Protection Division as now or hereafter amended.

(B) A manufactured home park developed before the enactment of this Code may be altered (but not expanded) even though it is not located in the "R-MH" zoning district, but only upon approval of the site plans for the alterations. Such site plans may be approved only if the Administrator determines that the proposed alterations will bring the park more nearly into compliance with all applicable requirements.

40-4-50 MANUFACTURED HOME PARK SITING REQUIREMENTS. The lot on which any manufactured home park is situated shall meet the requirements of the subsections below:

- (A) **Minimum Area/Setbacks.**
 - (1) **Minimum Area. Two (2) acres.**
 - (2) **Minimum Width. Two hundred fifty (250) feet.**
 - (3) **Minimum Depth. Two hundred fifty (250) feet.**
- (B) **Suitability of Site Generally.**
 - (1) **Natural Conditions.** No manufactured home park shall be located on land that is unsuited for development due to flooding, inadequate drainage, karst topography, poor soils, or similar constraints.
 - (2) **Vermin Problems Nuisances.** Manufactured home parks shall be located away from marshes, landfills, or other potential breeding places for insects and rodents. Moreover, manufactured home parks shall not be exposed to objectionable smoke, noise, odors, lights, or other nuisances.

40-4-51 INDIVIDUAL MANUFACTURED HOME PARK SPACE REQUIREMENTS: SIZE AND ARRANGEMENT.

- (A) Every manufactured home space shall meet the following requirements:
 - (1) **Minimum Area. Eight thousand (8,000) square feet.**
 - (2) **Minimum Depth. One hundred (100) feet.**
 - (3) **Minimum Width. Seventy (70) feet.**
- (B) Manufactured homes (as well as any other structures) within any park shall be placed so that no part of any manufactured home or structure is closer than:
 - (1) **ten (10) feet** to any park street;
 - (2) **twenty-five (25) feet** to any lot line of the park; or
 - (3) **twenty (20) feet** to any part of any other manufactured home.
- (C) No structure in any manufactured home park shall be more than **twenty (20) feet** in height.

40-4-52 INDIVIDUAL MANUFACTURED HOME PARK SPACE IMPROVEMENT STANDARDS. Every manufactured home space or manufactured home thereon (as the case may be) shall comply with the requirements of the subsections below.

- (A) **Manufactured Home Stand.** Each space shall have a stand extending the full length of the underside supports of the manufactured home. The stand shall be so located in relation to the abutting road as to facilitate placement and removal of the home. The stand shall consist of either **six (6) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab, with wheels and towing devices removed.
- (B) **Anchors, Tie-Down Equipment.** All individual manufactured home spaces shall be improved in accordance with the following anchor and tie-down equipment standards; or in accordance with the provisions of the State of Illinois Tie-Down Act of 1980, as amended, whichever standard is more restrictive. The Administrator shall determine which standard is more restrictive.
 - (1) **Anchors.** An anchor capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** in the type of soil on the site shall be installed at each corner of the manufactured home stand or as otherwise necessary for protection against high winds.
 - (2) **Tie-Down.** Each manufactured home shall be supplied with appropriate tie-down equipment, namely:
 - (a) one set of frame ties attached to the frame beneath the home to prevent its sliding downwind off its supports for every **ten (10) feet** length of the home; and
 - (b) at least two sets of over-the-top-ties positioned not more than **five (5) feet** from each end of the home to prevent overturning.

(3) **Manager's Responsibility.** The manager of any manufactured home park shall be responsible for making sure that the tie-down equipment is securely attached to the anchors.

(C) **Off-Street Parking Spaces.** There shall be **two (2)** off-street parking spaces on each manufactured home space. Each parking space shall measure at least **ten (10) feet by twenty (20) feet.**

(D) **Skirting.** Each manufactured home shall be skirted with fire-resistant material to enhance the appearance of the park and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.

40-4-53 - 40-4-61 RESERVED.

DIVISION V – WIND ENERGY CONVERSION SYSTEMS

40-4-62 PURPOSE. It is the purpose of this Division to promote the safe, effective, and efficient use of Wind Energy Conversion Systems within Monroe County while preserving and protecting the public health, public safety, natural resources, property values, and aesthetic conditions within Monroe County.

40-4-63 APPLICABILITY. This Section shall govern all applications for special use permit for a WECS Industrial-scale and/or utility scale WECS and small scale WECS and applications for these permits may be not sites in Industrial Land Use and Agricultural zoned areas, excepting areas that lie within or directly adjacent to lands geologically demarcated as Karst-sinkhole plain, as mapped and analyzed by the Illinois Geological Survey.

40-4-64 SPECIAL USE PERMIT AND SITING APPROVAL PROCEDURE.

(A) To obtain a special use permit and siting approval, the applicant must first submit a special use application to the County along with the established website. The developer shall maintain a public-view non-commercial website, excluding sole user, through the application process and the life of the project that includes all the following information pertaining to special use permitting and siting approval procedure, and additional information as specified further in this Division. The developer will allow the County to place a link to said website on the County's website and no charges for the County or for users and viewers of the "WECS website" will be allowed. The special use application shall contain or be accompanied by the following information:

- (1) WECS project summary, including to the extent available, a general description of the project, including:
 - (a) Approximate name plate generation capacity.
 - (b) Potential equipment manufacturer.
 - (c) Type of WECS.
 - (d) Number of WECS.
 - (e) Name plate generation capacity of each WECS.
 - (f) Maximum height of the WECS towers.
 - (g) Maximum diameter of the WECS rotor.
 - (h) Turbine color and rotor direction.
 - (i) General location of the project.
 - (j) WECS tower manufacturer's safety/evacuation/fall zone specification(s).
- (2) A description of the applicant, owner and operator, including the respective financial structures and financial statement and certification that the

applicant has obtained a minimum of **Five Million Dollars (\$5,000,000.00)**, with a **three percent (3%)** annual inflation adjustment, insurance coverage for liability, bodily and property damage. Such insurance coverages are to be maintained throughout the life of the project and annual proof of continuing coverage is to be provided to the County by the applicant and/or successors.

- (3) The name, address, and phone number of the applicant, owner, and operator, and all property owners within the WECS perimeter.
- (4) A site plan for the installation of the WECS project showing the boundaries of the project, the location or planned location of:
 - (a) Each WECS tower.
 - (b) Guy wires and anchor bases (if any).
 - (c) Primary structures.
 - (d) Property lines (including identification of adjoining properties).
 - (e) Setback lines.
 - (f) Public access roads and turnout locations.
 - (g) Substation.
 - (h) Electrical cabling from WECS tower to the substation.
 - (i) Ancillary equipment.
 - (j) Third-party transmission lines.
 - (k) Private access roads.
 - (l) Wells.
 - (m) Septic fields.
 - (n) Existing easements.
 - (o) Floodplain location and elevation (if applicable).
 - (p) Wetland locations (if applicable).
 - (q) Layout of all structures within the geographic boundaries of any applicable setback.
- (5) Distances from proposed towers on each site to all property lines; existing residences within **three thousand (3,000) feet** of any tower; existing structures within **two (2) times** the tower height; utility lines within **two (2) times** the tower height; all underground utility lines on site.
- (6) A topographic map of the proposed site within the WECS perimeter including **two (2) foot** contour lines across the site and extending **one hundred (100) feet** in all directions from the limits of construction.
- (7) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Section, federal and state laws, and administrative provisions, including, but not limited to:
 - (a) Noise assessment, including average and maximum noise levels at perimeter property lines and at housing units within the project.
 - (b) Avian screening report by a qualified third party and all correspondence with the Illinois Department of Natural Resources and United States Fish and Wildlife Service regarding the project.
 - (c) Letter from the Federal Aviation Administration stating the project is in compliance with Federal Aviation Administration height and lighting requirements.
 - (d) The applicant shall apply for consultation with the Illinois Department of Natural Resources.
 - (i) If IDNR consultation recommends the developer obtain Incidental Takings Permits for wildlife species from either or both U.S. Fish and Wildlife Service (USFWS) and IDNR (pursuant to Section 10 of the Endangered Species Act and pursuant to Section 5.5 of the Illinois Endangered Species Protection Act), such permits and supporting documentation must be presented with the application.

- (ii) The developer must provide documentation of contacts and correspondence with USFWS and compliance with their guidelines regarding potential impacts to summer and winter populations of Bald Eagles.
 - (e) Emergency plan.
 - (f) An evaluation of the geotechnical stability of areas proposed for wind turbine areas, including a thorough investigation of soil and bedrock properties.
 - (g) If WECS site planning includes areas within **ten (10) miles** of known cave systems in the karst-sinkhole plain, **one (1) year** of pre-construction and **two (2) years** of post-construction seismic testing within these cave systems is required. Pre-construction monitoring would provide baseline information on the source, magnitude, and frequency of vibrations currently experienced within cave systems and allow later differentiation from turbine-created for any movement and/or damage of speleothems and will be used to identify the bearings and magnitudes of vibrations caused by turbines and correlate them with wind speeds. The developer must obtain permits and file annual reporting as required by the Illinois Department of Natural Resources and the Illinois Nature Preserves Commission for scientific research for seismic activity monitoring. At the time of application, the developer must submit a copy of the initial year approved permit for scientific research and a plan of research and/or copy of the initial report of seismic monitoring. Pre-construction and post-construction seismic monitoring reports must be filed with the Illinois State Geologic survey (to be forwarded to the U.S. Geologic Survey as the ISGS deems needed), and posted on the "WECS Website" on the **six (6) month** minimum basis but must commence with the first month of post-construction/first month of initial WECS operations.
 - (h) A report with computer-generated simulations of any/all potential shadow flicker areas and the applicants' plan(s) for compliance with zero-shadow flicker tolerance.
 - (8) Any other information normally required by the County Zoning Code.
 - (9) Copies of all necessary access easements and necessary utility easements, copies of which shall be submitted to the Zoning Office.
 - (10) Legal description for the planned location of the WECS project and/or substation.
- (B) The applicant shall notify the County of any changes to the information provided in the subsections above that occur while the special use application is pending.

40-4-65 **USED EQUIPMENT.** Used equipment is permitted only if recertified to factory specifications or better by the factory or an appropriate professional engineer.

40-4-66
(A)

SETBACKS.

Tower Setbacks.

- (1) Tower setback from the WECS site perimeter shall be **one and one-half (1.50) times** the WECS tower's safety/evacuation/fall zone, or **one and one-half (1.50) times** tower height whichever is greater.
- (2) Tower setback from a principal structure shall be **one and one-half (1.50) times** the WECS tower's safety/evacuation/fall zone, or **one and one-half (1.50) times** tower height whichever is greater.

- (3) Tower setback from the property line of a nonparticipating parcel(s) shall **two thousand six hundred forty (2,640) feet** or **one and one-half (1.5) times** the WECS tower's safety/evacuation/fall zone, whichever is greater.
 - (4) Tower setback from the property line of a nonconsenting parcel(s) shall be **two thousand six hundred forty (2,640) feet** or **one and one-half (1.5) times** the WECS tower's safety/evacuation/fall zone, whichever is greater.
 - (5) Tower setback from public road right-of-way lines, third-party utility property or easement lines, communication towers, and any other structures shall be **one and one-half (1.5) times** the WECS tower's safety/evacuation/fall zone.
 - (6) Tower setback from Illinois Department of Natural Resource-owned property, State Parks, designated Nature Preserves, registered Land & Water Reserves, and Illinois Natural Area Inventory site boundaries shall be **one (1) mile**.
 - (7) Towers are not permitted within Illinois Environmental Protection Agency Class III groundwater areas.
 - (8) Tower setback for small-scale, sole end-user WECS will be what state regulations require from their property lines.
- (B) **Substation Setbacks.**
- (1) All hardware and any potentially noise emitting equipment must be fenced with sound walls. Setbacks must be a minimum of **one thousand fifty (1,050) feet** from all fronts, rear and side property lines of any non-participating property line as measured from the sound wall.
 - (2) For a WECS collector substation in the designated Industrial zoned, area setbacks shall be **fifty (50) feet** from all front, rear and side property lines.
- (C) New principal structures adjacent to a WECS shall maintain the same setback from the WECS as the WECS is required to observe.

40-4-67 PROHIBITION. No WECS or WECS project governed by this Division shall be constructed, erected, installed, or located within Monroe County unless prior Special Use Permit application has been approved by the Monroe County Board of Commissioners after receipt of a report by the Zoning Board of Appeals as to whether the County Board should deny, grant, or grant subject to conditions of the special use for each individual WECS or WECS Project pursuant to this Division. Upon special use approval, a construction permit shall be obtained from the Zoning Department prior to the commencement of construction of any WECS or WECS project or any part thereof.

40-4-68 NOISE. Noise levels from each wind farm tower or wind farm shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code, Subtitle H: Noise, Parts 900, 901, 910, and other applicable provisions of this Code, as amended from time to time). Noise levels must have a maximum allowable level of **thirty (30) decibels** from **10:00 P.M. to 7:00 A.M.** and **thirty-five (35) decibels** from **7:00 A.M. to 10:00 P.M.**

(A) The applicant shall submit manufacturer's wind sound power level characteristics and other relevant data regarding wind turbine noise adequate in continue to provide an evaluation and review for determining compliance with all noise regulation.

(B) The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.

(C) The applicant shall submit a map of the relevant noise contours for the proposed wind farm and indicate the proposed wind farm towers and all existing principal buildings within at least **two thousand (2,000) feet** of any wind farm tower.

(D) If a computer model is used to generate the required noise contours, the applicant shall state the assumptions of the model's construction and algorithms so that a competent and objective third party can as simply as possible verify the adequacy of the methodology and resultant data.

(E) After construction of the wind farm the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and undertake any necessary enforcement actions as required to mitigate the noise violation. Such actions may include, but not be limited to:

- (1) The Zoning Administrator may seek authorization from the County Board to retain the services of a noise consultant to determine compliance with the relevant regulations and applicable laws. In such instance the WECS owner shall be notified of the action and the cost of such service and shall submit an adequate escrow payment to cover the cost of the consultant's services.
- (2) The Zoning Administrator may require the wind farm owner to cooperate fully with the noise consultant in the enforcement action, including shutting down all wind turbines, in order to allow proper documentation of ambient noise levels. The Zoning Administrator shall fully cooperate with the WECS owner in order to minimize any harmful effect on the operation, maintenance and economic viability of the wind farm.
- (3) In the event that a violation of the IPCB noise regulations is identified, the Zoning Administrator may require the WECS owner to take whatever actions are necessary to stop the violation. The Zoning Administrator may seek further consultation from other sources, including, but not limited to, the Monroe County States Attorney. The WECS owner shall be responsible for all costs incurred by the County for evaluating identifiable violations. The WECS owner shall not be responsible for County services in which there are no identifiable violations.

(F) **Substation Noise.**

- (1) Reading for nighttime ambient noise levels must be conducted on property line.
- (2) Low-impulse noise equipment and active noise control technology must be used.
- (3) Noise levels from equipment must be no more than **ten (10) decibels** above existing nighttime ambient and **one thousand (1,000) feet** from substation sound walls or **fifty (50) feet** from sound wall if located in the designated Industrial zone. The requirement for sound barriers or sound walls will be governed by the Institute of Electrical and Engineers Standards Association Standard 1127-2013.

40-4-69 **APPEARANCE.** The WECS surface shall be a nonreflective, unobtrusive color (usually gray or white). No advertising signs or graphic designs shall be permitted on the WECS. The manufacturer's identification with kilowatt ratings is allowed.

40-4-70 **CERTIFICATION.** The WECS shall conform to applicable industry standards, including, but not limited to, those of the American National Standards Institute (ANSI). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party. Following the granting of a special use permit under this Division, a professional engineer shall certify, as part of the building permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

40-4-71 **CODES.** All applicable County, State and National construction and electric codes shall be followed.

40-4-72 BRAKING. All WECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

40-4-73 POWER LINES. All new power lines used to collect power from wind farm turbines to the substation and all communication lines shall be underground. In instances where they cross public roads they shall be bored as required in the County Road Agreements and located underground at a depth of at least **four (4) feet** or what the National Electric Safety Code requires, whichever is greater. In certain instances, the County may authorize the location of utilities in public rights-of-way. All electrical lines connecting each turbine to other turbines shall be installed underground. The applicant shall install marker tape in any cable trench.

40-4-74 UTILITY LOCATION. The applicant shall become a member of the Illinois statewide one-call notice system (otherwise known as the joint utility locating information for excavators or "JULIE" and provide "JULIE" with all of the information necessary to update its records with respect to the wind farm project.

40-4-75 FAA COMPLIANCE. The Wind Farm shall comply with all applicable Federal Aviation Administration (FAA) requirements, which shall be explained in the application. The applicant shall obtain all of the necessary approvals and permits from the FAA and be responsible for a determination of no significant impact to air navigation. The application shall contain all construction drawings illustrating the location, number of lights, and color of lights and intensity of lights as approved by the FAA.

40-4-76 WARNINGS. A visible warning sign stating, "High Voltage" must be placed at the base of all WECS projects, pad-mounted transformers, and substations and other elements that may be impacted by "High Voltage". The sign must have, at a minimum, **six (6) inch** letters. Signs shall also be placed at all points of site ingress and egress. Visible, reflective, colored objects, such as flags, reflectors, or tape, shall be placed on the anchor points of guy wires and along the guy wires up to a height of **fifteen (15) feet** vertically from the ground.

40-4-77 CLIMB PREVENTION. All WECS towers must be unclimbable by design or protected by anti-climbing devices such as fences with locking portals at least **six (6) feet** high or anti-climbing devices **fifteen (15) feet** vertically from the base of the WECS tower.

40-4-78 LIGHTING. The WECS shall not be lighted except as required by the Federal Aviation Administration or other State or Federal laws. Unless prohibited by the FAA, required warning lighting on turbines will be aviation-activated lighting, rather than "always-on" lighting.

40-4-79 HEIGHT. WECS tower height must comply with all applicable FAA regulations and not exceed **six hundred fifty (650) feet** above ground level.

40-4-80 USE OF PUBLIC ROAD; STANDARD CONDITIONS FOR USE OF PUBLIC ROADS AND BRIDGES.

(A) Any applicant/owner/contractor proposing to use any county highway, road, or municipal street for the purpose of transporting WECS towers or substation parts and/or equipment for construction, operation, maintenance or decommissioning of the WECS towers or substation(s), shall identify

all such public highways, roads, streets and pay the costs of any necessary permits, consultations, engineering, and the costs to repair any damage or make any modifications/upgrades to the highways, roads, or streets caused by the WECS construction, operation, maintenance, or decommissioning as follows. Prior to a special use permit being granted the applicant/owner/contractor, the County Engineer, and any other road authority shall enter into a Roadway Upgrade and Maintenance approved by the County Engineer, State's Attorney, Road Commissioner, Municipality and State where relevant, and the signed and executed Roadway Upgrade and Maintenance Agreement must provide for the following minimum conditions:

- (1) The applicant/owner/contractor shall agree to conduct, at their cost, a pre-construction baseline survey to determine the existing conditions of the affected County highways, roads, streets, bridges, culverts, etc. to assist in the assessment of potential future damage from WECS construction, operation, maintenance, and decommissioning. The County reserves the right to hire its own consultant/engineers/experts to validate this assessment if necessary, at the cost of the applicant/owner/contractor.
- (2) A description and map of all public roads to be used in connection with the construction, operation, maintenance, and decommissioning of the WECS and associated equipment, with site photos and documentation including a description of how and when such roads will be used in connection with these activities.
- (3) The applicant/owner/contractor shall provide a schedule of oversized/overweight loads including, at a minimum, size, weight, number of movements and estimated dates. Said schedule shall be a part of the agreement. Any deviations from the schedule shall be approved by the County Engineer prior to the oversized/overweight movement. Any bridges in question of load rating shall be analyzed at the expense of the applicant/owner/contractor.
- (4) A complete assessment of the proposed use of roads in the County in connection with the construction, operation, maintenance, and decommissioning of the WECS and associated equipment, including the adequacy of turning radii; elevations; the ability of the roads to sustain loads without damage; the need to remove (permanently or temporarily) signs, trees, utilities, or anything else; any reasonably foreseeable damage to roads or other property; any reasonably foreseeable costs the County may incur in connection with the use of roads, including but not limited to costs relating to traffic control, public safety, or damage to roads or property will be the sole financial responsibility of the applicant/owner/contractor.
- (5) The applicant/owner/contractor shall submit plans for approval for any temporary or permanent changes in elevation, widening, changing of corner radiuses, or anything else foreseeable. If any of these changes are deemed temporary and will no longer be necessary after the initial construction, they will be returned to their original lines and grades in a timely manner. All financial responsibility for temporary or permanent modifications and their return to original lines and grades will fall on the applicant/owner/contractor.
- (6) A traffic control and safety plan relating to the use of roads in the County in connection with the construction, operation, maintenance, and decommissioning of the WECS and associated equipment. This plan will include but not be limited to upgrading/modifying intersections, signage, proper traffic control, schedule of road closures, all to minimize the impacts on local traffic, emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic. A schedule of anticipated road closures shall be a part of the agreement and any deviations shall require prior approval from the County Engineer. At least **forty-eight (48) hours'** notice shall be provided to the public of each closure.

- (7) The applicant/owner/contractor shall be responsible for proper direction of runoff and drainage. Due to the karst geology in the County water returns quickly to the water table so any damage or modification to culverts, piping, drain tiles, waterways, ditches, etc. can have adverse effects to public health and safety. Standing water can cause health issues, damage to property, crops, and nuisance. Misdirected, contaminated or silted water can cause issues for residents using wells for drinking water. The County Engineer shall be notified of any damage to the above-mentioned means of moving water and shall be fixed within **seven (7) calendar days** of being damaged. Damaged areas shall be staked with a special marker so that it remains a priority to be repaired. Any damage to the above-mentioned infrastructure, contamination of wells, or property damage caused by this damage will be the sole financial responsibility of the applicant/owner/contractor.
- (8) The applicant/owner/contractor shall provide environmentally safe means of dust control during all construction, operation, maintenance, and decommissioning of WECS and associated equipment. The means of mitigating dust issues shall be approved by the County engineer and any consultants or experts deemed necessary to make this decision. Dust mitigation and any fees for consultants/engineers/experts are the sole financial responsibility of the applicant/owner/contractor.
- (9) The applicant/owner/contractor shall be financially responsible for any trees, shrubbery, landscaping, private drives, utilities, or anything else reasonably foreseeable during the construction, operation, maintenance, or decommissioning of WECS and associated equipment. Trees, shrubs, and other vegetation on private property will be assessed for value using the Guide for Plant Appraisal, Latest Edition, authored by the Council of Tree and Landscape Appraisers (CTLA) and the owner will be paid for their taking. The applicant/owner/contractor shall provide a schedule of trees (greater than **six (6) inches** diameter, measured up **three (3) feet** from ground line) anticipated to require removal during construction. Any trees found needing to be removed that are not on the schedule will require review and approval by the County Engineer prior to removal. Upon completion of construction activities trees that were taken down along County roads will be replanted on a one for one basis with a "like kind" replacement at the applicant/owner/contractor's expense, but only nature trees and/or shrubs will be installed as replacements. All modified areas will be returned to similar original appearance to the best of the ability of the applicant/owner/contractor.
- (10) Any additional information the County may request relating to the use of roads in connection with the WECS and associated equipment will be provided by the applicant/owner/contractor.
- (11) The County shall evaluate the Roadway Upgrade and Maintenance agreement with assistance from such consultants/engineers/experts it deems appropriate at the cost of the applicant/owner/contractor. The County shall document the condition of all roads to be used in connection with the construction of the WECS in such manner as it deems appropriate. The County may require changes to the Roadway Upgrade and Maintenance Agreement it deems appropriate to protect public safety, to protect County roads, and to address anticipated costs to the County associated with applicant's use of roads in the County.

(B) The County shall require the applicant to provide an escrow fund, letter of credit or surety bond in an amount the County determines appropriate to secure any obligations under the agreement, including but not limited to any obligation relating to alterations or improvements to roads needed in connection with applicant's use of roads in the County, and the reimbursement of the County for

any costs the Roadway Upgrade and Maintenance Agreement indicates the County may incur in connection with applicant's use of the roads in the County.

(C) The applicant/owner/contractor shall agree to conduct, at their cost, a post-construction survey to determine and/or present worth costs of life consumed by the construction traffic of the affected County highways, roads, streets, bridges, culverts, etc. to assist in the repair or potential future repair from WECS construction. The County reserves the right to hire its own consultant/engineers/experts to validate this assessment if necessary, at the cost of the applicant/owner/contractor. These surveys/assessments shall also be revisited during operation, maintenance, and decommissioning as necessary to determine damage caused by WECS and associated equipment.

(D) Upon completion of construction of WECS and compliance with all terms of the Roadway Upgrade and Maintenance Agreement and this Division, the applicant/owner/contractor shall provide a projected schedule of operation and maintenance traffic that will utilize public and private roads to the County Engineer. At which time the County Engineer will determine if an updated/revised agreement will be required. If a new agreement is not necessary, any and each oversized/overweight load will require a permit approved by the County Engineer.

(E) Upon determination that decommissioning is eminent, the applicant/owner/contractor shall follow all provisions, as stated above under "Standard Conditions for Use of Public Roads and Bridges" and enter into a Roadway Upgrade and Maintenance Agreement with the County Engineer or other Road Authority.

40-4-81 INTERFERENCE.

(A) No WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antenna for radio, television, wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in a location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

(B) The applicant shall provide the applicable microwave transmission providers, local emergency service providers, and the local phone company copies of the project summary and site plan. If these providers demonstrate a likelihood of interference with their communications resulting from the WECS, the applicant shall take measures to mitigate anticipated interference or relocate the WECS tower or facility. If, after construction of the wind farm, the owner or operator receives a written complaint related to the above-mentioned interference, the owner or operator shall take corrective measures to cure the problem.

40-4-82 SHADOW FLICKER. The applicant shall conduct a study on potential shadow flicker. The study shall identify the locations of shadow flicker that may be caused by the project and expected durations of the flicker at these locations. Wind Turbines will be sited to ensure that no shadowing or flicker occurs on neighboring property. The applicant must ensure that the wind turbine will not produce shadowing or flicker on neighboring property or public roadways. Blade glint, defined as the intermittent reflection of the sun off the surface of the blades of a turbine, is prohibited. The applicant shall submit a paint sample that demonstrates the color, texture and gloss of the proposed surface coating. The applicant shall also submit a certification by the manufacturer stating that the proposed surface coating will not create a reflective surface conducive to blade glint. Any safety problems identified by the County Engineer caused by shadow flicker on roads shall be mitigated.

40-4-83 STUDY REVIEWS - USE OF THIRD-PARTY CONSULTANT. The County may desire to retain experts in the areas of engineering, planning, environmental, and legal in order to properly and efficiently review the documentation submitted by the applicant. In such instance the applicant will be advised of the required service and be provided an estimate of the expert's fees. Since such fees are beyond the customary fees associated with smaller and less complex matters, the applicant will be required to pay for the expert services as part of the review process, and such payments shall occur regardless of the findings of the expert or the action ultimately taken by the County on the application. After notice to the applicant of the cost of such required experts, the applicant will be required to escrow all fees into a County

account. The applicant will be provided with duplicate copies of consultant invoices and may comment on each invoice. A monthly statement of the manner in which the escrowed funds in the account are utilized will be made available to the applicant and, if required, the applicant shall replenish the account.

40-4-84 EMERGENCY PROVIDERS.

(A) The applicant shall submit to all county Fire Protection Districts, and any other Fire Departments who may provide mutual aid assistance, the Sheriff's Department, County EMT's, MABAS, and other relevant police authorities a complete copy of the application for the wind farm project, a copy of the site plan and an analysis of the anticipated fire and police protection needs.

(B) The applicant shall cooperate with the county Fire Protection Districts, the Sheriff's Department, EMT's, and other relevant police authorities and develop emergency response plans that describe the potential emergency services that may be required and an analysis of the fire, police and EMT capabilities in terms of equipment and manpower to respond to potential emergency conditions. The applicant, owner, or operator shall work with local rescue authorities to provide training (at the applicant, owner, or operator's expense) to personnel who can assist with a rescue from a wind turbine or tower. If necessitated by lack of personnel or equipment, the applicant shall be required prior to final special use approval to develop and maintain a financial plan to ensure the provisions of emergency services and demonstrate that such plan will be implemented precedent to the start of construction, maintained throughout the life of the wind farm, including decommissioning. The level of training is to be determined by the emergency service providers. All discussions and coordination with emergency service providers shall take place prior to special use approval.

(C) The applicant, owner or operator shall participate with local emergency providers in an annual review of personnel, training and equipment requirements, and shall provide additional equipment upgrades or training requirements pertaining to the wind farm.

(D) The applicant, owner, or operator shall be responsible for providing and maintaining infrastructure improvements, i.e., water supply, water storage cisterns, access roads to expedite fire suppression.

(E) The applicant shall address how the National Fire Protection Association (NFPA) Code 850, Chapter 10 and other applicable chapters, applies to the project. The applicant should also note if there are any other national codes, standards, or best management practices that address fire safety in wind turbines.

40-4-85 MATERIAL HANDLING, STORAGE AND DISPOSAL.

(A) All solid waste related to the construction, operation, and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal procedures.

(B) All hazardous materials related to the construction, operation, and maintenance of the WECS shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal procedures.

40-4-86 BIRDS, BATS AND WILDLIFE.

(A) A qualified professional, such as an ornithologist or wildlife biologist, shall conduct a preconstruction site risk assessment study to estimate the impacts of the construction and operation of the proposed WECS on birds, bats and wildlife. The preconstruction site risk assessment shall be submitted with the application and shall include the following minimum information, with all reviews, reports specified in below sections (1)-(4) included with the initial application and posted to the "WECS Website":

- (1) A literature review of existing information on species and potential habitats and results of agency database queries for records of rare, threatened, and endangered species and important habitats, such as Illinois Natural Areas Inventory sites and registered/dedicated nature preserves, land and water reserves, and wetland reserves within **two (2) miles** of the proposed WECS.

- (2) A general mapping of the significant vegetation and land cover types, wildlife habitat and quality, and physical characteristics of the proposed WECS.
- (3) A field examination that verifies results of the literature review and agency queries and documents general site habitat conditions.
- (4) A review of existing literature of avian and bat mortality field results within North America and in similar physiographic settings as the proposed WECS.
- (5) WECS in Monroe County will be operated in accordance with current best strategies to avoid and minimize bat and avian mortality. The Bat and Wind Energy Cooperative (BWEC) Operational Minimization strategy has demonstrated that bat fatalities can be reduced by up to **ninety-five percent (95%)** with an estimated loss of wind generation of only **one to three percent (1-3%)** of the annual power production.
 - (a) WECS operations will be immobilized during periods of time when wind speeds are below **five (5) meters** per second between sunset and sunrise during the entire year whenever air temperatures rise above **Fifty Degrees Fahrenheit (50°F)** to conserve bats (inclusive of all species, whether or not they are listed by Illinois as endangered or threatened).
 - (b) WECS turbine rotors will be immobilized (feathered), regardless of wind speeds, for **two (2) hours** after sunset and **two (2) hours** prior to sunrise from **15 April to 21 May** and from **1 September to 15 October** (peak times of spring and fall avian migration) to reduce bird mortality.
 - (c) Strategies or technologies to replace Operational Minimization may be approved by the Monroe County Planning Commission and Zoning Board of Appeals only if the Developer/Operator provides full documentation and approval from IDNR and recommendations on greater mortality reductions from independent organization including the BWEC, Bat Conservation International, and the American Bird Conservancy.

(B)

Mortality Monitoring.

- (1) A qualified professional, such as an ornithologist or wildlife biologist, shall also conduct a post-construction mortality monitoring study to quantify the mortality impacts, if any, from the WECS on birds and bats. The post-construction mortality study shall consist of the following information at a minimum:
 - (a) Annual site-specific mortality monitoring from the beginning of the spring migration for birds or bats, and extending through the end of the fall migration for birds or bats and including both spring and fall migration, and from fall through spring for winter season gatherings of bird species or for other state/federally listed wildlife species will be conducted. Mortality monitoring is to statistically quantify avian and bat mortality, by species, due to turbine operations, and will use methods approved by the IDNR. Annual reports will be submitted to the IDNR, to the County, and made available on the "WECS Website."

40-4-87

(A)

FARMLAND DAMAGES.

Standard Conditions to Mitigate Damage to Farmland.

- (1) All underground wiring or cabling for the WECS shall be at a minimum depth of **four (4) feet** below grade or deeper if required to maintain a minimum **one (1) foot** of clearance between the wire or cable and any agricultural drainage tile.

- (2) **Protection of Agricultural Drainage Tile.**
- (a) The applicant/owner/contractor shall endeavor to locate all existing agricultural drainage tile prior to establishing any construction staging areas, construction of any necessary WECS access lanes, or driveways, construction of any WECS towers, any common switching stations, substations, and installation of underground wiring or cabling. The applicant/owner/contractor shall contact affected landowners, tenants, and zoning for their knowledge of tile line locations prior to the proposed construction.
 - (b) All identified drainage tile lines shall be staked or flagged prior to construction to alert construction crews of the possible need for tile line repairs after work is performed in the area.
 - (c) Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, any common switching stations, and substations shall be replaced or repaired if damaged by following Monroe County Zoning Code Article VIII Stormwater Regulations, any rules of the Soil and Water Conservation District, and any other applicable county zoning or codes.
 - (d) Any agricultural drainage tile that must be relocated shall be relocated by following Monroe County Zoning Code Article VIII Stormwater Regulations, any rules of the Soil and Water Conservation District, and any other applicable county zoning or codes.
 - (e) Conformance of any relocation of drainage tile shall have written approval of the Monroe County Zoning Inspector which shall be received prior to any backfilling of the relocated drain tile. As-built drawings shall be provided to the Monroe County Zoning Inspector of any relocated drainage tile if deemed necessary by the County.
 - (f) All tile lines that are damaged, cut, or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.
 - (g) All exposed tile lines shall be screened or otherwise protected to prevent the entry into the tile of foreign materials, loose soil, small mammals, etc.
 - (h) Permanent repairs shall be made within **fourteen (14) days** of the tile damage if weather and soil conditions are suitable or a temporary tile repair shall be made. Immediate temporary repair shall also be required if water is flowing through any damaged tile line. Temporary repairs are not needed if the tile lines are dry and water is not flowing in the tile provided the permanent repairs can be made within **fourteen (14) days** of the damage.
 - (i) All damaged drain tile shall be repaired to operate as well after construction as before the construction began of like quality or better than original construction.
 - (j) Following completion of the WECS construction the applicant/owner/contractor shall be responsible for correcting all tile line repairs that fail, provided that the failed repair was made by the applicant/owner/contractor.
- (3) All soil conservation practices (such as terraces, berms, grassed waterways, etc.) or any drainage/runoff directing devices (such as culverts, piping, etc.) that are damaged by WECS construction shall also be restored by the applicant/owner/contractor to the pre-WECS construction condition.
- (4) Topsoil replacement: for any type of excavation or open trenching required pursuant to WECS construction, the topsoil shall be stripped and replaced as follows:

- (a) The top **twelve (12) inches** of topsoil shall first be stripped from the area to be excavated or open trenched and from an adjacent area to be used for subsoil storage. The removed topsoil shall be stored in such a manner that it will not become intermixed with subsoil materials and shall be covered/tarped in a manner as to protect it from any sort of erosion or loss.
 - (b) All subsoil material that is removed from an excavation shall be placed in a storage area separate from topsoil storage. When open trenching is done after topsoil removal the subsoil can be windrowed along the trench.
 - (c) In backfilling an excavation, the stockpiled subsoil material shall be placed back into the excavated area in a proper manner as to leave a minimum of the top **twelve (12) inches** to then be filled with topsoil leaving the area at the proper elevation (with an allowance for settling).
 - (d) In backfilling a trench, the windrowed subsoil material shall be placed back into the trench in a proper manner and then a minimum of the top **twelve (12) inches** of excavation will then be filled with topsoil leaving the area at the proper elevation (with an allowance for settling).
 - (e) The topsoil must be replaced such that after setline occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored.
- (5) **Mitigation of Soil Compaction and Rutting.** The applicant/owner/contractor shall mitigate soil compaction and rutting for all areas of farmland that were traversed with vehicles and/or construction equipment. If compaction and rutting affect drainage, runoff, erosion, or any other reasonably foreseeable issue with a non-participating property the applicant/owner/contractor shall be financially responsible for mitigated those issues.
- (6) **Land Leveling.**
- (a) The applicant/owner/contractor shall be responsible for leveling of disturbed land returning it as close as possible to pre-WECS construction. The applicant/owner/contractor shall level all disturbed land as follows:
 - (b) Following the completion of any excavation or open trenching, the applicant/owner/contractor shall restore all land to its original preconstruction elevation and contour.
 - (c) Should uneven settling occur, or surface drainage problems develop because of the trenching within the first year after completion, the applicant shall again restore the land to its original pre-construction elevation and contour.

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WETLAND MITIGATION. Any mitigation of wetlands shall be done within

40-4-89 **INVASIVE PLANTS.** Any clearing of woods for the purpose of a WECS project shall require the control of invasive plants in the cleared area for the length of the project.

40-4-90 **STORMWATER AND DRAINAGE.** All WECS sites must comply with the Monroe County "Stormwater Drainage and Detention, Soil Erosion and Sediment Control for Commercial and

Industrial Developments” Ordinance. All WECS sites must comply with United States Environmental Protection Agency and Illinois Environmental Protection Agency groundwater drainage standards.

40-4-91 ENERGY DELIVERABILITY. As part of the application process, the owner or operator shall certify to the County Zoning Department that it has secured all necessary rights to deliver energy to a high-voltage electric transmission grid.

40-4-92 INSTALLATION CERTIFICATION. A professional engineer shall certify that the construction and installation of the WECS project meets or exceeds the manufacturer’s construction and installation standards.

40-4-93 MAINTENANCE. Each applicant or successor in interest shall have the applicant’s facility inspected annually by qualified wind power professionals, approved by the Zoning Department, and shall submit a certificate from said professionals reciting the annual maintenance done on the facility and stating that the facility is in good working condition and not a hazard to the public. Failure to submit an annual certificate shall be grounds for revocation of the Special Use Permit by the Zoning Department.

40-4-94 COMPLIANCE WITH REGULATIONS. Nothing in this Article is intended to preempt other applicable federal, state or local laws and regulations.

40-4-95 DECOMMISSIONING AND SITE RECLAMATION PLAN.
(A) A decommissioning and site reclamation plan must be submitted with the special use application to ensure that the WECS project is properly decommissioned and the site properly reclaimed. The decommissioning and reclamation plan shall, at a minimum, include:

- (1) Provisions describing the triggering events for decommissioning the WECS project.
- (2) An estimate of the decommissioning costs certified by a professional engineer. The manner in which salvage value will be considered must be considered and documented. All costs will be itemized.
- (3) Provision for anticipated repairs to any public roads or facilities used for the purpose of reclamation of the WECS project and all costs related to removal of structural materials and access roads.
- (4) Provisions for the removal of structures, concrete, debris and cabling, including those below the soil surface to a depth of **five (5) feet**.
- (5) Provisions for the disconnecting of all cabling from the high-voltage power grid or any other possible source of energy.
- (6) Provisions for the restoration of the soil and vegetation.
- (7) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs by way of sale, gift, and assignment in fact or at law or any other such transfer of financial interest of ownership in the WECS project. Any successor or assigned shall assume the terms, covenants, and obligations of this plan and must agree to assume all reclamation liability and responsibility for the WECS project.
- (8) A provision that this plan is governed by Illinois law.
- (9) A provision that indemnifies the County with respect to any and all liability arising out of the decommissioning and site reclamation plan.
- (10) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect, inspect or complete decommissioning if necessary.

- (11) A provision that the applicant, owner and operator shall notify the County Zoning Administrator by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding, naming the applicant, owner or operator as debtor, within **thirty (30) days** of the beginning of the proceeding.
- (12) Financial assurance, in the form of an irrevocable letter of credit, secured by the owner or operator, for the purpose of adequately performing decommissioning and site reclamation, in an amount equal to **one hundred fifty percent (150%)** of the professional engineer's certified estimate of the decommissioning and site reclamation costs.
- (13) Every **five (5) years** a professional engineer's certified estimate of decommissioning and site reclamation costs will be submitted and an adjustment to the financial assurance will be required.

**40-4-96
RECLAMATION.**

FINANCIAL ASSURANCE FOR DECOMMISSIONING AND SITE

(A) At time of approval of the special use permit the amount of the irrevocable letter of credit shall be **one hundred fifty percent (150%)** of an independent engineer's cost estimate to complete the work. The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits or other federal and state regulations and laws.

(B) It is recognized that there may be a salvage value that will result from the reclamation process; however, the County may limit the amount that can be used for determining the amount of the irrevocable letter of credit.

(C) The owner, operator, applicant or legally responsible party shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account over the first **seven (7) years** of the wind farm operation as follows, and replacement letters of credit shall be simultaneously issued in the reduced amount.

- (1) The owner of the WECS project and the County shall agree upon a mutually accepted financial institution in excellent financial standing at which an escrow account shall be established.
- (2) The County shall be the beneficiary of the escrow account for the purpose of the reclamation of the WECS in the event that the wind farm owner is unwilling to or incapable of decommissioning the WECS project.
- (3) The owner of the WECS project shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record.
- (4) At all times the total combined value of the irrevocable letter of credit and the escrow account shall be increased annually as necessary to reflect actual rates of inflation over the span of the wind farm, and the amount shall be equal to or exceed the following:
 - (a) The amount of the engineer's cost estimate as increased by known and documented rates of inflation since the WECS project was approved; plus
 - (b) An amount for any future years left in the anticipated life span of the wind farm at an assumed rate of inflation of **three percent (3%)** per year.
 - (c) Interest accrued on the escrow account that is over and above the total initial valuation value required shall go to the WECS owner, subject to the terms of the decommissioning and site reclamation agreement.
 - (d) In order to provide funding for the decommissioning at the time of decommissioning, the owner may exchange a new irrevocable letter of credit in an amount equal to the amount in the escrow

account in exchange for the County agreeing to a release of the full amount of the escrow account.

(D) The County may draw down on the funds in the escrow account in the event of the following situations and when the owner shall determine not to take any action to remedy the conditions. The terms under which such action may be taken should be defined in the decommissioning agreement but generally be limited to the following examples:

- (1) In the event that any wind turbine or component thereof ceases to function and becomes mechanically inoperative for more than **six (6) consecutive months** and the owner is not diligently repairing such turbine or component thereof.
- (2) In the event that the owner declares any wind turbine or component to be functionally obsolete for tax purposes.

(E) The decommissioning and site reclamation provision shall be included as part of the project special use application. The irrevocable letter of credit and evidence of the escrow account must be submitted to the County prior to any construction permit being issued.

40-4-97 CESSATION OF OPERATION. If any WECS provided for in this Article has not been in operation and producing electricity for at least **two hundred seventy (270) days**, it shall be removed. The Monroe County Zoning Department shall notify the owner to remove the system. Within **thirty (30) days**, the owner shall either submit evidence showing that the system has been operating and producing electricity or under repair or remove it. If the owner fails to or refuses to remove the WECS, the violation shall be referred to the Monroe County States Attorney for enforcement.

40-4-98 PENALTIES.

(A) The applicant's, owner's, or operator's failure to materially comply with any of the above provision shall constitute a default under this Article.

(B) Prior to implementation of the existing County procedures for the resolution of such default, the appropriate County body shall first provide written notice to the owner, and operator, setting forth the alleged default. Such written notice shall provide the owner and operator a reasonable time period, not to exceed **thirty (30) calendar days**, for good faith negotiations to resolve the alleged default.

(C) If the County determines in its discretion that the parties cannot resolve the alleged default within the good faith negotiation period, the existing County ordinance provision addressing the resolution of such default shall govern.

(Ord. No. 2020-01; 01-19-21)

40-4-99 - 40-4-111 RESERVED.

DIVISION VI – SOLAR ENERGY CONVERSION REGULATIONS

40-4-112 LARGE SOLAR ENERGY PROJECT.

(A) **Procedure.** To obtain a special use permit and siting approval, the applicant must first submit a special use application to the County. The special use application must contain or be accompanied by the following information:

- (1) Solar energy project summary, including to the extent available, a general description of the project, including approximate name plate generation capacity, potential equipment manufacturer, number of panels, total system capacity, general location of the project.

- (2) A description of the applicant, owner and operator, including the respective financial structures and financial statement.
- (3) The name, address, and phone number of the applicant, owner, and operator and all property owners within the solar energy project site.
- (4) A site plan for installation of the solar energy project showing the boundaries of the project, plus the location or planned location of each solar energy panel, guy wires and anchor bases (if any), primary structures, property lines (including identification of adjoining properties), setback lines, public access roads, substation, electrical cabling from panels to the substation, ancillary equipment, third party transmission lines, private access roads, wells, septic fields, existing easements, floodplain location and elevation (if applicable), wetland locations (if applicable), layout of all structures within the geographic boundaries of any applicable setback.
- (5) Distances from any fence, solar energy panels or substation to all property lines.
- (6) A topographic map of the proposed site including **two (2) foot** contour lines across the site and extending **one hundred (100) feet** in all directions from the limits of the site.
- (7) All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Division, federal and state laws, and administrative provisions including, but not limited to, consultation report with the Illinois Department of Natural Resources, emergency plan, and evaluation of the geotechnical stability of the site for supporting all the necessary structures.
- (8) Any other information normally required by the County Zoning Code.
- (9) Copies of all necessary access easements and necessary utility easements, copies of which shall be submitted to the Zoning Office.
- (10) Legal description for the planned location of the solar energy project.

The applicant shall notify the County of any changes to the information provided in the lists above that occurs while the special use application is pending.

(B) **Change of Ownership.** Any change of ownership or lease control will require a new special use application and permit.

(C) **Used Equipment.** Used equipment is permitted only if recertified to factory specification or better by the factory or an appropriate professional engineer.

(D) **Weed and Grass Control.** Applicant must present an acceptable weed control plan for property inside and outside fenced area for entire property. The operator during the operation of the solar energy project must maintain the fence and screening system and adhere to the weed and grass control program. If the operator does not do so, there can be a fine of up to **Five Hundred Dollars (\$500.00)** per incident if the fence is not secure or the weed and grass control program is not followed.

(E) **Setbacks.** The following setbacks shall apply:

- (1) Fences shall be a minimum of **twenty (20) feet** from any property line.
- (2) Panels and their support structures shall be a minimum of **fifty (50) feet** from any property line.
- (3) Panels and their support structures shall be a minimum of **one hundred (100) feet** from any primary structure.
- (4) Substations shall be a minimum of **fifty (50) feet** from any property line.
- (5) Substations shall be a minimum of **one hundred (100) feet** from any primary structure.
- (6) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent roads or properties.

New primary structures shall maintain the same setback from the fences, panels, and support structures as the site is required to observe.

(F) **Prohibition.** No solar energy project governed by this Division shall be constructed, erected, installed, or located within Monroe County unless prior Special Use Permit application

has been approved for each individual solar energy project pursuant to this Division. Upon special use approval, a construction permit shall be obtained from the Zoning Department prior to the commencement of construction of any solar energy project or any part thereof.

(G) **Appearance.** All solar energy project structure surfaces shall be a non-reflective, unobtrusive color. No advertising signs or graphic designs shall be permitted on the solar energy project structures. The manufacturer's identification and specifications shall be permitted.

(H) **Use of Public Road.** Prior to a Special Use Permit being granted, an agreement shall be entered into between the applicant/owner/contractor, the County Engineer, and any other affected road authority. Such agreement shall detail the use of public roads for construction/maintenance of said solar energy project to include but not limited to:

- (1) Access routes identified.
- (2) Overweight/Oversize loads presented.
- (3) Pre-construction survey of roads for potential damage including site photos and documentation of existing condition.
- (4) Schedule of construction operations.
- (5) Setting up an escrow fund, letter of credit, or surety bond to cover future road repairs.
- (6) Approval of Monroe County, Illinois Utility Petition and Permit if applicable.

Payment for County costs to retain a consultant, if necessary, to make a study of any structure or road on the proposed route that the County Engineer determines may not carry the loads and weight and use during the solar energy project construction.

(I) **Certification.** All solar energy projects shall conform to applicable industry standards, including Monroe County, State and National construction, electrical, and fire codes.

(J) **Power Lines.** All new power lines used between panels and from the panels to the substation and all communication lines shall be underground. In instances where they cross public roads, they shall be bored as required in the County Road Agreements and located underground at a depth the National Electric Safety Code requires. In certain instances, the County may authorize the location of utilities in public right of ways. The applicant shall install marker tape in any cable trench.

(K) **Utility Location.** The applicant shall become a member of the Illinois statewide one-call notice system (otherwise known as the joint utility locating information for excavators or "JULIE" and provide "JULIE" with all of the information necessary to update its records with respect to the solar energy project.

(L) **Warnings.** A visible warning sign stating "High Voltage" must be placed at all points of ingress and egress of the solar energy project site. The sign must have at a minimum **six (6) inch** letters. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of any guy wires and along the guy wires up to a height of **fifteen (15) feet** vertically from the ground. The sign at the entrance to the facility shall include a **twenty-four (24) hour** emergency contact number.

(M) **Height.** Ground or pole-mounted solar energy systems shall not exceed **sixteen (16) feet** in height when oriented at maximum tilt.

(N) **Lighting.** If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

(O) **Aviation Protection.** For solar energy projects located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

(P) **Screening and Fencing.** Systems equipment and structures shall be fully enclosed and secured by a fence with a minimum height of **six (6) feet**. The planning board and zoning board of appeals shall have the discretion to recommend a **thirty (30) foot** wide vegetative buffer consisting of a compact evergreen hedge or other type of evergreen foliage which shall be recommended along the entire perimeter of the facility, or an alternative buffer may also be considered. The buffer shall be planted at a minimum of **three (3) feet** tall and with the expectation that this hedge shall reach the height of at least **eight (8) feet** within **three (3) years** and shall be maintained in good condition. If a vegetative buffer is to be part of the solar farm development, a landscape plan should be submitted for review and

approval. The landscape plan shall take into account the type(s) of evergreens to be planted, along with the proposed spacing of the planting, along with an evaluation of the soils. An alternative buffer may also be considered. Earth berms, other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements, if they conceal the use from public view and are maintained.

(Q) **Study Reviews – Use of Third-Party Consultant.** The County may desire to retain experts in the areas of engineering, planning, environmental, and legal in order to properly and efficiently review the documentation submitted by the applicant. In such instances the applicant will be advised of the required service and be provided an estimate of the expert’s fees. Since such fees are beyond the customary fees associated with smaller and less complex matters, the applicant will be required to pay for the expert services as part of the review process and such payments shall occur regardless of the findings of the expert or the action ultimately taken by the County on the application. After notice to the applicant of the cost of such required experts, the applicant will be required to escrow all fees into a County account. The applicant will be provided with duplicate copies of consultant invoices and may comment on each invoice. A monthly statement of the manner in which the escrowed funds in the account are utilized will be made available to the applicant and if required the applicant shall replenish the account.

(R) **Emergency Providers.** The applicant shall submit to the local fire protection district(s), the Sheriff’s Department, other relevant police authorities and the ambulance service a complete copy of the application for the solar energy project along with an analysis of the anticipated emergency needs.

The applicant shall cooperate with the emergency providers and develop emergency response plans that describe the potential emergency services that may be required and an analysis of the capabilities in terms of equipment and manpower to respond to potential emergency conditions. The applicant, owner, or operator shall work with local rescue authorities to provide training (at the applicant, owner, or operator’s expense) to handle various situations. Level of training to be determined by the emergency service provider.

A copy of the approved emergency response plan will be required prior to approval.

Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(S) **Material Handling, Storage, and Disposal.** All solid waste related to the construction, operation and maintenance of the solar energy project shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal procedures.

All hazardous materials related to the construction, operation, and maintenance of the solar energy project shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal procedures.

(T) **Wildlife.** A qualified professional shall conduct a pre-construction site risk assessment study to estimate the impacts of the construction and operation of the proposed solar energy project on wildlife. The pre-construction site risk assessment shall be submitted with the application and shall include the following minimum information:

- (1) A literature review of existing information on species and potential habitats and results of agency database queries for records of rare, threatened, and endangered species and important habitats such as Illinois Natural Areas Inventory sites and registered/dedicated nature preserves, land and water reserves, and wetland reserves within **two (2) miles** of the proposed solar energy project.
- (2) A general mapping of the significant vegetation and land cover types, wildlife habitat and quality, and physical characteristics of the proposed solar energy project.
- (3) A field examination that verifies results of the literature review and agency queries and that documents general site habitat conditions.

The applicant shall apply for consultation with the endangered species program of the Illinois Department of Natural Resources. The application shall include a copy of the agency action report from the endangered species program of the Illinois Department of Natural Resources.

(U) **Wetland Mitigation.** Any mitigation of wetlands shall be done within Monroe County.

(V) **Invasive Plants.** Any clearing of woods for the purpose of a solar energy project shall require the control of invasive plants in the cleared area for the length of the project.

(W) **Stormwater and Drainage.** All solar energy project sites must comply with the Monroe County "Stormwater Drainage and Detention, Soil Erosion and Sediment Control for Commercial and Industrial Developments" ordinance. All solar energy projects must comply with USEPA and IEPA groundwater drainage standards.

(X) **Energy Deliverability.** At the time of applying for the special use application a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of an interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the County.

(Y) **Installation Certification.** A professional Engineer shall certify that the construction and installation of the solar energy project meets or exceeds the manufacturer's construction and installation standards.

(Z) **Maintenance.** Each applicant, operator, or successor in interest, shall have the solar energy project facility inspected annually by qualified professionals, approved by the Zoning Department, and shall submit a certificate from said professionals reciting the annual maintenance done on the facility and stating that the facility is in good working condition and not a hazard to the public. Failure to submit annual certificate shall be grounds for revocation of the Special Use Permit by the Zoning Department.

(AA) **Compliance with Regulations.** Nothing in this Division is intended to preempt other federal, state or local laws and regulations.

(BB) **Decommissioning and Site Reclamation Plan.** A decommissioning and site reclamation plan must be submitted with the special use application to ensure that the solar energy project is properly decommissioned, and the site properly reclaimed. The decommissioning and reclamation plan shall, at a minimum, include:

- (1) Provisions describing the triggering events for decommissioning the solar energy project.
- (2) An estimate of the decommissioning costs certified by a Professional Engineer. The manner in which salvage value will be considered must be considered and documented. All costs will be itemized.
- (3) Provision for anticipated repairs to any public roads of facilities used for the purpose of reclamation of the solar energy project and all costs related to removal of structural materials and access roads.
- (4) Provisions for the removal of structures, concrete, debris and cabling, including those below the soil surface to a depth of **five (5) feet**.
- (5) Provisions for the disconnecting of all cabling from the utilities power lines.
- (6) Provisions for the restoration of the soil and vegetation.
- (7) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs by way of sale, gift and assignment in fact or at law or any other such transfer of financial interest of ownership in the solar energy project. Any successor or assignee shall assume the terms, covenants, and obligations of this plan and must agree to assume all reclamation liability and responsibility for the solar energy project.
- (8) A provision that this plan is governed by Illinois law.
- (9) A provision that indemnifies the County with respect to any and all liability arising out of the decommissioning and site reclamation plan.
- (10) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect, inspect or complete decommissioning if necessary.
- (11) A provision that the applicant, owner and operator shall notify the County Zoning Administrator by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding, naming the applicant, owner or operator as debtor, within **thirty (30) days** of the beginning of the proceeding.

- (12) Financial assurance, in the form of an irrevocable letter of credit, secured by the owner or operator, for the purpose of adequately performing decommissioning and site reclamation, in an amount equal to **one hundred fifty percent (150%)** the professional engineer's certified estimate of the decommissioning and site reclamation costs.
- (13) Every **five (5) years** a professional engineer's certified estimate of decommissioning and site reclamation costs will be submitted and an adjustment to the financial assurance will be required.

(CC)

Financial Assurance for Decommissioning and Site Reclamation.

- (1) At time of approval of the special use permit the amount of the irrevocable letter of credit shall be **one hundred fifty percent (150%)** of an independent engineer's cost estimate to complete the work of decommissioning and site reclamation.
- (2) It is recognized that there may be a salvage that will result from the reclamation process; however, the County may limit the amount that can be used for determining the amount of the irrevocable letter of credit.
- (3) The owner, operator, applicant or legally responsible party shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account over the first **seven (7) years** of the solar energy project as follows, and replacement letters of credit shall be simultaneously issued in the reduce amount.
 - (a) the owner of the solar energy project and the County shall agree upon a mutually acceptable financial institution in excellent financial standing at which an escrow account shall be established.
 - (b) The County shall be the beneficiary of the escrow account for the purpose of the reclamation of the solar energy project in the event that the solar energy project owner is unwilling to or incapable of decommissioning the solar energy project.
 - (c) The owner of the solar energy project shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record.
 - (d) At all times the total combined value of the irrevocable letter of credit and the escrow account shall be increased annually as necessary to reflect actual rate of inflation over the life span of the solar energy project and the amount shall be equal to or exceed the following.
 - (i) The amount of the engineer's cost estimate as increased by known and documented rates of inflation since the solar energy project was approved; plus
 - (ii) An amount for any future years left in the anticipated life span of the solar energy project at an assumed rate of inflation of **three percent (3%)** per year.
 - (iii) Interest accrued on the escrow account that is over and above the total initial valuation value required shall go to the solar energy project owner, subject to the terms of the decommissioning and site reclamation agreement.
 - (iv) In order to provide funding for the decommissioning at the time of decommissioning, the owner may exchange a new irrevocable letter of credit in an amount equal to the amount in the escrow account in exchange for the County agreeing to a release of the full amount of the escrow account.
- (4) The County may draw down on the funds in the escrow account in the event of the following situations and when the owner shall determine not to take any action to remedy the conditions. The terms under which such

action may be taken should be defined in the decommissioning agreement but generally be limited to the following examples:

- (a) In the event that any individual panel or component thereof ceases to function and becomes mechanically or electrically inoperative for more than **six (6) consecutive months** and the owner is not diligently repairing such panel or component thereof.
- (b) In the event that the owner declares any individual or group of panels or components to be functionally obsolete for tax purposes.
- (5) The decommissioning and site reclamation provision shall be included as part of the project special use application. The irrevocable letter of credit and evidence of the escrow account must be submitted to the County prior to any construction permit being issued.
- (6) The County reserves the right to require additional information or components to the plan as the County deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available.

(DD) **Cessation of Operation.** If any solar panel(s) provided for in this Section has not been in operation and producing electricity for at least **two hundred seventy (270) consecutive days**, it shall be removed. The Monroe County Zoning Department shall notify the owner to remove the panel(s). Within **thirty (30) days**, the owner shall either submit evidence showing that the system has been operating and producing electricity or under repair or remove it. If the owner fails to or refuses to remove the solar panel(s), the violation shall be referred to the Monroe County States Attorney for enforcement.

(EE) **Penalties.** The applicant's, owner's or operator's failure to materially comply with any of the above provisions shall constitute a default under this Division.

Prior to implementation of the existing County procedures for the resolution of such default, the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default. Such written notice shall provide the owner and operator a reasonable time period, not to exceed **thirty (30) calendar days**, for good faith negotiations to resolve the alleged default. If the County determines in its discretion that the parties cannot resolve the alleged default within the good faith negotiation period, the existing County ordinance provision addressing the resolution of such default shall govern.

40-4-113 SMALL SOLAR ENERGY PROJECTS. This Section shall apply to small solar energy projects as defined above.

To receive a building permit for a small solar energy project, the following conditions must be met:

(A) The applicant shall submit to the local fire protection district a copy of plans for the solar energy project and shall provide any information that the fire district requests for the protection of emergency personnel in case of fire. The applicant shall furnish the Zoning Department a letter from the local fire department that they have been notified.

(B) The applicant shall submit to the local electric utility a copy of plans for the solar energy project and shall provide any information that the utility requests. The applicant shall follow all interconnection requirements and guidelines of the utility for the protection of personnel with the utility. The applicant shall furnish the Zoning Department a letter from the local electric utility that they have been notified and that the applicant is complying with their requirements.

(C) For any solar energy project or panel that will be mounted on a roof, the applicant shall furnish the Zoning Department a letter from a structural engineer that the roof construction is sufficient for the solar energy project or panel load.

(D) All small energy projects shall conform to applicable industry standards, including Monroe County, State and National construction, electrical and fire codes.

(E) Reflection angles for solar collectors shall be oriented such that they do not project flare onto adjacent roads or properties.

Setback will be the same as for any accessory building.

No special use permit will be required.

40-4-114 **COMMUNITY RESTRICTIONS.**

(A) **Restrictions on Solar Energy Systems Limited.** Consistent with **765 ILCS 165/**, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of unincorporated Monroe County shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than Monroe County's solar energy standards.

(Ord. No. 2020-02; 01-19-21)

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ARTICLE V - OFF-STREET PARKING AND LOADING

40-5-1 **APPLICABILITY OF REGULATIONS.** Off-Street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Zoning Code.

40-5-2 **EXISTING PARKING/LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/ loading facilities need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, or similar changes, additional parking and loading facilities commensurate with such increased intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, parking or loading facilities shall be provided as required herein for the new use.

40-5-3 **PARKING LOT DESIGN STANDARDS.** All off-street parking shall conform to the standards indicated in the subsections which follow:

(A) **Spaces.** Each required parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(B) **Interior Aisles.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty degree (60°)** parking shall be at least **eighteen (18) feet** wide.

(C) **Access Way.**

(1) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking lot shall be located within **thirty (30) feet** of any corner formed by the intersection of the right-of way of two or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.

(3) Parking lot access ways and public streets shall be aligned to form, as closely as feasible, right angles.

(4) The access way to every parking lot located in any business or industrial district shall be at least **twenty-four (24) feet** wide unless two one-way drives, each **twelve (12) feet** wide, are provided.

(5) The access way to every parking lot located in any residential district shall be at least **ten (10) feet** wide; but if the parking lot contains more than **eight (8)** parking spaces or if the access way is longer than **one hundred (100) feet**, access shall be provided either by one two-way drive at least **twenty (20) feet** wide or by two one-way drives, each at least **ten (10) feet** wide.

(D) **Lighting.** Any light(s) used to illuminate any parking area shall be arranged or shielded so as to confine direct light rays within the parking lot boundary lines to the greatest extent practicable.

(E) **Parking Lot Surface.** All off-street parking and loading areas in a Business District should be surfaced. Materials shall be in accordance with Illinois Department of Transportation

specifications for concrete or asphalt pavement or A3 seal coat with base material suitable for the intended use. An exception shall be provided for service vehicles, which will be permitted to park on rock surfaces.

(F) **Parking Lot Maintenance.** Parking and loading areas in a Business District shall be maintained in a clean and orderly condition free of surface defects. The County Board shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed.

(Ord. No. 06-04; 04-17-06)

40-5-4 LOCATION OF PARKING. All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwelling.** Parking spaces accessory to dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

(B) **For Business/Industrial Use.**

- (1) Every off-street parking space accessory to any business or industrial use shall be located within **five hundred (500) feet** of the use served; provided, that no portion of any parking lot for such use shall extend into any residential district.
- (2) In any Business or Industrial District, off-street parking facilities for different buildings, or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.

40-5-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES. All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long, exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to any lot located in any residential district unless such space/area is screened by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from the residential property.

(D) **Location.** Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on required front yards.

40-5-6 COMPUTATION OF REQUIRED PARKING/LOADING SPACES. In computing the number of parking spaces required by this Code, the Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per **one and one-half (1-1/2)** employees," unless otherwise stated.

(B) In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed one parking space.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (1/2)** or more shall be counted as **one (1)** space.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

40-5-7 NUMBER OF PARKING AND LOADING SPACES REQUIRED. Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(A) Dwellings, Lodging:		
Hotels, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 square feet or more of floor area
<u>Manufactured homes</u>	2 spaces per <u>manufactured</u> home	Not applicable
Multiple-family dwellings		
1 bedroom or less	1.5 spaces per dwelling unit	Not applicable
2 or more bedrooms	2 spaces per dwelling unit	Not applicable
Single-family and two-family dwellings	2 spaces per dwelling unit	Not applicable
(B) Educational, Institutional, Recreational:		
Churches, auditoriums	1 space per 4 seats in the largest seating area	Not applicable
Hospitals	1 space per 2 beds, plus employee parking	To 50,000 square feet of floor area: 1 space; 50,001-100,000 Square feet: 2 spaces; 100,001-200,000 square feet: 3 spaces
Libraries, museums	1 space per 500 square feet of floor area	On review by the Administrator
Nursing homes	1 space per 5 beds	To 50,000 square feet of floor Area: 1 space; 50,001-100,000 square feet: 2 spaces; 100,001-200,000 square feet; 3 spaces
Schools		
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking	On review by the Administrator

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Senior high	1 space for every 4 students over 16 years old that the building is designed to accommodate, plus employee parking	On review by the Administrator
Trade schools	1 space for every 3 students that the building is designed to accommodate, plus employee parking	On review by the Administrator
(C) Commercial, Office, Service:		
NOTE: All commercial and service uses, unless specifically indicated otherwise below:	1 space per 300 square feet of floor area	To 10,000 square feet of floor area: 1 space; more than 10,000 square feet: 1 space plus 1 additional space per 50,000 square feet of floor area in excess of 10,000 square feet
Banks, savings and loans Walk-in	1 space per 300 square feet floor area, plus employee	To 30,000 square feet of floor area: non required; 30,001-100,000 square feet: 1 space; more than 100,000 square feet; 1 space plus 1 additional space per 10,000 square feet of floor area in excess of 100,000 square feet
Drive-in	4 spaces per teller or customer service stall	
Beauty and barber shops	2 spaces per chair, plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable, except as required for affiliated uses
Car washes	5 spaces per wash lane	Not applicable
Furniture and appliance stores	1 space per 600 square feet of floor area	To 25,000 square feet of floor area: 2 spaces; more than 25,000 square feet of floor area: 2 spaces plus 1 additional space per 25,000 square feet of floor area in excess of 25,000 square feet

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Home occupations	1 space per 150 square feet Of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not applicable
Offices generally, but not medical/dental	1 space per 300 square feet of floor area	To 30,000 square feet of floor area: non required; 30,001-100,000 square feet: 1 space; more than 100,000 square feet: 1 space plus 1 additional space per 100,000 square feet of floor area in excess of 100,000 square feet
Offices medical/dental	1 space per 200 square feet of floor area or 3 spaces per professional whichever is greater	Not applicable
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 square feet or more of floor area
Restaurants, refreshment stands Sit-down	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater	(Both sit-down and drive-in): 1 space per structure having 10,000 square feet or more floor area
Drive-in	On review by the Administrator	
Service stations	2 spaces per service stall, plus employee parking	Not applicable
Taverns	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater	1 space per structure having 10,000 square feet or more of floor area
Theaters Indoor	1 space per 4 seats in the largest seating area	Not applicable
Drive-in	On review by the Administrator	Not applicable
Vehicle sales	1 space per 600 square feet of enclosed floor area; plus: Up 10,000 square feet of open lot area devoted to sale/display of vehicles: 1 space per 2,500 square feet of open lot area; above 10,000 square feet: 4 spaces plus 1 additional space per 5,000 square feet of open lot area in excess of 10,000 square feet	To 25,000 square feet of floor area and open lot area: 2 spaces; more than 25,000 square feet of floor area and open lot area: 2 spaces plus 1 additional space per 25,000 square feet in excess of 25,000 square feet

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(D) Industrial: Any manufacturing, warehousing or other industrial use	Employee parking (1.5 spaces per employee) plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift	To 20,000 square feet of floor area: 1 space; 20,001-50,000 square feet: 2 spaces; 50,001-90,000 square feet: 3 spaces; above 90,000 square feet: 3 spaces plus 1 additional space per 50,000 square feet of floor area in excess of 90,000 square feet

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ARTICLE VI - STREET GRAPHICS

DIVISION I - GENERALLY

40-6-1 GENERAL SIGN REGULATIONS. All signs hereafter constructed, erected, painted or otherwise established, moved, altered or changed within the County's limits of jurisdiction shall comply with the following regulations and any Illinois State regulations.

40-6-2 PURPOSE. It is the intent and purpose of the sign regulations to provide for the use of signs as means of communication and for directing persons to desired destinations; to improve traffic and pedestrian safety by reducing sign distraction, obstructions, and other hazards; create a more attractive business climate; to minimize possible adverse effects of signs on public and private property; to maintain the aesthetic environment and to provide reasonable requirements and consistent enforcement. The sign regulations are adopted under the zoning enforcement authority of Monroe County in furtherance of the general purposes set forth in the Zoning Code.

40-6-3 DEFINITIONS. *[See Section 40-1-9 for all definitions.]*

40-6-4 CALCULATION OF SIGN AREA. The area of every sign shall be calculated as follows:

- (A) If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.
- (B) If a sign consists of individual letters, parts, or symbols, the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols shall be deemed the sign area.
- (C) In calculating sign area, only one side of any double-faced sign shall be counted.
- (D) The area of signs of unusual shapes--such as globes, cylinders, or pyramids--shall be computed as one-half of the total of the exposed surfaces.
- (E) All distance shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.
- (F) No sign or part thereof, including supports, braces or otherwise, shall be located nearer than **ten (10) feet** to any lot line or right-of-way line, unless otherwise specifically permitted or as further restricted by this Code.
- (G) See Appendix A-B-C-D. (Editor's Note: Appendixes A, B, C and D are on file in the County offices.)

40-6-5 SIGN AREA ALLOWANCE.

(A) **Computation of Area.**

IMPORTANT: Within the limitations and restrictions as further provided in this Code, the total of the areas of all signs which a particular establishment is permitted to display shall be computed according to the following formula:

One and one-half (1½) square feet of sign area per **one (1) foot** of lineal street frontage for the first **one hundred (100) feet** of such frontage.

No establishment in any zoning district shall display more than **one hundred fifty (150) square feet** of signs.

(B) **Special Situations.**

- (1) If any establishment has frontage on **two (2)** or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this Code. However, the sign area allowances shall not be aggregated so as to allow any such establishment

to display on any **one (1)** frontage a greater area of signs than this Section would otherwise permit.

(2) The side of an establishment adjacent to an off-street parking area shall be deemed frontage unless the establishment has no other frontage.

(C) **Calculation of Height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) existing grade prior to construction or
- (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(D) See Appendix A-B-C-D-E. (Editor's Note: Appendixes A, B, C, D, and E are on file in the County offices.)

40-6-6 MOVEMENT PROHIBITED. No sign or other street graphic shall be animated, revolve, rotate, or mechanically move in any manner.

40-6-7 ILLUMINATION. Illumination of signs and other street graphics is permitted, subject to the following requirements:

(A) Only white light is permitted in residential zoning districts and within **two hundred (200) feet** thereof.

(B) No red, yellow, green, or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.

(C) No sign shall have blinking, flashing, animated or fluttering lights or other illuminating devices which have a changing light intensity, brightness, color, or intermittent or moving lights except those giving public service information such as, without limiting the generality of the foregoing, time, weather, date and temperature, only that portion of the sign is exempt.

(D) The light from any illuminated sign or other street graphic shall be shaded, shielded, or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.

(E) No exposed reflective type bulb, and no strobe light or incandescent lamp which exceeds **fifteen (15)** watts, shall be used on the exterior surface of any sign in such a manner as to expose the face of the bulb, light, or lamp to any public street or to adjacent property.

40-6-8 STREET GRAPHICS NOT TO BE HAZARDOUS.

(A) No sign or other street graphic shall be erected, relocated, or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign or other street graphic shall be erected or maintained in such a manner that it interferes with, or is likely to be confused with any authorized traffic sign, signal, or device. Accordingly, no street graphic shall contain the word stop, go, caution, danger, warning, or similar words. (See also, **Section 40-6-7(B).**)

(C) No sign shall be constructed, erected or otherwise placed on any lot in such manner that it would endanger or cause a hazardous condition to persons or property.

(D) No sign shall be erected in such manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device; directional or informational sign; or to interfere with a driver's view of approaching, merging or intersecting traffic.

40-6-9 STRUCTURAL AND MAINTENANCE REQUIREMENTS. Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner/or property owner. The street graphic supports shall be kept painted/treated to prevent rust or deterioration.

DIVISION II - REGULATIONS BASED ON TYPE OR LOCATION OF STREET GRAPHICS

40-6-10 **STRICTLY PROHIBITED STREET GRAPHICS.** The following street graphics are strictly prohibited everywhere in this County:

- (A) Pennants, streamers, ribbons, strings of light bulbs, spinners, and similar street graphics.
- (B) Signs attached to trees, fences, or public utility poles, other than warning signs issued by public utilities.
- (C) Defunct Signs, including the posts or other supports therefor, that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.
- (D) Signs attached to or painted on vehicles or trailers parked and visible from the public right-of-way, unless said vehicle is licensed and used in the normal day-to-day operation of the business and not permanently parked.
- (E) All other signs not expressly permitted by this Code.
- (F) Roof-mounted signs and portable signs (excluding murals or signs painted on exterior of building, search lights and beacon lights, balloons or inflated signs, when permitted by a special use). See Non-Exempt Special Use Signs (**Section 40-6-5(B).**)
- (G) No sign or display shall contain words or pictures of obscene, indecent, or immoral character that offend the public morals and decency of the County.

40-6-11 **APPLICABILITY.** No sign as defined herein shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered except in conformance with the provisions of this section and after issuance of a Sign Permit by the County, except as provided under Exempt Signs and Exempt Changes to Signs herein.

40-6-12 **EXEMPT SIGNS.** The types of signs listed below, and any change thereto that does not convert them into non-exempt signs, shall be exempt:

Exempt Street Graphics. Every sign or other street graphic enumerated below that complies with the indicated requirements may be erected in any zoning district of this County without a permit. The area of said signs/street graphics shall not be debited against the displaying establishment's sign area allowance.

- (A) **Agriculture Products** temporary signs, for the sale of agricultural products, on farm property, may be allowed for a period not to exceed **ninety (90) days**, and shall not exceed **thirty-two (32) square feet** of sign area. Seed, chemical or sign for test plot not to exceed **three (3) square foot** is permitted.
- (B) **Agricultural Entrance Sign** not to exceed **thirty-two (32) square feet** in sign area is permitted.
- (C) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed **thirty-two (32) square feet** in area, shall be confined to the site of the construction, and shall be removed upon completion of the project or within **one (1) year** of installation, whichever date is earlier.
- (D) **Informational Signs** erected for the convenience of the public, such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways, and similar features or facilities. Such signs shall not exceed **three (3) square feet** in area.
- (E) **Flags** of any country, state, or unit of local government.
- (F) **Garage Sale Signs** advertising a garage or yard sale on private residential property. Such signs shall not exceed **four (4) square feet** in area, shall be confined to the premises on which the sale is conducted, and posted no more than **four (4) days** in any **ninety (90) day** period.
- (G) **Governmental or Public Signs**, such as traffic control signs, railroad crossing signs, legal notices, signs indicating the location of underground cables, etc.

(H) **Holiday Decorations** such as Christmas lights and ornaments, provided that such decorations must be removed within a reasonable time after the holiday.

(I) **Home Occupation and Special Use Occupation Signs** identifying only the name and occupation of the resident. Home occupation signs shall be non-illuminated and shall not exceed **four (4) square feet** in area when granted a home occupation/special use permit.

(J) **House Numbers and/or Name of Occupant Signs** located on the lot to which the sign pertains. Such signs shall not exceed **three (3) square feet** in area for single-family dwellings or **six (6) square feet** for multiple-family dwellings.

(K) **Institutional Signs** for a public, charitable, or religious institution. Such signs shall be located on the premises of the institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet** in area.

(L) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(M) **Interior Signs** located in the interior of any buildings or within an enclosed lobby or court of any building or group of buildings, provided such signs are not visible from the exterior of said buildings.

(N) **Planned Unit Development** In any zoning district where a Planned Unit Development exists or occurs, only **one (1) sign** on a free-standing structure or building at each major access point of the development, extending not more than **one (1) foot** from such building or structure, and not exceeding **forty (40) square feet** shall be permitted to identify the development.

(O) **Political Campaign Signs** announcing candidates seeking public office and/or political issues and other pertinent information. Such temporary signs shall be confined to private property. In any zoning district, political signs shall not exceed **four (4) feet** in any length or width. Political campaign signs shall not be permitted more than **thirty (30) days** prior to an election and shall be removed within **seven (7) days** after the election.

(P) **Property Regulation Signs** shall not exceed **three (3) square feet** in area.

(Q) **Public Interest Signs** publicizing a charitable or non-profit event of general public interest. Such temporary signs shall be erected only on private property. Such temporary signs shall not exceed **sixteen (16) square feet** in area; such signs shall be permitted only for **fourteen (14) days** before and **seven (7) days** after the event.

(R) **Real Estate Signs** indicating the sale, rental, or lease of the premises on which they are located. Such signs on residential property shall not exceed **six (6) square feet** in area; on other property such signs shall not exceed **sixteen (16) square feet**. Not more than one real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** after the sale, rental or lease.

(S) **Street Banners or Temporary Signs Advertising a Public Entertainment or Event.** Such street graphics may be placed only in locations approved by the Zoning Administrator during the period **fourteen (14) days** before and **seven (7) days** after the event.

(T) **Subdivision Entrance Sign (Temporary or Permanent).**

(1) **Maximum Sign Area.** **Forty (40) square feet** with a maximum greatest dimension of **eight (8) feet**.

(2) **Maximum Number of Signs.** In any subdivision for which a plat has been recorded with the County, non-illuminated subdivision signs may be erected subject to the following requirements:

(a) Not more than **two (2)** temporary or **two (2)** permanent entrance signs shall be permitted for any subdivision held in single or common ownership.

(b) Temporary subdivision signs may be displayed for a period of time not to exceed **two (2) years** from the date of issuance of the permit for the first building in the subdivision or for the duration of the project, whichever is less, unless an extension for a specific additional period of time is granted by the Zoning Administrator.

(3) **Height of Signs.** No subdivision sign shall exceed **ten (10) feet** in height above the finished grade.

(U) **Utility Company Signs** that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.

40-6-13 NON-URBAN, RESIDENTIAL DISTRICT. Upon the effective date of this Code, no signs, or other street graphics except those listed in **Section 40-6-12** shall be erected in the Agricultural District or in any residential district.

40-6-14 NON-EXEMPT/SIGNS REQUIRING A SIGN PERMIT.

Business, Industrial Districts. No establishment located in any business district or in the Industrial District shall display a total area of signs in excess of its signs area allowance. **(See Section 40-6-5)** Additionally, signs in any business district or in the Industrial District shall conform to the requirements indicated in the subsections below.

(A) **Flush-Mounted Wall Signs.** For aesthetic and safety reasons, flush-mounted signs are the preferred type of sign in this County. No flush-mounted sign shall:

- (1) project more than **twelve (12) inches** from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign); or
- (2) shall not extend above the roof lines of the building to which it is attached.

One (1) sign is allowed per business and not more than **ten percent (10%)** of wall frontage. For buildings housing multiple businesses, wall sign area for each business shall be determined by building frontage of individual business. **(See Also Appendix D.)** (Editor's Note: Appendix D is on file in the County offices.)

(B) **Projecting Signs.** No establishment in any zoning district shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:

- (1) project more than **three (3) feet** from the building to which it is attached; or
- (2) not extend above the roof line of the building to which it is attached; or
- (3) project over a street, alley, or driveway, or closer than **two (2) feet** to the curb or edge of any vehicular way; or
- (4) extend below a point **eight (8) feet** above the ground or pavement; or
- (5) exceed **nine (9) square feet** in area; or
- (6) extend above a point **twelve (12) feet** above the ground or pavement.

(See Also Appendix A.) (Editor's Note: Appendix A is on file in the County offices.)

(C) **Signs on Awnings, Canopies, or Marquees.** Signs mounted flush against any awning, canopy, or marquee shall be considered flush-mounted signs, and shall comply with regulations of **Subsection 40-6-14(A)**. Signs suspended beneath any awning, canopy or marquee shall be considered projecting signs, and shall comply with the regulations of **Subsection 40-6-14(B)**.

(D) **Window Signs.** Any establishment may display window signs. Permanent window signs shall cover no more than **twenty percent (20%)** of any window. Permanent window signs shall be debited against the displaying establishment's sign area allowance, but temporary window signs shall not.

(E) **Shopping Center Identification Signs.** A shopping center, as an entity, may erect an identification sign in accordance with the provisions of this Code if the total gross floor area of all the establishments located in the center exceeds **fifty thousand (50,000) square feet**. A shopping center identification sign shall not exceed **one hundred fifty (150) square feet** in area.

(F) **Freestanding Signs.** Not more than **one (1)** freestanding sign shall be displayed on any street front of any lot. All freestanding signs shall comply with the following regulations:

- (1) No part of any freestanding sign shall intrude into or project over any public right-of-way. All structural supports of any freestanding sign shall be situated at least **ten (10) feet** from the public right-of-way line.
- (2) No freestanding sign shall be erected closer than **twenty (20) feet** to any side or rear lot line.

- (3) No freestanding sign shall exceed **one hundred (100) square feet** in area or **twelve (12) feet** in any dimension; provided, that this paragraph shall not apply to shopping center identification signs. **(See subsection 40-6-14(E).)**
- (4) When attached to a post or other supports, the top edge of a freestanding sign shall not extend more than **twenty (20) feet** above the ground or pavement or extend below a point of **five (5) feet** above ground level at the base of the sign provided its location does not allow pedestrians or traffic to pass under. If susceptible to pedestrian traffic then top edge shall not extend below a point of **eight (8) feet** above ground level at the base of the sign, and if susceptible to vehicular traffic then **thirteen feet six inches (13'6")**, or **(Section 40-6-8, C & D)**.
(See Also Appendix C.) (Editor's Note: Appendix C is on file in the County offices.)

(G) this County.

Roof-Mounted Signs. Roof-mounted signs are strictly prohibited everywhere in

(H)

Digital Signs.

- (1) Digital signs shall be allowed to change every **fifteen (15) seconds**.
- (2) The sign shall have an auto night time dimmer with manual control.
- (3) Maximum intensity shall be **0.3 foot candle** over ambient lighting.
- (4) No scrolling messages or graphics shall be allowed

(Ord. No. 2018-06; 02-05-18)

40-6-15

NON-EXEMPT/SPECIAL USE SIGNS. Signs requiring Special Use Conditions:

(A) following requirements and are only permitted for means of communication and for directing persons to desired destinations:

- Off-Premises Directional Signs.** All off-premises directional signs shall meet the
- (1) Only **one (1) sign** per intersection shall be permitted per business/applicant.
 - (2) Sign area shall not exceed **twelve (12) inches** high by **thirty (30) inches** wide.
 - (3) Sign shall not intrude into or project over any public right-of-way and will be mounted by the County with brown and white lettering.
 - (4) Would allow **one (1) row** with **six (6) inch** lettering or **two (2) rows** with **four (4) inch** lettering.
 - (5) Up to **four (4)** different directional signs may be mounted on the same support and double sided.
 - (6) All off-premises directional signs shall be permitted only after receiving temporary Land Use Approval, not to exceed **three (3) years** and subject to a fee of **One Hundred Fifty Dollars (\$150.00)** per sign.
 - (7) Cannot be placed on primary roads unless zoned Industrial or Business but may be placed facing the secondary road at an intersection in any zoned district of the County.
 - (8) Not for use of advertising.
 - (9) Application must be accompanied with a letter of intent.

(B) **Promotional or Grand Opening Sign.** These portable signs to include only search lights, beacon lights, balloons or inflated signs can be placed at a business location by land use approval, temporarily for a period of **seven (7) days** per calendar year.

(C) **Murals.** Murals or signs painted on exterior of building by a Special Use Permit.

(D) **Billboards.** Billboards are strictly prohibited everywhere in this County except by Special Use Permit in the zoned Industrial Districts. No billboard erected shall:

- (1) Be stacked on top of another billboard; or
- (2) Be located closer than **one hundred (100) feet** to any public right-of-way; or

- (3) Be located closer than **one thousand (1,000) feet** to any other billboard on the same side of the roadway; or no more than **one (1) billboard** per parcel; or
- (4) Extend more than **twenty (20) feet** above the ground or pavement; or
- (5) Exceed **one hundred fifty (150) square feet** in area.

An approved Special Use Permit is valid for a period of **ten (10) years** from date of issuance. After said **ten (10) years** the sign permit is voided, and the applicant must reapply. The Special Use Permit fee is **Five Hundred Dollars (\$500.00)**.
(Ord. No. 12-10; 11-05-12)

DIVISION III - PERMITS

40-6-16 STREET GRAPHICS PERMITS. Upon the effective date of this Code, no sign, billboard, or other street graphic--except those listed in **Section 40-6-12**--shall be erected, expanded, altered, relocated, or reconstructed without a street graphic permit issued by the Administrator.

40-6-17 APPLICATION. Every applicant for a street graphic permit shall submit to the Administrator upon forms provided by the Zoning Administrator following the information listed below and in Appendix A-B-C or D. (Editor’s Note: Appendixes A, B, C and D are on file in the County offices.)

Items of Information:

- (A) name, address, and telephone number of the applicant;
- (B) name and address of the owner of the premises on which the street graphic is to be erected, if different from (A);
- (C) location of the building, structure, or lot where the proposed street graphic is to be erected, and the zoning district classification of said premises;
- (D) description of the proposed street graphic indicating proposed location, dimensions, area, overall height, illumination, and method of support/attachment, and graphic wording;
- (E) relationship of the proposed street graphic to nearby traffic control devices;
- (F) amount of street frontage that the establishment which proposes to display the street graphic has, and the total area of all existing signs on said premises; and
- (G) such other information as the Administrator shall reasonably require to determine full compliance with this Code.

See also, **Section 40-6-20**, Schedule of Fees.

40-6-18 SUSPENSION, REVOCATION, AND DENIAL. A Sign Permit shall become void if the sign authorized thereby has not been completely installed within **twelve (12) months** of the date the permit was issued.

The Zoning Administrator shall give written notice to the applicant of denial of a Sign Permit Application together with the reasons for the denial.

The Zoning Administrator may suspend or revoke, in writing to the permittee, any Sign Permit on the basis of misstatement of fact.

40-6-19 REMOVAL OF UNSAFE, ABANDONED, OR UNLAWFUL SIGN. Any sign other than an outdoor advertising sign as defined herein that no longer identifies a business, activity, event or service conducted or product, service or entertainment sold on the premises where the sign is located shall be considered abandoned and shall be removed.

If upon inspection the Zoning Administrator finds that a sign is abandoned, unsafe, or in any way not in compliance with County ordinances, he or she shall issue a written order to the permittee stating the

nature of the violation and requiring the repair, replacement, or removal of the sign within **fourteen (14) days** of the date of the order.

If after **fourteen (14) days** of issuance an order has not been complied with, or if a sign constitutes an immediate hazard to the public safety, the Zoning Administrator will submit the violation to the States' Attorney for Penalties (**See Section 40-8-52**).

40-6-20 **STREET GRAPHICS FEES.** Processing/conducting of the listed permits.

<u>PERMIT/PROCEDURE</u>	<u>FEE</u>
Registration of Existing Street Graphic	None
Street Graphic Permit	\$20.00
Special Street Graphic Permit:	
Balloons, inflated, etc.	\$20.00
Directional Signs - 3 years	\$150.00
Billboards - 10 years	\$500.00
Appeal	\$35.00
Variance	\$35.00
Amendment	\$35.00

(Ord. No. 12-10; 11-05-12)

DIVISION IV - NON-CONFORMING SIGNS

40-6-21 **NON-CONFORMING STREET GRAPHICS.** Signs existing at the time of the enactment of this Code and not conforming to its provisions but which were constructed in compliance with previous regulations shall be regarded as legal non-conforming signs. Non-conforming signs which are structurally altered, relocated or replaced shall at that time be made to comply.

Restrictions. A non-conforming street graphic that does not pose an imminent peril to life or property may remain and be maintained by ordinary repairs, but shall not be:

- (1) altered or enlarged in such a way as to increase its non-conformity;
- (2) replaced by another non-conforming street graphic (provided that changing message on a changeable copy sign shall not be deemed a violation of this provision);
- (3) relocated unless it is made to conform with this Code; or
- (4) reconstructed after incurring damage in an amount exceeding **fifty percent (50%)** of its market value at the time of loss as determined by the Administrator.

Provided, that whenever any street graphic is non-conforming solely because it is appurtenant to a non-conforming business/industrial use located in the Non-Urban District or in any residential district, the Administrator shall apply paragraphs (2), (3) and (4) of restrictions only to the extent necessary to achieve compliance with the regulations applicable to street graphics appurtenant to business/industrial uses located in any business district or in the industrial district.

ARTICLE VII - PLANNED UNIT DEVELOPMENT

40-7-1 INTENT AND PURPOSE. This Article establishes provisions for rezoning of land within the County to provide for a Planned Unit Development (PUD). The purpose of this Article, Planned Unit Development, is to achieve the objectives enumerated in **Section 40-1-2** (the general intent and purpose of the Code) and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the County can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the County's issuance of the necessary zoning, subdivision, and/or building permit;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of useable common open space in planned developments, and to spur installation of amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-7-2 COMPLIANCE WITH CODES GENERALLY REQUIRED. IMPORTANT: Except as specifically provided otherwise in this Section, planned unit developments (including all structures and uses therein) shall, at a minimum, be built in conformity with all applicable codes and ordinances including this (Zoning) Code and the Subdivision Code.

40-7-3 DISTRICTS WHERE ALLOWED. Planned unit developments may be built in any Residential or Commercial Zoning District, but only upon the issuance of a special use permit by the County Board of Commissioners.

40-7-4 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS. The planned unit development concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, PUDs may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** PUDs may include all types of residential structures and any other uses approved by the Board of Commissioners; provided, in approving such mixed uses, the Board of Commissioners may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In PUDs the Board of Commissioners may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Location of Parking/Loading Spaces.** By permission of the Board of Commissioners, off-street parking and loading spaces in the PUDs need not be located in accordance with generally applicable requirements. The minimum number of spaces, however, shall not be less than the number required as per **Article V** of the Zoning Code.

40-7-5 PRELIMINARY DEVELOPMENT PLANS. Every applicant for preliminary PUD approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) filing development plan with the Administrator;
- (B) review of the development plan by the Planning Commission;
- (C) public hearing by the Board of Appeals as per the requirement of **Division IV** in

Article VIII;

- (D) recommendation by the Zoning Board of Appeals to the Board of Commissioners regarding approval/rejection of the development plan; and
- (E) action by the Board of Commissioners on the development plan.

40-7-6 APPLICATION, INFORMATION REQUIRED. Every applicant for approval of a preliminary PUD development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

(A) **Written Documents:**

- (1) legal description of the total site for proposed developments;
- (2) names and addresses of all owners of property within or adjacent to the proposed PUD;
- (3) statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (4) development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;
- (5) statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.;
- (6) data indicating:
 - (a) total number and type of proposed dwelling units;
 - (b) gross and net acreage of parcel;
 - (c) acreage of gross usable open space; and
 - (d) area of any commercial uses.

(B) **Graphic Materials:**

- (1) existing site conditions including contours at **five (5) foot** intervals and locations of water courses, flood plains, unique natural features, and wooded areas;
- (2) proposed lot lines and plot designs;
- (3) proposed location, size in square feet, and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (4) location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common, open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (5) existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership -- public or private -- should be included where appropriate);
- (6) existing and proposed pedestrian circulation system and proposed treatments of points of conflict;
- (7) existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- (8) general landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

- (9) enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent area; and
- (10) any additional information required by the County to evaluate the character and impact of the proposed PUD.

40-7-7 ADVISORY REPORT, CRITERIA CONSIDERED. The Planning Commission shall submit to the Zoning Board of Appeals a written advisory report concerning acceptance/rejection of the development plan. In deciding what their advice should be, the Planning Commission shall consider the following criteria:

- (A) the extent to which the proposed development is consistent with the County's Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;
- (B) the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
- (C) whether the proposed design of the PUD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;
- (D) the compatibility of the proposed PUD with adjacent properties and surrounding area; and
- (E) any other reasonable criteria that the Planning Commission may devise.

40-7-8 PUBLIC HEARING BY ZONING BOARD OF APPEALS. After the Planning Commission has submitted their advisory report, the Board of Appeals shall hold a public hearing as per the requirements of **Sections 40-8-25** and **40-8-26**. Within a reasonable time following the hearing, the Board of Appeals shall file a report of the hearing and its advisory report with the County Board of Commissioners accompanied by the advisory report of the Planning Commission.

40-7-9 DECISION BY BOARD OF COMMISSIONERS. After the Zoning Board of Appeals has submitted the advisory reports, the Board of Commissioners, by resolution, shall either approve or disapprove the preliminary PUD development plan. The Board of Commissioners shall not approve any preliminary PUD development plan unless:

- (A) the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (B) the proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under **Section 40-7-4** shall not be deemed as non-compliance).

40-7-10 FINAL DEVELOPMENT PLANS. With respect to the preparation, submission, and review of PUD final development plans, the developer and this County shall comply with the regulations of the following subsections:

(A) **Filing, Information Required.** Not later than **one (1) year** after the approval of the preliminary development plan, the applicant shall file his final development plan for the first stage of the proposed PUD. Said final development plan shall contain in final form all the items of information listed in **Section 40-7-6** plus the following:

- (1) proof that the developer has acquired legal title to all land within the PUD or has executed a binding agreement with all the owners of such land giving him effective control over its development;
- (2) legal description of each lot to be individually owned and each parcel to be held in common;
- (3) articles of incorporation and bylaws of the Homeowners' Association;

- (4) restrictive covenants and any other legal instruments required by the State's Attorney guaranteeing the proper upkeep and use of the common open space and recreational facilities therein; and
- (5) legal instruments dedicating streets and other improvements to this County or conveying same to the Homeowners' Association (as the case may be).

(B) **Advisory Report.** Not later than **sixty (60) days** after the application for final development plan approval is filed, the Planning Commission -- following consultation with the Administrator, the County Engineer, and the State's Attorney -- shall submit a written advisory report to the County Board of Commissioners. The Commission's advisory report shall fully discuss the extent to which the final development plan conforms to the approved preliminary development plan and to all applicable codes and ordinances.

(C) **Action By.** At their next regularly scheduled meeting following submission of the Planning Commission's advisory report, the Board of Commissioners shall, by resolution, either approve or disapprove the PUD final development plan. The Board of Commissioners shall not approve any final development plan unless:

- (1) the developer has posted a performance bond or deposited funds in escrow in the amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and
- (2) the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (3) the proposed PUD, as evidenced by the final development plan, complies with all applicable codes and ordinances and substantially conforms to the approved preliminary development plan.

40-7-11 CHANGES IN APPROVED PLANS. No changes shall be made to any approved PUD development plan except as follows:

- (A) **Minor** changes if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- (B) All other changes shall require a public hearing before the Zoning Board of Appeals and a resolution by the Board of Commissioners.
- (C) No approved change shall have any effect until it is recorded with the Monroe County Recorder of Deeds as an amendment to the recorded copy of the development plan.

40-7-12 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the development plan shall lapse upon written notice to the applicant from the Board of Commissioners and shall be of no further effect. However, in its discretion and for good cause, the Board may extend for a reasonable time the period for the beginning of construction. If a final development plan lapses as per this Section:

- (A) the special use permit shall be automatically revoked;
- (B) any building permits shall automatically become null and void; and
- (C) all regulations applicable before the PUD was approved shall automatically be in full effect.

ARTICLE VIII – STORMWATER REGULATIONS

DIVISION I – GENERAL PROVISIONS AND REGULATIONS

40-8-1 **APPLICABILITY.** Chapter 32 shall apply to all new commercial and industrial development or re-development in Monroe County, Illinois. Except as otherwise provided in the Code, no person, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in the Code, shall not commence any development activities without first having obtained a development permit from the Building and Zoning Administrator of Monroe County, Illinois, and complying with the following:

- (A) Any new development or re-development that will include an area that will meet or exceed **five thousand (5,000) square feet** of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof); or
- (B) Any land disturbance activity in excess of **five thousand (5,000) square feet** which is located in a business or industrial zoning district shall meet the requirements of this Code and proper permits as required herein must be obtained.

40-8-2 **EXEMPTIONS.** A development permit shall not be required for the following:

- (A) Any new development, re-development or other activity falling below the minimum standards as set forth in **Section 40-8-1.**
- (B) Any site which is within an existing development with an approved Stormwater-Soil Erosion Plan shall be exempt provided that the land coverage is within the existing approved development perimeters.
- (C) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.
- (D) The maintenance of any existing stormwater drainage/detention component or structure or any existing soil erosion/sediment control component or structure; including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.
- (E) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

40-8-3 **EXCEPTIONS.** The County Board of Commissioners may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

(A) Application for exception shall be made by a verified petition of the applicant for a development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the development permit application. In order for the petition to be granted, it shall be necessary that the Board find all of the following facts with the respect to the land referred to in the petition:

- (1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Code;
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subject's property.

(B) Each application for an exception shall be made to the Building and Zoning Administrator. The Administrator and the Monroe County Engineer will review and transmit recommendations to the Board, which shall review such recommendations prior to granting or denying the exception.

(C) The Board shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving the application, in the manner provided with respect to appeals. Within **thirty (30) days** after public hearing, the Board shall either approve the site development permit application with the exceptions and conditions it deems necessary or it shall disapprove such development permit application and exception application, or it shall take other such action as appropriate.

40-8-4 **SEPARABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

40-8-5 **RESPONSIBILITY.** The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and Monroe County, Illinois or its officers or agents will not be made liable for such damage, by (1) the issuance of a development permit under this Code, (2) compliance with the provisions of that development permit or conditions attached to it by the Building and Zoning Administrator, (3) failure of Monroe County Officials to observe or recognize hazardous or unsightly conditions, (4) failure of Monroe County Officials to recommend denial or to deny a development permit, or (5) exemptions from development permit requirements of this Code.

40-8-6 - 40-8-14 **RESERVED.**

DIVISION II – PLAN SUBMITTAL

40-8-15 **STOP WORK ORDER; REVOCATION OF PERMIT.** In the event any person holding a development permit pursuant to this Code violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Administrative Officer may suspend or recommend that the County Board consider revoking the development permit.

40-8-16 **SUSPENSION OF PERMIT.** Suspension of a permit shall be by a written stop work order issued by the Administrative Officer and delivered to the permittee or his agent or the person performing the work. The stop work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop work order shall remain in effect until the next regularly scheduled meeting of the County Board of Commissioners or the conditions of resuming work are met.

40-8-17 **HEARING BEFORE REVOCATION OF PERMIT.** No development permit shall be revoked until a hearing is held by the Planning Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

(A) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and

(B) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Planning Commission shall determine whether the permit shall be recommended to the County Board of Commissioners for revocation or that work can proceed.

ARTICLE IX – COMMUNICATION AND STRUCTURE REGULATIONS

DIVISION I – GENERAL PROVISIONS

40-9-1 DEFINITIONS.

"Antenna": Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio, personal communications service (PCS), or frequency signals. The term shall exclude satellite earth station antennas less than **two (2) meters** in diameter (mounted within **fifteen (15) feet** of the ground or building-mounted) and any receive-only home television antenna.

"Communication Support Structure/Tower": Any structure, whether freestanding or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, monopole towers, or disguised support structures.

"Disguised Support Structure": Any freestanding, man-made structure designed for the support of antennas, the presence of which is camouflaged or concealed as an appropriately placed architectural or natural feature. Depending on the location and type of disguise used, such concealment may require placement underground of the utilities leading to the structure. Such structures may include but are not limited to clock towers, campaniles, observation towers, water towers, light standards, flag poles and artificial trees.

"Guyed Tower": A communication support structure which is usually over **one hundred (100) feet** tall, used to support antennas and related equipment, which consists of metal cross strips or bars and is steadied by wire guys in a radial pattern around the tower.

"Lattice Tower": A wireless communication support structure which consist of **three (3) to four (4) sides** of metal crossed strips or bars to support antennas and related equipment. These towers are freestanding without wires or cables.

"Monopole Tower": A freestanding structure for a wireless communication facility, which consists of a wireless communication support structure to support antennas and related equipment.

"Residential Zoning District": A zoning district that is designated under the County Zoning Ordinance and is zoned predominantly for residential uses.

40-9-2 RESERVED.

DIVISION II - REGULATIONS

40-9-3 REGULATIONS FOR COMMUNICATION SUPPORT STRUCTURES AND ANTENNAS.

(A) **Purpose.** The purpose of this Section is to set forth minimum standards for the installation and siting of communication support structures and antennas. These standards are specifically intended to:

- (1) Provide for the appropriate location and development of communication support structures and antennas to serve the residents and businesses of Monroe County;
- (2) Minimize adverse visual effects of communication support structures and antennas through proper siting and vegetative screening;
- (3) Avoid potential damage to adjacent properties from communication support structure failure through engineering and careful siting of communication support structures and antennas; and
- (4) Maximize the use of any new or existing communication support structures and reduce the number of communication support structures needed.

(B) **General.** Communication support structures and antennas may be permitted in all zoning districts by the County Board following a public hearing. Notice of public hearing shall be published at least **fifteen (15) days** before the hearing in a newspaper of general circulation published in the County. The County Board shall make its decision on all requests within **seventy-five (75) days** of the submission of a completed application by the telecommunications carrier.

The following conditions must also be met:

- (1) No public office, or principal repair or storage facilities shall be maintained in connection with the site.
- (2) The building housing any equipment shall be designed and constructed to conform to the general character of the neighborhood or area.
- (3) Landscaping and Buffer Areas must be a minimum of a **six (6) foot** fence or wall with a **ten (10) foot** planting screen around the outside, fenced area. Shrubbery and trees must be not less than **five (5) feet** in height with expected growth of at least **ten (10) feet**. The screens must be planted within **thirty (30) days** after support structure is completed.
- (4) Antennas, attached to a communication support structure or other tall structures (e.g., smoke-stack, water tower, or building) that do not exceed the height of the structure by more than **fifteen (15) feet**, and support structures **sixty-five (65) feet** or less in height owned by an amateur radio operator licensed by Federal Communication Commission, will be a permitted use.

(C) **Site Plan.** A full site plan, drawn to a scale of **one (1) inch** equals **fifty (50) feet**, shall be submitted to the Zoning Administrator. The site plan shall be required for all communication support structures and shall show the antennas, communication support structures, building, fencing, buffering, and access. A site plan shall not be required if the antenna is mounted on an existing structure. Included with the site plan shall be plans and specifications for the structure's design as specified by the manufacturer or an engineer licensed by the State of Illinois. The plans and specifications shall include:

- (1) Communication support structure height;
- (2) Type of structure;
- (3) Type of materials;
- (4) Specification for materials used for structural elements of the communication support structure;
- (5) Name of tower manufacturer;
- (6) Soils investigation (where required for footing design); and
- (7) List of the type and location of all antennas, cables and other appurtenances which may or could be installed.
- (8) Minimum lot size shall be as follows:
 - (a) The horizontal separation distance to the nearest lot line shall not be less than the height of the supporting structure; except that if the supporting structure exceeds **ninety-nine (99) feet** in height, the horizontal separation distance to the nearest lot line shall be at least **one hundred (100) feet** or **eighty percent (80%)** of the height of the supporting structure, whichever is greater.
 - (b) Communication support structure shall not be closer than **fifty (50) feet** from another principal building. No facility should encroach onto any recorded easement or existing septic system.
- (9) The horizontal separation distance to the nearest residential building shall not be less than the height of the supporting structure; except that if the supporting structure exceeds **ninety-nine (99) feet** in height, the horizontal separation distance to the nearest principal residential building shall be at least **one hundred (100) feet** or **eighty**

percent (80%) of the height of the supporting structure, whichever is greater.

(D) **Standards for Approval of Communication Support Structures and Antennas.** The following standards apply to all communication support structures and antennas:

- (1) **Accommodate Other Users.** In order to reduce the number of communication support structures needed in the County in the future, the proposed communication support structure shall be required to accommodate other users, including cellular communication companies and local police, fire and ambulance services.
- (2) **Appearance.** Communication support structures shall be painted in neutral colors or have a galvanized finish in order to reduce the visual impact. No communication support structure may be artificially lighted except when required by the Federal Aviation Administration (FAA).
- (3) **Inspections.** Inspections must meet County building codes and be approved by County Building Inspector.
- (4) **License.** When applicable, all applicants shall demonstrate that they are licensed by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), or any other required licenses by the State of Illinois.
- (5) **Safety.** The applicant shall demonstrate that the proposed communication support structure or antenna is safe and that the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All communication support structures shall be fitted with anti-climbing devices, as approved by the manufacturers. Lighting should be installed only for security and safety purposes.
 - (a) **Radiation Standards.** All proposed communication support structures shall comply with current standards of the Federal Communications Commission for non-ionizing electromagnetic radiation (NIER) and electromagnetic fields (EMF).
 - (b) **High Voltage.**
 - (i) If high voltage is necessary for the operation of the communication support structure or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or the wall and shall be spaced not more than **forty (40) feet** apart.
 - (ii) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than **forty (40) feet** apart.
 - (iii) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least **six (6) inches** in height. The **two (2) warning signs** may be combined into **one (1) sign**. The warning signs shall be installed at least **five (5) feet** above the finished grade of the fence or on freestanding poles if the content of the sign may be obstructed by landscaping.
 - (c) **Structurally Unsafe or Unused Structures.**
 - (i) Any communication support structure found, through inspection by the owner or by inspection by the County, to be structurally unsafe and which cannot be brought into compliance within **one hundred eighty (180) days** shall immediately be removed at the owner's expense.

- (ii) Any communication support structure that is no longer used as a communication support structure for a period of **three (3) years** shall be removed at the owner's expense.
- (6) **Style of Support Structure.** The County would recommend a monopole, self supporting (lattice) tower or disguised support structures or buildings. If a guyed tower, is proved necessary, then all guyed cables, or supports must be enclosed within the fenced area.
- (7) **Location.**
 - (a) The owner or operator of the communication support structure and/or antenna shall demonstrate, using technological evidence, that the structure or antenna must be located at the proposed site in order to satisfy its receiving and/or distributing function.
 - (b) The owner or operator of the antenna shall also demonstrate that he has contacted the owners of tall structures (e.g., smoke-stacks, water towers, tall buildings, and other communication support structures) within a **one-quarter (1/4) mile** radius of the proposed site, has asked for permission to install the antenna on those structures, and was denied for reasons other than economic ones.
 - (c) The County Board may deny the application if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- (8) **Minimum Height.** The applicant shall demonstrate that the communication support structure and/or antenna is the minimum height required to function satisfactory. No communication support structure or antenna that is taller than this minimum height shall be approved. The communication support structure shall be measured from the ground where the support structure base sits to the top of the highest appurtenance mounted on the tower.
- (E) **Fees.**
 - (1) Filing fee for communication support structure as established by the County Board according to current schedule of filing fees must be paid by applicant at the time of filing of application.
 - (2) Additional fees to be paid for building permit for construction and inspection fees for required inspections at site.

PR

ARTICLE X - ZONING ADMINISTRATION

DIVISION I - ZONING BOARD OF APPEALS

40-10-1 MEMBERSHIP, RESIDENCY, TERM OF OFFICE, CHAIRMAN. The Zoning Board of Appeals shall consist of **seven (7) members** appointed by the County Board Chairman with the advice and consent of the County Board. All members of the Zoning Board shall be residents of Monroe County and shall live in separate congressional townships at the time of their appointment. The terms of office shall be **five (5) years**. The County Board may remove any member of the Zoning Board for cause, after a public hearing thereon. Vacancies shall be filled by the County Board for the unexpired term of any member whose place has become vacant.

40-10-2 MEETINGS. Meetings of the Board of Appeals shall be held at the call of the Chairman or at such times and places within the County as the Board may determine. All hearings conducted by said Board shall be open to the public and the Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or in absence or failure to vote, indicating such fact, and shall also keep a record of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement and interpretation, decision or determination of the Board shall be filed immediately in the office of the Board and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Code or with the Illinois statutes.

40-10-3 COMPENSATION. The members of the Board shall be compensated on a per diem basis with a mileage allowance for travel, the amount to be determined by the County Board.

40-10-4 QUORUM AND VOTE. The Board shall act in accordance with the procedures specified by the State statutes and by this Code. **Four (4) members** of the Zoning Board shall constitute a quorum. The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant in any matter upon which it is required to pass.

40-10-5 POWERS AND DUTIES. The Board shall have all the powers and duties prescribed by law and by this Code including the following:

(A) Upon an appeal from any order, requirement, decision, or determination by an administrative official, and after a public hearing, to decide any question involving the interpretation of any provision or term of this Article, including the determination of the exact location of any district boundary if there is any uncertainty with respect thereto;

(B) To vary the strict applications of any of the requirements of the Article, in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical condition, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any area-bulk variance, the Board shall prescribe any condition that it deems necessary or desirable for the public interest, convenience, or welfare.

(C) To issue or authorize permits for any area-bulk variance for which this Article allows or requires the obtaining of an area-bulk variance from the Board of Appeals;

(D) To hold public hearings concerning proposed amendments to this Article and to issue advisory reports to the County Board recommending approval or denial of such proposed amendments.

(E) To issue special use permits as provided in **Division V** of this Article.

40-10-6 RESERVED.

DIVISION II - APPEALS

40-10-7 **APPEAL TO ZONING BOARD.** Any person aggrieved by any decision or order of the Administrator, in any matter related to the interpretation or enforcement of any provision of this Article may appeal to the Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Section. **(See 55 ILCS 5/5-12012)**

40-10-8 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the Soil and Water Conservation District as per State law. Not more than **five (5) working days** after notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(NOTE: Filing fee required; see Section 40-10-53.) (See 70 ILCS 405/22.02a)**

40-10-9 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the circuit court grants a restraining order for due cause, and so notifies the Administrator.

40-10-10 **PUBLIC HEARING NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15)** days before the hearing:

- (A) by first class mail to the petitioner and to all owners of property which abuts the premises to which the appeal pertains; and
- (B) by publication in a newspaper of general circulation within the County.

40-10-11 **DECISIONS BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

40-10-12 **RESERVED.**

DIVISION III - VARIANCES

40-10-13 **VARIANCE DESCRIBED.** A variance is a relaxation of this Code in the case of an exceptionally irregular, narrow, shallow, or steep lot or other exceptional physical condition, whereby such strict application would result in such practical difficulty and/or unnecessary hardship as would deprive the owner of the reasonable use of the land or building involved, but in no other case. In granting any area-bulk variance, the Board shall prescribe conditions that it deems necessary and reasonable for the public interest, convenience or welfare, in accordance with Illinois law and in provisions of this Section.

40-10-14 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application when involving agricultural or vacant land shall also be filed with the Soil and Water Conservation District as per State law. The Administrator shall promptly transmit said application to the Planning Commission and the Board of Appeals together with any recommendation or comments that he may wish to make. The application shall contain, at a minimum, the following:

- (A) name and address of the applicant;
- (B) location of the structure/use for which the variance is sought;
- (C) the particular Code requirements which, in the applicant's opinion, prevent the proposed use or construction;
- (D) the characteristics of the subject property which allegedly prevent compliance with the Code;
- (E) the hardship or difficulty which would result if the particular Code requirements were strictly enforced;
- (F) the reduction/alteration of the Code requirements which would be necessary to allow the proposed use or construction; and
- (G) any other pertinent information that the Administrator may require. **(NOTE: Filing fee required; see Section 40-10-53).**

40-10-15 PLANNING COMMISSION ADVISORY REPORT. The Land Use Committee of the Planning Commission will, when all members are in agreement, submit an advisory report directly to the Zoning Board of Appeals.

If all are not in agreement, the application shall go directly to the Planning Commission for an advisory report. In either case, said report shall be submitted to the Zoning Board of Appeals within **thirty-five (35)** days after receipt of the application from the Administrator.

All advisory reports shall consider the standards of **Section 40-10-18**.

40-10-16 PUBLIC HEARING, NOTICE. The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of hearing shall be given not more than **thirty (30)** days nor less than **fifteen (15)** days before the hearing:

- (A) by certified mail to the applicant and to the property owners of record and as appears from the authentic tax records of this County of all property within **two hundred fifty (250) feet** in each direction of the location for which the appeal, variation or exception is requested; the number of feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in determining the **two hundred fifty (250) foot** requirement. If the property is part of a larger tract, all owners of land abutting the larger tract, but more than **two hundred fifty (250) feet**, shall be given notice; and
- (B) by publication in a newspaper of general circulation within the County.

40-10-17 CONTENTS OF NOTICE. The notice of public hearing on a variance request shall include the following information:

- (A) date, time and place of the hearing;
- (B) name and address of the applicant;
- (C) the particular location of the real estate for which the variance is requested by legal description and street address, and if no address then by locating such real estate with reference to any well-known landmark, road, or intersection;
- (D) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;

(E) whether the applicant is a corporation, and if a corporation, the correct name and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of **twenty percent (20%)** of all outstanding stock of such corporation;

(F) whether the applicant or principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;

(G) whether the applicant is a partnership venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association; and

(H) a brief statement of what the proposed variance consists of.

40-10-18 STANDARDS FOR VARIANCE. The Board of Appeals shall **not** grant any variance unless, based upon the evidence presented to them, they determine that:

(A) the variance is consistent with the general purposes of this Code (**See Section 40-1-2**); and

(B) strict application of the Code requirements would result in great practical difficulties or hardship to the applicant (not mere inconvenience) and prevent a reasonable return on the property; and

(C) the variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and

(D) the circumstances engendering the variance request are peculiar and not applicable to other property within the district; and

(E) the variance will not alter the essential character of the area where the premises in question are located nor adversely affect the public health, safety and/or welfare.

(Ord. No. 12-10; 11-05-12)

40-10-19 TERMS OF RELIEF, FINDINGS OF FACT. The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. They shall specify the terms of relief granted (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for granting or denying any requested variance.

40-10-20 RESERVED.

DIVISION IV - ZONING AMENDMENTS

40-10-21 AMENDMENTS. The County Board may amend the zoning regulations set forth in this Code by changing district boundaries (rezoning) or by modifying the text (e.g., changing the status of a use) -- in accordance with State law and the provisions of this section. Amendments may be proposed by the County Board, the Planning Commission, the Administrator, the Board of Appeals, or any party in interest. (**See 55 ILCS 5/5-12014**)

40-10-22 FILING. Every proposal to amend the zoning regulations shall be filed with the Administrator on a prescribed form, and shall include such information as considered necessary to allow the County Board to make an informed decision. The Administrator shall promptly transmit copies of said proposal, together with any comments or recommendations to the Planning Commission and to the Board of Appeals. (**See also, Schedule of Fees, Section 40-10-53.**)

(A) **Posting of Property.** A sign shall be posted by the County **two (2) weeks** in advance, at developer's expense, on any site that is requesting a Zoning Map amendment or filing a preliminary plat. The size of the sign shall be **four (4) feet** by **four (4) feet**. (**Ord. No. 06-04; 04-17-06**)

40-10-23 **PROCEDURE OF SOIL AND WATER CONSERVATION DISTRICT.** The Soil and Water Conservation District shall issue a written opinion concerning the proposed amendment within **thirty (30) days** from the time of receipt to the Board of Appeals. If no opinion is received within **thirty (30) days**, the amendment shall be considered recommended by the Soil and Water Conservation District. (See 70 ILCS 405/22.02a)

40-10-24 **PROCEDURE OF PLANNING COMMISSION.** The Planning Commission shall make its advisory report to the Board of Appeals no later the **sixty (60) days** after receipt of the amendment. If no report is received within **sixty (60) days**, the amendment shall be considered recommended by the Planning Commission. The advisory report may consider the same matters as enumerated in **Section 40-10-27.**

40-10-25 **PUBLIC HEARING, LOCATION.** The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held in the County Courthouse. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

40-10-26 **NOTICE OF PUBLIC HEARING.** Notice indicating the time, date, and place of the public hearing, and the nature of the proposed amendment shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) in the case of a rezoning, by first class mail to the applicant and to all owners of property which abuts the property that would be rezoned; and
- (B) by publication in a newspaper of general circulation with the County.

40-10-27 **ADVISORY REPORTS.** Within **ten (10) days** after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. The advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefor. If the proposed amendment involves a rezoning, each advisory report shall include findings of fact concerning each of the following matters:

- (A) existing use(s) and zoning of the property in question;
- (B) existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) suitability of the property in question for uses already permitted under existing regulations;
- (D) suitability of the property in question for the zoned uses;
- (E) the trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned;
- (F) the extent to which property values are diminished by the particular zoning restrictions; and
- (G) the relative gain to the public as compared to the hardship imposed upon the individual property owner.

40-10-28 **ACTION BY COUNTY BOARD.** Within **thirty (30) days** after receiving an advisory report from the Board of Appeals, the County Board of Commissioners shall act on the report in accordance with their regular procedure.

40-10-29 **TRAFFIC STUDY REQUIREMENTS.**

- (A) The applicants for zoning district amendments to A Districts within the Illinois Route 3 corridor between the City of Columbia and the City of Waterloo shall file with the request an intersection

engineering traffic impact study report, meeting general Illinois Department of Transportation guidelines, for the Illinois Route 3 intersection(s) in closest proximity to the subject parcel.

(B) The Illinois Route 3 corridor shall be considered to be **one (1) mile** wide on both east and west sides of the highway commencing at Hill Castle Road (T.R. 70) and extending south to the Waterloo City limits.

(C) Said study shall be provided to the Regional Planning Commission and Zoning Board of Appeals for consideration when making their recommendation to the County Board of Commissioners.

(Ord. No. 12-10; 11-05-12)

DIVISION V - SPECIAL USE PERMIT

40-10-30 ESTABLISHED. This Code divides the entire County outside the limits of cities, villages and incorporated towns which have in effect municipal zoning ordinances into zoning districts and in each district, there are mutually compatible uses which are permitted. It is recognized, however, that other uses may be necessary or desirable, but their potential influence on permitted uses could be harmful. For this reason, they are classed as special uses and may be permitted only under certain conditions. These special uses may be public or private uses.

40-10-31 APPLICATION. Application shall be made to the Administrator and he shall transmit **one (1) copy** of the application to the Planning Commission and **one (1) copy** to the Board of Appeals within **five (5) working days** after receiving the application. Those applicants wishing to subdivide the land shall comply with the Monroe County Subdivision Regulations. Other applicants shall supply the information required by this Code, the Building Permit Form or other information as requested by the Zoning Board of Appeals.

40-10-32 PLANNING COMMISSION ADVISORY REPORT. The Land Use Committee of the Planning Commission shall, when all members are in agreement, submit an advisory report directly to the Zoning Board of Appeals. If all are not in agreement, the application shall go directly to the Planning Commission for an advisory report. In either case, said report shall be submitted to the Zoning Board of Appeals within **thirty-five (35) days** after receipt of the application from the Administrator. All advisory reports shall consider at least the following:

- (A) The effect the development would have on the County's Comprehensive Plan;
- (B) The effect the proposal would have on the health, welfare, safety, morals and comfort of the surrounding area; and
- (C) The effect the development would have on schools, traffic, streets, shopping, public utilities and adjacent properties.

40-10-33 PROCEDURE OF SOIL AND WATER CONSERVATION DISTRICT. The Soil and Water Conservation District shall issue a written opinion concerning the proposed special use permit within **thirty (30) days** from the time of receipt to the Board of Appeals. If no opinion is received within **thirty (30) days**, the special use permit shall be considered recommended by the Soil and Water Conservation District.

40-10-34 PUBLIC HEARING. The Zoning Board of Appeals shall follow the public hearing requirements of **Sections 40-10-16 and 40-10-17.**

40-10-35 CONDITIONS. No special use may be granted by the Zoning Board of Appeals unless it finds that the special use:

- (A) is necessary for the public convenience at that location or, in the case of existing non-conforming uses, that a special use permit will make the use more compatible with its surroundings;
- (B) is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- (C) will not cause substantial injury to the value of other property in the neighborhood in which it is located; and
- (D) will not be detrimental to the essential character of the district in which it is located.

40-10-36 SPECIAL CONDITIONS. The Board may provide such conditions or restrictions upon the construction, location, and operation of the special use, including, but not limited to, provisions for the protection of adjacent property, the expiration of said special use after a specified period of time, or off-street parking and loading; as shall be deemed necessary to secure the general intent and purpose of the Code, and to reduce injury to the value of property in the neighborhood.

40-10-37 EXPANSION OF USE. Any expansion of a special use involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the procedures set forth in this Article.

40-10-38 PERMIT REVISION AND/OR CORPORATE OWNERSHIP REVISIONS. After a permit has been issued, minor changes in a development plan may be made upon application to the Board of Appeals. Major changes in the developmental plan require total review and reapplication.

(A) Any Special Use permit in the name of a limited liability corporation, trust or similar entity shall certify ownership and thereafter recertify ownership on an annual basis. Any change would require a new special use permit. (Ord. No. 2018-06; 02-05-18)

40-10-39 ISSUANCE OR REVOCATION OF PERMIT.

- (A) Any decision of the Zoning Board of Appeals contrary to a negative recommendation of the Planning Commission shall require a **three-fourths (3/4)** majority vote of the Board of Appeals.
- (B) Every special use permit granted shall be accompanied by a finding of fact specifying the reason for granting such special use permit.
- (C) The Board of Appeals may revoke a permit issued under this Article, if:
 - (1) The proposal for which a permit has been issued is not carried out pursuant to the approved final site plan; or
 - (2) If any condition or requirement included in the permit is not complied with. The Board of Appeals may, however, allow modification of the final plan before completion, in conformity with the applicable provisions for review as provided for in this Article.
 - (3) The Zoning Board of Appeals, when it approves the application, shall direct the Administrator to issue a special use permit and building permit.
- (D) Once the special-use permit has been issued, the applicant has **one (1) year** to complete the project.

DIVISION VI - BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY

40-10-40 BUILDING PERMIT. No nonagricultural building or structure shall be erected, added to, or structurally altered until a permit has been issued by the Administrator. Except upon a written order of the Board of Appeals, no such building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Code.

No agricultural building or structure exceeding **Five Hundred Dollars (\$500.00)** in cost or **one hundred (100) square feet** in size shall be erected, added to, or structurally altered until a permit has been issued by the Administrator without a charge. Such permit shall be issued provided the proposed building will comply with the building setback line.

40-10-41 PLAT PLAN. There shall be submitted with all applications for building permits of nonagricultural buildings or structures, **one (1) copy** of a layout or plat plan showing actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Zoning Code. **One (1) copy** of such layout or plat plan as approved by the Administrator shall be returned to the applicant at the time the building permit is issued.

40-10-42 INITIAL CERTIFICATES OF ZONING COMPLIANCE. No lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated, or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless, the following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this Code.

40-10-43 APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE. Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable.

Items of Information:

- (A) name and address of the applicant;
- (B) name and address of the owner or operator of the proposed lot, structure, or use, if different from (A);
- (C) brief, general description/explanation of the proposal;
- (D) location of the proposed lot, use, or structure, and its relationship to the adjacent lots, uses or structures;
- (E) area and dimensions of the site for the proposed finished grade;
- (F) height and setbacks of the proposed structure;
- (G) number and size of proposed dwelling units, if any;
- (H) location and number of proposed parking/loading spaces and access ways;
- (I) identification and location of all existing or proposed utilities, whether public or private; and/or
- (J) any other pertinent information that the Administrator may require.

40-10-44 DURATION OF CERTIFICATE. Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive one-year periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-10-45 RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, the Administrator shall not issue any building permit for the construction, erection, enlargement, extension, alteration, or reconstruction of any structure unless the applicant for such permit has already been issued an initial certificate of zoning compliance pertaining to the work.

40-10-46 **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof recorded or developed after the effective date of this Code, and no structure, part, use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied, or put into operation until a final certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until he has determined, by inspection, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Zoning Code.

40-10-47 **CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon, is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

- (A) The order to take corrective action shall be in writing and shall include:
- (1) a description of the premises sufficient for identification;
 - (2) a statement indicating the nature of the violation;
 - (3) a statement of the remedial action necessary to effect compliance;
 - (4) the date by which the violation must be corrected;
 - (5) a statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
 - (6) the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and
 - (7) a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(B) A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (1) served upon him personally;
- (2) sent by registered mail to his last known address; or
- (3) posted in a conspicuous place on or about the affected premises.

(C) Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately.

40-10-48 - 40-10-49 **RESERVED.**

DIVISION VII - ENFORCEMENT

40-10-50 **ZONING ADMINISTRATOR.** The enforcement of this Zoning Code is hereby vested in the Zoning Administrator of Monroe County.

40-10-51 **POWERS AND DUTIES.** The Administrator shall enforce this Zoning Code, and in addition thereto and in furtherance of said authority, he shall:

- (A) Examine any application for a building permit, initial certificate of zoning compliance, or any other application pertaining to the use of land, buildings, or structures, and approve said application when, in all respects, it conforms with the provisions of the Code;
- (B) Issue all building permits and keep permanent records thereof;
- (C) Issue certificates of zoning compliance and keep permanent records thereof;
- (D) Conduct such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the terms of this Code;
- (E) Receive, file, and forward for action, all applications for special uses, variations, and amendments to this Code, which may be filed in the zoning office;

- (F) Maintain permanent and current records of the Zoning Codes, including all maps, amendments, special uses, and variations;
- (G) Provide and maintain a public information bureau relating to all matters arising out of this Code; and
- (H) Prepare and submit to the Board of Zoning Appeals all pertinent documentation required.

40-10-52 PENALTIES. A violation by any person, corporation or otherwise, whether as principal, agent, employee, or otherwise, of any provisions of this Code shall be a misdemeanor and will be subject to a fine up to **Five Hundred Dollars (\$500.00)** per week. Each week of the continued violation shall constitute a separate additional violation. If more than **one (1)** provision is violated, each provision violated shall be considered a separate misdemeanor, and each shall be liable to maximum penalties as herein specified. Nothing herein shall limit any other right or remedy of the County or other person in interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction.

DIVISION VIII - APPLICATION FEES

40-10-53 FEES PAID TO COUNTY. By resolution, the County Board shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Ordinance. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. A current schedule of filing fees shall be maintained in the Administrator's office and filed with the County Clerk.

An additional fee to cover the cost incurred for the required public notice shall also be paid by the applicant. Public notice fees shall be paid to the County of Monroe and deposited with the Secretary of the Zoning Board of Appeals.

PROPOSED

Appendix "E"

PROPOSED

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