

**MUNICIPAL CODE OF SHERIDAN**

**2007**

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**VILLAGE OF SHERIDAN**

**Sheridan, Illinois  
LaSalle County**

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**Village Clerk  
Sandra K. Reno**

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Janice Clemens**

**Village Attorney  
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**Village Marshal  
Charles L. Bergeron**

**Board of Trustees**

**James Allen  
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**William Clemens  
Jerrylyn Johnson  
Jeff Wilhelm**

# **THE MUNICIPAL CODE OF SHERIDAN -2007**

## **TABLE OF CONTENTS**

**CHAPTER 1 -PRESIDENT AND HIS DUTIES**

**CHAPTER 2 -BOARD OF TRUSTEES**

**Article I: General Provisions**

**Article II: Rules of Order**

**CHAPTER 3 -VILLAGE CLERK/ADMINISTRATOR**

**CHAPTER 4 -AUDITOR & INTERNAL CONTROLS**

**CHAPTER 4.1 –VILLAGE ADMINISTRATOR**

**CHAPTER 4A –CONDUCT OF OFFICIALS AND PERSONNEL**

**CHAPTER 4B -EXPENSE REIMBURSEMENTS**

**CHAPTER 5 -VILLAGE MARSHAL**

**CHAPTER 6 -BOARD OF HEALTH**

**CHAPTER 7 -GARBAGE, REFUSE AND RECYCLING**

**Section 1: Findings**

**Section 2: Definitions**

**Section 3: Bidding**

**Section 4: Contract**

**Section 5: Collection Procedures**

**Section 6: Prohibited Actions and Penalties**

**Section 7: Burning**

**Section 8: Effective Days**

**Section 9: Amendments**

**CHAPTER 8 -DRAINAGE**

**CHAPTER 9 -SIDEWALKS**

**CHAPTER 10 -TREES AND SHRUBS**

**CHAPTER 11 -PLANTS AND WEEDS**

**CHAPTER 12 -FIRE LIMITS**

**CHAPTER 13A -MUNICIPAL UTILITY TAX**

**CHAPTER 13B -MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX**

**CHAPTER 14 -GAMING**

**CHAPTER 14A-RAFFLE REGULATIONS AND LICENSE**

**CHAPTER 15 -SALE OF ALCOHOLIC BEVERAGES**

**CHAPTER 16 -PEDDLERS AND FARMER'S MARKETS**

**CHAPTER 17 -MISCELLANEOUS OFFENSES**

- Article I: Gambling and Fireworks**
- Article II: Prostitution**
- Article III: Sale, Purchase, Gift or Acceptance  
of Liquor by or to a Minor**
- Article IV: Other Offenses**
- Article V: Sale, Purchase, Gift, Acceptance of Tobacco**
- Article VI: Noise Pollution**
- Article VII: Possession of Drug Paraphernalia and  
Cannabis**
- Article VIII: Unlawful Use of Weapons**
- Article IX: Trespass to Real Property**

**CHAPTER 18 -REMOVAL OF ABANDONED MOTOR VEHICLES**

**CHAPTER 19 -TRAFFIC**

- Article I: Definitions and General Provisions**
- Article II: Through Streets and Stop Intersections.**
- Article III: Rules for Driving**
- Article IV: Pedestrians**
- Article V: Parking Rules**
- Article VI: Condition of Vehicles**
- Article VII: Drivers**
- Article VIII: Snowmobiles**
- Article IX: Penalties**
- Article X: Vehicle Impound**

**CHAPTER 20 -TRAILERS**

**CHAPTER 21 -ANIMALS**

**CHAPTER 22 -STORAGE OF PETROLEUM AND PETROLEUM  
PRODUCTS WITHIN THE VILLAGE**

**CHAPTER 23 -DANGEROUS BUILDINGS**

**CHAPTER 24 -BUILDING CODE**

**CHAPTER 24A- FLOOD DAMAGE PREVENTION**

**CHAPTER 25 -MOVING BUILDINGS**

**CHAPTER 26 -CURFEW**

**CHAPTER 27 -PUBLIC PARKS AND PUBLIC WAYS**

**CHAPTER 27A – MUNICIPAL TELECOMMUNICATIONS  
INFRASTRUCTURE MAINTENANCE FEE**

**CHAPTER 27B -SMALL WIRELESS FACILITIES**

**CHAPTER 28 -VILLAGE SEAL**

**CHAPTER 29 -FIRE INSURANCE COMPANIES**

**CHAPTER 30 -THE CODE**

**Article I: Title: Interpretation**

**Article II: Enforcement**

**Article III: Administrative Adjudication**

**Article IV: Amendments**

**Article V: Printing**

**Article VI: Repealing Clause**

## CHAPTER 1 - PRESIDENT AND HIS DUTIES

**1. Election - Term of Office.** The Village President shall be elected for a term of four (4) years, and he shall be the President of the Board of Trustees as is provided by statute.

**2. Duties.** The President shall be the chief executive officer of the Village, and shall devote so much of his time to the duties of his office as a faithful and efficient discharge thereof may require; he shall take care that all the ordinances of said Village are duly enforced, respected and observed; he shall preside at all meetings of the Village Board, but shall not vote. He shall supervise over all the executive officers of the Village and all the employees of the Village.

**3. Bond - Oath - Salary.** Before entering upon the duties of his office, the President shall give a bond with the sureties to be approved by the Village Board of Trustees conditioned upon the faithful performance of his duties, in the sum of Fifty Thousand (\$ 50,000.00) Dollars. The President shall take the oath of office as prescribed by statute. The President shall receive as compensation the sum of Three Thousand Six Hundred (\$3,600.00) Dollars per year to be considered earned and payable in equal amounts following each month of service.

**4. President Pro-tem.** During the temporary absence or disability of the Village President, the Board of Trustees shall elect one of the members to act as President pro-tem, who during the absence or disability of the President shall perform the duties pertaining to the office.

**5. Appointment of Village Officers - Filling Vacancies.** The President shall appoint, by and with the consent of the Board of Trustees, all officers of said Village whose appointments are not otherwise provided for by law; and whenever a vacancy shall occur in any office, which by law or ordinance he is empowered and required to fill, he shall at the next regular meeting of the Village Board, not less than five days after such vacancy, communicate to the Village Board the name of his appointee to such office, and pending the concurrence of the Board in such appointment, he may designate some suitable person to discharge the function of such office.

**6. Removal - Report Reasons to Board of Trustees - Disapproval.** The President shall have the power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the Village demand such removal; but he shall report the reasons for such removal to the Board of Trustees at a meeting to be held not less than five days, nor more than ten days after such removal; and if the President shall fail or refuse to file with the Village Clerk a statement of the reasons for such removal, or if the Board of Trustees by a two-thirds (2/3) vote of all its members, authorized by law to be elected, by yeas and nays, to be entered upon its records, disapprove of such removal, such officer shall thereupon become restored to the office from which he was removed; but he shall give new bond and take a new oath of office. No officer shall be removed a second time for the same offense.

**7. Ordinances - Approval - Veto.** The President shall carefully inspect all ordinances passed by the Board of Trustees and affix his official signature to such as he may approve, and

return them to the Village Clerk within ten days after their passage; and all ordinances passed as aforesaid, which do not meet his approval, he shall return to the Board of Trustees with his objections thereto in writing at the next regular meeting of the Board of Trustees, occurring not less than five days thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance, or to the entire ordinance, and in case the veto extends only to a part of such ordinance the residue thereof shall take effect and be in force; but in case the President shall fail to return any ordinance with his objection thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly, provided however, that a veto of the President may be overruled by a two-thirds (2/3) vote of all the members of the Board of Trustees at the next regular meeting following the veto.

**8. Sign all Commissions, Contracts, etc.** The President shall sign all commissions, licenses, permits and warrants granted, issued or drawn by the order of the Village Board of Trustees, or authorized by the ordinances of said Village; in all contracts where the Village is a party he shall sign the same on behalf of the Village, and it shall be his special duty to see that the other contracting parties faithfully comply with the contract, and in all suits where the Village is a party, it shall be the duty of the President to advise with and assist the Village Attorney in prosecuting or defending the same as the case may be.

**Additional Duties.** In addition to the above and foregoing, the President shall perform all such other and further duties pertaining to his office as are or may be required of him by the laws of the State of Illinois or the ordinances of the Village of Sheridan.

## CHAPTER 2 - BOARD OF TRUSTEES

### Article I - General Provisions

**1. Election - Functions.** The Board of Trustees consisting of six (6) members shall be elected to office for a four (4) year term, according to the method provided by statute. This Board shall be the legislative department of the Village government, and shall perform such duties and have such powers as may be delegated by statute to it.

**2. Oath - Salary.** The members of the Board of Trustees shall take the oath of office prescribed by statute. The members of the Board of Trustees shall receive as compensation the sum of One Thousand Eight Hundred (\$1,800.00) Dollars per year to be considered earned and payable in equal amounts following each month of service.

**3. Meetings.** The Village Board shall have its regular meetings in the Village Hall on the second Monday of every month at 7:00 o'clock p.m., except when said second Monday shall be a public holiday, in which case the Board of Trustees shall meet at the same hour on the day following. Adjourned meetings may be held for the purpose of completing the unfinished business of the regular meetings at such time or times that may be determined by the Board of Trustees.

**4. Special Meetings.** Special meetings may be called by the President of the Village or any three Trustees, whenever, in their discretion, they deem it necessary, in which event that the meeting be called in the following manner: the President or the three (3) Trustee's, as the case may be, shall file in the Village Clerk's office a statement in writing setting forth the proposed agenda, and the date, time and place of such special meeting. The Village Clerk shall publish notice of the same at least 48 hours in advance of such special meeting as required by the Open Meetings Act. The Village Clerk shall diligently attempt to personally serve each member of the Board of Trustees, or leave at their home or usual place of business, the proposed agenda, and the date and time and place of that such special meeting. No business other than that mentioned in the proposed agenda shall be transacted at such Special Meeting.

**5. President.** The Village President shall be the presiding officer at all regular and special meetings of the Board of Trustees and at all times when the Board meets as a committee of the whole.

**6. Presumption of Vacancy by Abandonment.** In the event that a Village Trustee is absent from three (3) consecutive meeting or absent 6 or more meetings within any 12-month period, the Village Board may find such Trustee's office abandoned and declare such trustee position vacant. The Village Board shall consider any cause for absences communicated by an

absent trustee to the Village /Administrator. The foregoing shall limit the circumstances when the Village Board may consider a Village Trustee position vacant.

## **Article II - Rules of Order**

**7. Order of Business.** The order of business of the Board of Trustees of the Village of Sheridan, LaSalle County, Illinois, shall be as follows:

1. Roll Call
2. Bills, Communications, Resolutions and Ordinances
3. Treasurer's Report
4. Minutes of Preceding Meeting
5. Old Business
6. Report of Committees
7. New Business

**8. Rescinded Action.** No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken as prescribed by statute.

**9. Resolution.** Any resolution presented to the Board of Trustees shall be reduced to writing before being voted upon on request of any two members of the Board.

**10. Addressing Meeting.** No person other than the President or a member of the Board shall address that body at any regular or special meeting, except upon consent of a majority of the members present.

**11. Suspension of Rules.** The rules of order, other than those prescribed by statutes, may be suspended at any time by the consent of a majority of the members present at any meeting.

**12. Robert's Rules of Order.** Robert's Rules of Order shall govern the deliberation of the Board of Trustees, except when in conflict with any of the foregoing rules.

**13. Quorum.** A majority of the Trustees (at least four) shall constitute a quorum to do business, but no ordinance shall be passed except upon the favorable vote of a majority of the elected members as provided by statute.

**14. Committees.** The following shall be the standing committees of the Board of Trustees:

1. Police
2. Sewer, Lights and Recycling
3. Ordinance and Zoning
4. Finance and Health
5. Public Parks, Buildings and Cable Television
6. Streets and Alleys

Special committees shall be created from time to time as directed by the Board of Trustees. All standing and special committees shall consist of three members each including the Chairman unless the Board shall direct that said committee shall consist of more than three members. The President shall appoint all committees with approval by the Board of Trustees.

**15. Disturbing Meetings.** It shall be unlawful for any person to disturb any meeting of the Board of Trustees or any committee thereof; any person violating the provision of this section shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1 – Title: Interpretation, Paragraph 3 Penalties.

**16. Going Into Closed Sessions.** The Village of Sheridan may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting.

The Village Clerk shall take a verbatim record of all their closed meetings in the form of an audio recording. The verbatim record may be destroyed by the Village Clerk without notification to, or the approval of, a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

- (1) the public body approves the destruction of a particular recording; and
- (2) the public body approves minutes of the closed meeting that meet the written minute's requirements of the Open Meetings Act.

The Village Board shall periodically, but no less than semi-annually, meet to review minutes and recordings of all closed meetings. At such meetings a determination shall be made, and reported in an open session that:

- (1) the need for confidentiality still exists as to all or part of those minutes, or
- (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative proceeding other than one brought to enforce this Act.

## **ARTICLE III – Public Participation**

- 1. Compliance.** It shall be unlawful for any person to address or attempt to address any meeting of the Village Board or other board or commission (governing body) of the Village of Sheridan except when in compliance with the limitations as provided herein. Public participation shall be permitted as follows:

  - a) Public comment at the end of a scheduled meeting.
  - b) Agenda participation.
  - c) Public hearing.
  - d) Invited speakers.
  
- 2. Requirements and Limitations.** The speaker shall identify themselves before beginning their address. So as to allow the Village President or person presiding to maintain meeting control, the speaker shall not direct threats or personal attacks at public officials, other speakers, or any other member of the audience. Comments not appropriate as indicated above or not otherwise allowed by the Village President or presiding person or majority of the Village Board may be directed in writing to the members of the Village Board. The speaker should anticipate a time limitation on no more than five (5) minutes in total, unless extended for a specified period of time by a majority vote of the governing body. The Village President or person presiding or a majority of the Village Board may impose reasonable limitations on citizen participation such as barring repetitious, irrelevant, immaterial, or inappropriate comments or they may suspend public participation to a later time or date.
  
- 3. Agenda Request to Speak.** Persons wishing to speak as an agenda item at a meeting shall make such request in writing to the Village Clerk at least five (5) days prior to the meeting providing their name, address, and topic for discussion. All speakers shall comply with these rules and any limitations imposed by the Village President or majority of officials present including but not limited to those rules under paragraph (B) of this Article III – Public Participation.
  
- 4. Representative Speakers.** Groups of residents should, when possible, consolidate their comments and avoid repetition through the use of a representative speaker.
  
- 5. Invited Speakers.** Any person may address the governing body by invitation of the Village President or person presiding or other public official. Speakers invited to participate shall be subject to such limitations as the Village President or person presiding over the meeting or a majority of officials present shall prescribe.
  
- 6. Public Comment at End of Scheduled Meeting.** Public Comment will be a standard final agenda item at the end of meetings. As a general rule, such comment period will be limited to 15 minutes. While no advance written notice of a request to speak at the end of a meeting need be filed with the Clerk, priority in speaking will first be provided to those who have filed in advance a written request to speak. The next priority will be provided residents of

the Village. All others will have equal priority and be selected at the discretion of the Village President or person presiding over the meeting. The majority of the Village Board may increase or decrease the standard 15 minutes allocated for public comment at the end of the meeting.

#### **ARTICLE IV-Committees**

1. The responsibilities of the standing Parks Committee Chairperson and committee members include as follows:

- Assists in planning, organizing, coordinating and evaluating park/memorial maintenance
- Researches, evaluates, and determines feasibility and cost effectiveness of park improvements and new equipment purchases
- Inspects and evaluates the condition of park/memorial grounds and equipment
- Communicates monthly reports during regularly scheduled Board meetings

2. The responsibilities of the standing Streets Committee Chairperson and committee members include as follows:

- Management and/or oversight of maintenance employees
- Inspect and evaluate the condition of all Village vehicles and equipment run by maintenance personnel to ensure safety and all is working properly
- Inspect and evaluate the condition of Village streets and sidewalks
- Determine maintenance, repair, and/or replacement of Village streets and sidewalks
- Evaluate the condition of all street signs/signals
- Evaluate annual tree trimming, removal, and replacement
- Work closely with Village engineer on major street and/or sidewalk construction projects
- Evaluate annual pavement marking/stripping needs and coordinate with maintenance personnel
- Verify with Village Administrator/ Finance Committee Chairman that expenditures are within the fiscal year planned budget
- Assist Village Administrator with residential complaints as they arise due to fallen trees, snow removal, etc.
- Communicates monthly reports during regularly scheduled Board meetings

3. The responsibilities of the standing Sewer Committee Chairperson and committee members include as follows:

- Inspect and evaluate the condition of Village storm/sanitary sewers
- Determine maintenance, repair, and/or replacement of Village storm/sanitary sewers
- Work closely with Village engineer on major sewer construction projects
- Verify with Village Administrator/ Finance Committee Chairman that expenditures are within the fiscal year planned budget
- Assist Village Administrator with residential complaints as they arise due to backups, flooding, etc.
- Communicates monthly reports during regularly scheduled Board meetings

4. The responsibilities of the standing Finance Committee Chairperson and committee members include as follows:

- Develops and completes annual budgets for individual Funds

- Monitors and approves monthly expenditures
- Reviews and validates that all costs charged to assigned Funds are within the established budget
- Communicates monthly reports during regularly scheduled Board meetings

5. The responsibilities of the standing Police Committee Chairperson and committee members include as follows:

- Approval of monthly full time and part time police schedule
- Approval of paid time off for Police Chief
- Approval of any disciplinary action for police personnel
- Approval of new hires before being presented to Mayor/Board of Trustees
- Approval of new purchases of equipment before final approval
- Approval of special events and/or circumstances that would require a disruption in normal police operations
- Police Chief communicates serious criminal issues that arise within in the Village
- Communicates monthly reports during regularly scheduled Board meetings

6. The responsibilities of the standing Zoning Committee Chairperson and committee members include as follows:

- Works with Zoning Enforcement Officer and Village Administrator in determining permit requirements when applicable
- Works with Building Inspector on an as needed basis to determine fees, permit requirements, etc. when applicable
- Attend Zoning Board of Appeals meetings as needed
- Schedule Quarterly Water Testing for Jennings Lyon Day Care Center and Sheridan Grade School with current vendor
- Communicates monthly reports during regularly scheduled Board meetings

## **CHAPTER 3 - THE VILLAGE CLERK/ADMINISTRATOR**

### **1. Appointment, Oath and Bond.**

The Village Clerk/Administrator shall be appointed by the Village President with the advice and consent of the Village Board. The Village Clerk/Administrator shall be appointed at the first meeting following the results of the Consolidated Election electing the Village President. The term of office shall be four years. The Village Clerk/Administrator shall take the oath prescribed for other Village Officers, shall execute a bond to the Village of Sheridan in the penal sum in an amount as time to time set by the Village board (but in any event not less than \$50,000.00) with security approved and issued by the Village's insurance carrier or other surety approved by the Village Board.

### **2. Qualifications.**

To be considered qualified for appointment, the proposed Village Clerk/Administrator shall produce evidence of a high school diploma or equivalent, must have working knowledge of Microsoft Word/Excel, have general computer skills, must be willing and available to attend meetings held outside normal work hours, must submit to a pre-employment background check, must be bondable in an amount no less than \$50,000.00 by the Village's insurance carrier or other surety approved by the Village given ordinary underwriting, and must be or qualify to become a notary public.

### **3. General Duties**

In general, the duties of a Clerk/Administrator shall be all of the duties of a Village Clerk as identified under the Illinois Municipal Code, and Treasurer as identified under the Illinois Municipal Code, all the duties identified under the Municipal Code of Sheridan, and such further duties as time to time identified by the Village President and Board of Trustees.

### **4. Open Meeting Act Related Duties**

The Village Clerk/Administrator shall be the Village's Open Meetings Act Designee and shall take training on compliance with the Open Meeting Act as prescribed by the Public Access Counselor at the office of the Illinois Attorney General. They shall take steps to assure the Village Board and subordinate boards and entities comply with the Open Meetings Act. They shall take steps to assure that all officials have complied with required training under the Open Meetings Act.

### **5. Freedom of Information Act Related Duties.**

The Village Clerk/Administrator shall be the Village's Freedom of Information Officer and shall take training on compliance with the Freedom of Information Act as prescribed by the Public Access Counselor at the office of the Illinois Attorney General. They shall take steps to assure the Village Board and subordinate boards and entities comply with the Freedom of Information Act. They shall receive and answer (with the assistance of other Village officials) all Freedom of Information Act requests and maintain required records in regard to such requests.

### **6. Place of Keeping Records.**

The Village Clerk/Administrator shall maintain all records, at the Village Hall under security approved by the Village Marshall and Finance Committee. Notwithstanding the above, backup records shall be maintained at an alternative secure location approved by the Village Marshall and Finance Committee.

7. Turn Over to Records.

The Village Clerk/Administrator shall carefully keep current, maintain and preserve required records so as to allow such to be promptly assessable to Village Officials, a Deputy Clerk and/or a successor Clerk/Administrator.

8. Attend Meetings and Keep Minutes.

The Village Clerk/Administrator shall attend all meetings of the Board of Trustees and subordinate boards and entities and keep all minutes and keep all records required under the Open Meetings Act. They shall adjust their working schedules to offset time spent at meetings held outside normal work hours.

9. Ordinances, Resolutions and Records.

The Village Clerk/Administrator shall publish, keep and index all ordinances, resolutions and records of the Village and assure the Village Board and subordinate boards and entities and comply with the Local Records Act. They shall maintain the Village Seal and copy and certify Village records when requested.

10. Records of Public Works

The Village Clerk/Administrator shall maintain contracts, bonds, certificates of insurance, certified payroll, contractor sworn statements and related construction documents.

11. Notice and Publications.

The Village Clerk/Administrator shall make all publications including those for meeting schedules and agendas, Zoning Board of Appeals and Plan Commission hearing notices, and requests for bids.

12. Notary Public.

The Village Clerk/Administrator shall maintain a seal as a notary public and act as a notary for the Village.

13. Acceptance of Service.

The Village Clerk/Administrator shall accept service of process on behalf of the Village and subordinate boards and entities and shall immediately notify and deliver a copy of any served documents to the Village President and Village Attorney.

14. Licenses and Permits.

The Village Clerk/Administrator shall prepare all commissions, permits, and licenses, including without limitation liquor licenses, gaming licenses, home business licenses, and shall attest and affix thereto the corporate seal to the same when approved.

15. Finances in General

The Village Clerk/Administrator, subject to direction of the Village Finance Committee, shall have general oversight and control of the city finances and maintain financial records on software provided by the Village. The Village Clerk/Administrator shall give every person paying money a receipt therefor, specifying the date of payment, and upon what account paid. They shall make deposits and record all transactions within one business day following the receipt of funds or the happening of financial activity when possible (given other duties) but in no event later than 5 business days.

#### 16. Billings.

The Village Clerk/Administrator, subject to direction of the Village Finance Committee, shall timely bill for municipal services, maintain billing records and make recommendations for collection of unpaid funds.

#### 17. Annual Financial Filings

The Village Clerk/Administrator shall work with the Village Finance Committee, Village Attorney, and Auditor in assuring timely completion of annual financial documents including, without limitation, the Appropriation Ordinance, Tax Levy Ordinance, and Comptrollers Annual Financial Report, W-2 and 1099 statements. They shall coordinate and cooperate with the Auditor in completion of an annual audit.

#### 18. Internal Controls

The Village Clerk/Administrator shall comply with internal financial controls as time to time adopted by the Village Board and provide financial statements monthly to the Village Board and at other times as requested by the Finance Committee, any Village Trustee, the Auditor or the Village Marshal.

#### 19. Local Election Official

The Village Clerk/Administrator shall be and perform the duties of the Local Election Official for the Village as contemplated under the Illinois Election Code.

#### 20. Cemetery Assistant

The Village Clerk/Administrator shall be the Cemetery Assistant for the Village Cemetery Board. They shall make recordings into the Cemetery Oversight Database and receive copies of financial records.

#### 21. Police Clerk

The Village Clerk/Administrator shall take calls for the police department and perform duties as treasurer for handling impound fees and bonds as requested by the Village Marshall.

#### 22. Suspicious Activity Reporter.

The Village Clerk/Administrator shall report any financial transaction or activity having an appearance of any impropriety to the Village Marshal and Village Attorney.

#### 23. Zoning Building Inspector Clerk

The Village Clerk/Administrator shall take calls for zoning and building inspections and coordinate Village services with the Building Inspector, Zoning Board of Appeals and Plan Commission.

24. Accommodation for People with Disabilities

The Village Clerk/Administrator shall use reasonable efforts to accommodate special needs of any person with disabilities in need of interaction with the Village and subordinate boards and entities.

25. Deputy Appointment

The Village Clerk/Administrator shall request the Village Board to appoint one or more deputy assistants as reasonably required and assure that a deputy clerk complies with duties of the Village Clerk/Administrator.

26. Coordination of Services and Communications.

The Village Clerk/Administrator shall regularly communicate with the Village President and Trustee, Attorney, Village Marshall, Engineer and other Village Officials to assure said parties are aware of and attending to pending matters of concern.

27. Vacation

A village clerk/administrator who has worked from a period beginning on or before April 1 for one year to March 31 of the following year shall be entitled to annual vacation periods with full pay on the following basis. For computation of years of service, partial years are not included and a year of service shall be full time employment from April 1 of one year to March 31 of the following year.

(a) One week of vacation shall be allowed for the village clerk/administrator who has served the Village of Sheridan for one year.

(b) Two weeks of vacation shall be allowed for the village clerk/administrator who has served the Village of Sheridan for more than one year but less than five years.

(c) Three weeks of vacations shall be allowed for the village clerk/administrator who has served the Village of Sheridan for more than five but less than 15 years.

(d) After fifteen years of service, the clerk/administrator shall be allowed four weeks of vacation.

(e) Additional paid days off for the village clerk/administrator are the following identified holidays:

1. Christmas
2. Thanksgiving
3. July 4th
4. New Years Day

5. Labor Day
6. Memorial Day

Vacation time shall not be accrued and must be taken during the calendar year or deemed lost. A village clerk/administrator who is entitled to vacation and who is on sick leave pay or injury pay from the village, shall continue to accrue vacation leave at the regularly prescribed rate during such absence. A village clerk/administrator who is entitled to vacation whose service is terminated shall be compensated for any accumulated vacation leave prior to the effective date of such termination.

Requests for use of vacation time shall be made in writing to the Finance Committee Chairman at least 2 weeks in advance. Under normal circumstances, no more than two weeks shall be taken at one time. The dates requested for vacation time may be denied should the request for vacation time coincide with Village events requiring special needs. Requests for vacation time may be submitted no earlier than March 1 for the year beginning the following April 1. The Finance Committee Chairman shall maintain a vacation calendar. Scheduled vacations shall not be changed excepting emergency situations or upon the approval of the Village President.

## **CHAPTER 4 – AUDITOR AND INTERNAL CONTROLS**

### **1. Appointment of Auditor**

Annually as a part of annual appointments, the Village President, with the advice and consent of the Village Board, shall appoint an auditor to perform a governmental financial audit for the Village including subordinate boards and entities.

### **2. Duties of Auditor**

The auditor shall prepare and present within 6 months of the close of the fiscal year an audit in general compliance with applicable standards of the Governmental Accounting Standards Board. Such audit shall include a review of internal financial controls and make recommendations for improvements to such internal financial controls. Within said time period, the auditor shall also prepare on behalf of the Village the annual financial report due to the office of the Illinois Comptroller and assist in compliance with the Public Funds Statement Publication Act. Throughout the year, the auditor shall consult with and offer advice to the Village Clerk/Administrator and other officials as reasonably requested.

### **3. Clerk/Administrator Internal Controls**

A. Receipts: The Clerk/Administrator shall give a receipt to every person paying money into the Village Treasury which specifies the date of the payment and the account paid. The receipt shall be given from a receipt book containing a receipt for the person paying money with a duplicate copy of the receipt kept in the receipt book.

B. Place of Keeping Records: The Clerk/Administrator shall keep all records and files at the Village Hall in secured file cabinets and/or on a secure computer. The Clerk/Administrator shall where possible scan paper records and backup all computer files and records. A backup copy of scanned records and financial records shall be maintained offsite at a location or locations approved by the Finance Committee but if not so designated then with the Village Attorney. Said backup copies shall be updated no less frequently than one a month.

C. Timeliness: Receipts shall be immediately prepared and deliver to any person tendering a payment. Deposits and recording of deposits and receipts shall when reasonably possible be made within one business day following the receipt of funds but in any event never later than 5 business day of the receipt of funds. Billings and payables shall be recorded never later than 5 business day after receipt or delivery to the Clerk/Administrator.

D. Access to Records. The Clerk/Administrator shall at all times promptly produce financial records at the request of any Village official. They shall assure that the Village Marshall and Chairperson of the Finance Committee have copies of keys or access codes to all secured file cabinets and computer records.

### **4. Monthly Finance Committee Signoff.**

Prior to each monthly Village Board meeting, the Clerk/Administrator shall meet with a designated representative of the finance committee. At such meeting the Clerk/Administrator shall



The Clerk/Administrator shall at the regular monthly meeting of the Village Board render an account under oath showing the financial condition of the treasury at the date of such account, the condition of each appropriation and the balance of the money in the treasury. Said monthly meeting report shall also include a detailed income statement of all monies received into the treasury and the account number associated with each receipt. The monthly report shall be accompanied by billing summary followed by copies of all bills. The monthly report shall be accompanied by a copy of credit card statements and billing or other credit transactions. The monthly report shall contain a copy of the Monthly Finance Committee Signoff signed by the designated representative of the Finance Committee. The monthly report shall be available in substantially complete form for review by any member of the Village Board no less than 24 hours prior to the monthly meeting.

#### 6. Disbursements.

After approval of the monthly report by the Village Board, the Clerk/Administrator shall pay all approved bills. Any payment exceeding \$500.00 shall bear two signatures from the following parties: Village President, the Chairperson of the Finance Committee, acting Chairperson of the Finance Committee, Village Marshall.

#### 7. Quarterly Review.

The Clerk/Administrator within 30 days after the close of each quarter shall schedule a meeting with the Finance Committee and provide Finance Committee members and the Auditor an income statement, budget comparison statement, copy of payroll records and such other information as time to time requested by the Auditor and/or Finance Committee

#### 8. Use of Village Equipment

A. No Expectation of Privacy. The Clerk/Administrator and any other Village employee shall limit their personal use of the Village's furniture and equipment and computers, cell phones or other electronic devices. The Village reserves the right to monitor the use of all of the above. The Clerk/Administrator and any other Village employee shall have no reasonable expectation of privacy with respect to any of the Village's furniture and equipment and computers, cell phones or other electronic devices.

B. Discipline and Costs: The Clerk/Administrator and any other Village employee shall be subject to disciplinary action, including discharge, for any violation of internal controls. Any such employee may be liable for any expense, including personnel costs, incurred by the Village in eliminating unauthorized programming or downloads, correcting damaged programs, or other work reasonably required as a result of wrongful use of computers or other electronic device.

## **CHAPTER 4A – CONDUCT OF OFFICIALS AND PERSONNEL**

### **Article 1: ETHICS ORDINANCE**

#### **SECTION ONE: DEFINITIONS**

For purposes of this ordinance, the following terms shall be given these definitions:

“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 (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“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).

“Collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 3 15/3).

“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 Ordinance, 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 is on the 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.

“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.

“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).

“Employee” means a person employed by the Unit of Local 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.

“Employer” means the Village of Sheridan.

Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible 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.

“Leave of absence” means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

“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.

“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 (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

“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.

“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) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who:

(1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or (ii) 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.

## **SECTION TWO: PROHIBITED POLITICAL ACTIVITIES**

(1) Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time (other than vacation, personal or compensatory time off). An officer or employee shall not intentionally misappropriate any Village property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any officer or employee misappropriate the services of any Village employee by requiring the employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the Village (such as vacation, personal, or compensatory 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 **any** additional compensation or employee benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise.

(d) An officer or employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in the consideration of the employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate or 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 as permitted by law.

(f) 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.

### **SECTION THREE: GIFT BAN**

(1) Gift ban. Except as permitted by this 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.

(2) Exceptions. Above Section (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 fair 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: (i) 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; (ii) whether to 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 (iii) 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 \$75 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 this 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 Act, "intergovernmental 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 \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

(3) 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 Ordinance 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 (e)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

#### **SECTION FOUR: ETHICS ADVISOR**

The Village President with the advice and consent of the Village Board shall designate one or more persons as an Ethics Advisor who shall provide guidance to the officers and employees of the Village of Sheridan concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be requested by the Village of Sheridan Ethics Commission.

#### **SECTION FIVE: ETHICS COMMISSION**

(1) There is hereby created a commission to be known as the Village of Sheridan Ethics Commission, hereinafter Commission. The Commission shall be comprised of five Sheridan area residents appointed from time to time by Village President with the advice and consent of the Village Board.

(2) The terms of commissioners shall terminate yearly upon the Village Board making annual appointments. At the first meeting of the Commission, the commissioners shall choose a chairperson.

(3) Meetings shall be held at the request of the Village Board to consider an ethics complaint or at the call of the chairperson or any 2 commissioners to consider the adoption of any operating rules for the conduct of any business requested by the Village Board.

(4) 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 request from the Village Board accompanied with a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, fines or prosecution by the Village attorney or Specially appointed Village attorney.

(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 Ordinance.

(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 officer or employee 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 removal.

(e) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance. The Commission shall investigate a complaint, conduct hearings and deliberations, and issue recommendations only upon the receipt of a written complaint alleging a violation of this Ordinance accompanied by a request from the Village Board requesting action by the Ethics Commission. The Ethics Commission shall not have power upon its own prerogative to conduct investigations.

(5) (a) Complaints alleging a violation of this Ordinance shall be filed by the Village Board with the Ethics Commission with directions to the Ethics Commission for requested action.

(b) Within 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 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 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 Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. 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 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of SECTION THREE: GIFT BAN of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks. Alternatively, the Commission may recommend that an attorney be designated 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 TWO: PROHIBITED POLITICAL ACTIVITIES of this Ordinance, then the Commission shall recommend that an attorney be designated by the Commission 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 48 hours' public notice of the meeting,

the Commission shall conduct a hearing on the complaint and shall allow 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 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 and/or fine to the alleged violator. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) At the start of any meeting, the Commission shall determine if the meeting shall be closed to the public to the extent authorized by the Open Meetings Act. The respondent may request that all meetings be open to the public.

(g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall take reasonable steps to attempt to render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may recommend a fine against any person who intentionally violates any provision of Section 3 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend a fine against any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. 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 year after the alleged violation.

## **SECTION SIX: PENALTIES**

(1) Penalties.

(a) A person who intentionally violates any provision of Section 2 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Section 3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance 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 364 days, and maybe fined in an amount not to exceed \$2,500.

(d) A violation of Section 2 of this Ordinance shall be prosecuted as a criminal offense by the attorney by filing in the circuit court an 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 3 of this Ordinance may be prosecuted as a quasi-criminal offense by the Village attorney or Specially appointed Village attorney.

(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 2 or Section 3 of this Ordinance is subject to discipline or discharge.

## **Article II: Policy Prohibiting Sexual Harassment**

### **SECTION ONE: 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 the VILLAGE OF SHERIDAN 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.

### **SECTION TWO: DEFINITION OF SEXUAL HARASSMENT**

For purposes of this Ordinance, this policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(1). Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(c) 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.

(2). Conduct which may constitute sexual harassment includes:

(a) Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

(b) Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.

(c) Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

(d) Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

(e) Textual/Electronic: “sexting” (electronically sending messages with sexual content, including pictures and 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 social network websites like Facebook and Twitter).

(3). 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.”

### **SECTION THREE: PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT**

(1). An employee who either observes sexual harassment or believes themselves to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating their position to the offending employee and their immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(2). Any employee may report conduct which is believed to be sexual harassment, including the following:

(a) Electronic/Direct Communication. If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his 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.

(b) 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, an ethics officer, or the Village President. The employee experiencing what he or 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.

(c) 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 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

(3). Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(4). 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.

#### **SECTION FOUR: PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS**

(1) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

(a) Disclosure or threatened disclosure of any violation of this policy,

(b) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or

(c) Assistance or participation in a proceeding to enforce the provisions of this policy.

(2) 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 involvement in protected activity pursuant to this policy. 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.

(3) 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 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:

(a) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,

(b) 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, State agency or other State employee, or

(c) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(4) 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, or 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)).

(5) 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.

(6) 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 300 days of the alleged retaliation.

## **SECTION FIVE: 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 agreement, 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 \$5,000 per offense, applicable discipline 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.

## **SECTION SIX: CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT**

(1) A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or 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 discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

(2) 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 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 \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

## **SECTION SEVEN-TRAINING**

The Illinois Human Rights Act at Section 2-109 (755 ILCS 5/2-109) requires the Village to provide sexual harassment prevention training. All Village officials, employees and appointees shall annually in May, or within 30 days of appointment or election, complete a sexual harassment training program provided by the Village or approved by the Department of Human Rights and provide a certificate of completion to the Village Clerk.

## CHAPTER 4B – EXPENSE REIMBURSEMENTS

### 1. PURPOSES:

This CHAPTER 4B is adopted for the following purposes:

- A. To comply with the Local Government Travel Expense Control Act and Public Act 100-1094 which amended the Illinois Wage Payment and Collection Act;
- B. To better regulate and supervise expense reimbursements incurred in the ordinary business of this Village and incurred outside the ordinary business of the Village;
- C. To enhance the quality of services offered by the Village by encouraging officials, officers, employees and volunteers to participate in training and educational opportunities knowing that their expenses will be reimbursed according to established guidelines.
- D. To establish reimbursements at fair and standardized level.

### 2. DEFINITIONS:

The following words, terms and phrases, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

Entertainment: includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

Travel: any expenditure directly incident to official travel by officials, officers, employees and volunteers of the Village.

Necessary Expenditures: all reasonable expenditures or losses required of employees in the discharge of employment duties and that insure to the primary benefit of the Village of Sheridan.

### 3. APPROVAL OF EXPENSES SUBJECT TO REIMBURSEMENT

#### A. Reimbursement Incurred in the Customary and Ordinary Business of the Village

Expenses incurred in the customary and ordinary business of the Village shall be reimbursed. Such include, without limitation:

- 1) Fuel expenses for Village Vehicles.
- 2) Routine maintenance and repair of Village vehicles, equipment and infrastructure.
- 3) Food and refreshment ordered by the Village Marshal or Village Trustee in charge of extended calls.
- 4) Employee phone expenses, laptop, tablet, mileage, tools, equipment, internet, meals, registration fees, training expenses, tolls and parking fees used for Village and not for home purposes. Any employee expenditure that is not requested and approved prior to purchase is deemed an unauthorized expenditure and may not be reimbursed.

Such expenses shall submit to the Village Clerk/Administrator for review by the Finance Committee and submission to the Village Board at their next meeting.

## B. Non Customary or Ordinary Expenses

### 1) Pre-approval.

All reimbursements should where practical be preapproved by the Village Marshall if requested by a police officer or preapproved by the Chairperson of the applicable standing Village Board Committee in all other circumstances. Advance reimbursement requests of the Village Marshall or member of the Board of Trustee should where practical be preapproved by the Village Board. In the event that an expense is not pre-approved, reimbursement will be subject to the discretion of the Board of Trustees.

### 2) Advancements

The Village Marshall and the Village Clerk/Administrator are authorized to use a Village credit card to pay in advance known expenses. In cases of need, Village Marshall and the Village Clerk/Administrator may provide a cash advance but not in an amount greater than the usual and customary levels of reimbursement identified herein. In circumstances where a cash advance is provided, a written and signed expense report must be completed within 3 days of return and any unused cash return to the Village Marshall and/or Village Clerk/Administrator.

## 4. USUAL AND CUSTOMARY LEVELS OF REIMBURSEMENT

Vehicle use will be reimbursed at the standard mileage rates published from time to time by the Internal Revenue Service. Lodging, meals, and incidental expense, absent pre-approval, will be not reimbursed at a rate greater than levels identified by United States General Services Administration at their website at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).

## 5. EXPENSES NOT ORDINARILY SUBJECT TO REIMBURSEMENT

Officials, officers, employees and volunteers and are expected to show good judgment and common regard for economy. Any person seeking reimbursement should, to the extent reasonably possible, seek pre-approval of anticipated expenses. Absent pre-approval by the **Village Board**, reimbursement is not allowed for any of the following:

- A. Entertainment including, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
- B. Alcoholic beverages.
- C. Lodging for travel to an all day events less than 75 miles away unless preapproved.
- D. Expenses of family or friends.
- E. Expenses of a personal nature that could with reasonable care been avoided.
- F. Parking tickets, traffic citations of other penalties or violation of ordinance or statute.
- G. Expenses included at an event or otherwise reimbursed
- H. Other non-District related expenses.
- I. Ordinary work expenses not customary approved and paid by the Village Board.
- J. Expenses which when combined with prior expenses exceed the Village's Appropriation Ordinance.

## 6. REIMBURSEMENT PROCEDURES AND DOCUMENTATION

A. Prompt Request

Requests of reimbursement for a police officer shall be made to Village Marshall and for persons other than a police officer shall be made to the Chairperson of the applicable standing Village Board Committee. Requests shall be made promptly after the incurred expense so that the expense may be included in the bills submitted to the Finance Committee and in turn submitted to the Village Board at the next Village Board meeting following the incurred expense. Expenses incurred less than 14 days before a monthly Village Board meeting may be submitted in such a timely fashion to be approved on second Village Board meeting following the incurred expense.

B. Village Board Action

All reimbursements must be provided to the Village Board for consideration along with all other monthly bills and expenses.

C. Appeals to Village Board

Any person whose expense reimbursement was denied by the Finance Committee or Village Board may request to be included on the agenda of the following Village Board meeting and shall be granted the opportunity to advocate on why the incurred expense should be reimbursed.

D. Repayment

Any person whose expenses reimbursement was denied by Village Board and the expense was already paid by the Village shall be repay the Village for the amount of the denied expense.

E. Documentation

All requested expenses shall be identified in a written expense reimbursement request signed by the party seeking reimbursement and identifying his title or position with the Village. Expenses shall be grouped by day with the date identified. Expenses shall be sufficiently described so as to allow the Board of Trustees to understand the nature of the requested expense, where incurred and the amount. Expenses in an amount greater than \$20.00 should normally be documented with a receipt attached to the expense report. Vehicle use miles should be documented by an internet map report identifying travel miles. Any misrepresentation on an expense reimbursement requests shall be grounds for disciplinary and/or legal action. Expense reimbursement requests are considered public documents and subject to production in any Freedom of Information Act request.

## 7. SPECIAL TRAINING REQUEST AND REIMBURSEMENT AGREEMENT

An individual may request the Village Marshall or Chairperson of the applicable standing Village Board Committee to present to the Village Board a request for payment of specialized training subject to significant expenses such as classes for police training or classes for a specialized issued State of Illinois licenses. Such request may be approved or disapproved by the Village Board due to Village needs, the financial condition of the Village, and consideration of funds remaining unexpended in the annual Budget and Appropriation Ordinance.

If the Village approves a significant training expense, the Village Board may require the individual to sign a Reimbursement Agreement. Among other conditions, a Reimbursement

Agreement may require the individual to fully or partially repay the District should they fail to attend the training, they fail the training due to apparent insufficient effort, they leave the employment of the Village within a designated time.

#### 8. EXPENSE REIMBURSEMENT FORM

The following form may be used by an employee to seek reimbursement of an expense:

**EXPENSE REIMBURSEMENT FORM**

**At least 3 business days in advance of incurring an expense for an authorized expenditure, the following minimum documentation should be submitted to the Village Marshall if requested by a police officer or preapproved by the Chairperson of the applicable standing Village Board Committee in all other circumstances:**

**Employee name:** \_\_\_\_\_

**Description of Expense:** \_\_\_\_\_

\_\_\_\_\_

**Expected Date of Expenditure:** \_\_\_\_\_

**Estimated Expense Amount:** \_\_\_\_\_

\*\*\*\*\*

**Supervisor Action on Request for Expense Approval**

\_\_\_\_\_ **Approved** \_\_\_\_\_ **Denied**

\_\_\_\_\_  
**Signature**

\*\*\*\*\*

**Request for Reimbursement after Incurring Expense**

**Actual Amount:** \_\_\_\_\_ **Dated** \_\_\_\_\_

\_\_\_\_\_  
**Employee Signature**

**(Requests shall be made promptly after the incurred expense so that the expense may be included in the bills submitted to the Finance Committee and in turn submitted to the Village Board at the next Village Board meeting following the incurred expense.)**

## CHAPTER 5 - THE VILLAGE MARSHAL

### 1. Appointment - Oath - Bond.

#### (a) Village Marshal

The Village Marshal shall be appointed by the President, by and with the advice and consent of the Board of Trustees at the first meeting following the results of the Consolidated Election involving the election of the Village President for a term of four years, and before entering upon the duties of his office shall take the oath prescribed for Village officers and enter into a bond payable to the Village of Sheridan Board of Trustees with good and sufficient sureties to be approved by the Village Board. At the time of appointment, the salary of the Village Marshal shall be fixed. Within 30 days of appointment, the Village Marshal shall establish a residence within twenty miles of the Village corporate limits. The Village Marshal is excused from residing within the Village upon recognition that the position of the Village Marshal requires technical training and knowledge, that it may be difficult for a Village Marshal to find a suitable residence within the Village shortly after appointment and that it may be desirable for the Village Marshal and any family to reside outside of the Village.

#### (b) Policemen

The President of the Board by and with the consent of the Board of Trustees may from time to time employ such number of policepersons as may be necessary with such compensation as is fixed by the board of Trustees at the time of such employment or appointment. Said Policepersons shall be of the age of 21 years or more, of good moral character and reputation, and be capable of passing all legal requirements designated by the State of Illinois Training Board, and shall upon the appointment give bond payable to the Village of Sheridan in the penal sum of Six Thousand (\$6,000.00) Dollars with good and sufficient sureties to be approved by the Village Board of Trustees conditioned for the faithful discharge of his duties as police officer.

#### (c) Special Policepersons

The President and the Board of Trustees may appoint any suitable person a special police person, in and for said Village, if they deem it necessary and proper. Special policepersons shall have all the qualifications required in the case of regular policepersons; they shall take and subscribe the same oath, give like bond, exercise the same powers and be subject to the rules and regulations of the police department so far as the same are applicable to them.

#### (d) Posse - Comitatus

Any police officer of the Village, at any time, may call upon any able bodied person above the age of 18 years to aid him in arresting, retaking or holding in custody any person guilty of having committed any unlawful act or charge therewith, or to aid such officer in preventing the commission of any such unlawful acts; and whoever shall neglect or refuse to give aid or assistance with so required shall be fined according to the Uniform Fine Schedule in CHAPTER 3 – THE CODE, Article I – Title: Interpretation, paragraph 3 Penalties.

## 2. Duties of the Village Marshal.

(a) The Village Marshal shall see that the laws and ordinances are enforced as far as is possible by the force under his command, and that all offenders are reported to some proper tribunal for punishment.

(b) The Village Marshal shall prepare a weekly duty schedule to be kept at least two weeks in advance of the current week. The Village Marshal shall check upon all complaints and see that the same are given proper attention. The Village Marshal shall maintain a daily duty log providing duty instructions to other officers.

(c) The Village Marshal shall have charge of and keep an inventory of the Police equipment, books, records, and all other property of said Police Department. Upon the expiration of term of the Village Marshal or resignation or removal, the Village Marshal shall on demand surrender to the Village President all books, records and equipment and other property in his possession belonging to the Village and or appertaining to said office.

(d) The Village Marshal shall keep a register of all members of the Police Department including information as to an officer's date of birth, former occupations, dates of appointment, training, discipline, vacation and sick days and other employment data as may be reasonably required.

(e) The Village Marshal shall be responsible for instructing members of the Police Department and recommending training.

(f) The Village Marshal shall keep or cause to be kept a record of the police department and of all persons arrested or committed by the police showing the time and place of each arrest, the offense for which the same was made, the magistrate or court before whom tried and the disposition of each case. The Village Marshal shall file monthly reports with the Village Board and Police Committee.

(g) Near the end of each fiscal year, the Village Marshal shall file an annual report with the Village Board identifying all assets of the department and making budget recommendations for the Police Committee.

(h) The Village Marshall shall assist the Zoning Enforcement Officer and perform such other zoning enforcement duties as are directed by the Village Board.

### **3. RULES AND REGULATIONS OF THE POLICE DEPARTMENT**

**Rule 1.** Each section of these rules shall be considered as separable and the invalidity of one section shall not have any effect upon the validity of other sections. In the event any of the rules and regulations adopted herein by the President and Board of Trustees shall be in conflict with any statutes of the State of Illinois, the statutes of the State of Illinois shall govern and such rules and regulations as may be in conflict are to be read and interpreted in accordance with the State statute.

**Rule 2. KNOWLEDGE OF RULES.** Members of the Police Department shall acquaint themselves with all State Laws, Village Ordinances, and rules and regulations of the Village Board pertaining to the Police Department and shall strictly comply with the same. Ignorance of the Rules of the Police Department shall be no excuse for violation of same.

**Rule 3. CONDUCT.** No member of the Police Department shall conduct themselves in a manner unbecoming a Police Officer or employee of the Police Department.

All members of the Police Department shall at all times be courteous in their conversation and actions with citizens and superior officers. Members of the Police Department shall not use coarse, profane or insolent language in their conversation with citizens or members of the Police Department. No member of the Police Department shall conduct themselves in a careless or malicious manner whereby a citizen is injured or damage is caused to a citizen's property.

Upon anyone's request, a member of the Police Department shall give their name, rank, and produce their badge.

No member of the Police Department will associate with or keep company with a known criminal.

No member of the Police Department shall unlawfully, excessively or habitually use any drugs, including but not limited to narcotics, sedatives, and antihistamines in excess, stimulants, or alcohol. Members of the Police Department shall not drink intoxicating liquor while on duty. No member of the police department shall be under the influence of any intoxicating liquor when reporting for scheduled duty.

**Rule 4. OBEY ORDERS.** The Village Marshal shall also be the Chief of Police, Zoning Enforcement Officer, and primary police officer for the Village. The Village Marshal shall promptly obey and execute the orders of the Village Marshal's superior officers being in first priority the Village President and in second priority members of the Police Committee and in third priority Village Trustees not members of the Police Committee. All other police officers shall promptly obey and execute the orders of superior officers being first priority the Village President and in second priority members of the Police Committee and in third priority Village Trustees not members of the Police Committee and in fourth priority the Village Marshal.

**Rule 5. COURTESY.** The Village Marshal and other police officers shall recognize the authority vested in superior officers, and shall observe such authority on all occasions with

courtesy and respect.

**Rule 6. POLICE OFFICERS ALWAYS ON DUTY.** The Village Marshal and other police officers shall be considered as being on duty at all times. They shall be subject to special calls and special details upon the order of superior officers at any time of the day or night, whether on or off duty. It shall be the duty of all members of the Police Department to respond and perform policy duty at all time of the day or night whether on or off duty where an officer has the knowledge that an emergency exists and their services are required, whether notified by a superior officer or not. All members of the Police Department shall keep posted at the Village Hall their current addresses and telephone numbers. All members of the Police Department are required to have a telephone and shall be reasonably available by telephone.

**Rule 7. DUTIES.** The Village Marshal and other police officers shall have such authority to perform duties granted them by the laws of the State of Illinois, Federal Statutes, and ordinances of the Village of Sheridan. When on duty a police officer shall:

(a) at the start of duty carefully read the daily log and observe the instructions therein contained relating to their duties. Each officer shall, at the conclusion of their shift record a summary of their duties and sign the same.

(b) punctually, attentively and effectively perform general law enforcement duties and the directions of superior officers.

(c) enforce all Federal and State laws and the ordinances of the Village of Sheridan. All police officers shall be assistant zoning enforcement officers and assist the Village Marshal in enforcing, "The Zoning Ordinance for the Village of Sheridan, Illinois."

(d) while on duty be continuously available for call by telephone or radio. Calls shall be promptly answered in a courteous manner. When answering calls an officer shall identify themselves by name. A record of all calls shall be made in the daily duty log regardless if a separate report is opened.

(e) not leave the Village or mile and one-half zoning territory without being previously scheduled for out of Village duties unless to render mutual aid or for transportation of a prisoner. Necessary court appearances and non-emergency duties requiring a police officer to perform duties outside of the Village or mile and one-half zoning territory shall be scheduled and indicated as out of town duties.

(f) Assist with traffic and crowd control and protection of salvaged property at fires within the Village or elsewhere upon request of a local fire department.

(g) Respond to all vehicle accidents within the Village to render first aid, initiate an accident report when required, and issue any ticket and make an arrest as may be appropriate.

(h) Not loiter, lounge or appear to sleep in or about the Police Station or squad cars at any time. No persons shall be invited or allowed to remain within the Police Station or squad car

except for duty related reasons.

(i) Sleeping on duty, falsifying a report or serious neglect or inadequate performance of duties is cause for immediate termination.

**Rule 8. NOT TO GIVE OUT INFORMATION.** Information provided the media and general public shall be provided by the Village Marshal, Village President, or a member of the Police Committee.

**Rule 9. CONFIDENTIAL COMMUNICATIONS.** All members of the police department shall keep confidential matters under investigation except as to the Village Marshal, Village President, Village Attorney, State's Attorney's office, and members of the Police Committee.

**Rule 10. USE OF POLICE MOTOR VEHICLES FOR PERSONAL BUSINESS.** The use of the Police Motor Vehicles for personal business is prohibited under any conditions. Police Motor Vehicles must be used strictly for Police business. Riders are not permitted unless approved as reported in writing in the Schedule by the Village Marshal or member of the police committee.

**Rule 11. CARE OF VEHICLES AND OTHER POLICE PROPERTY.** When on duty, Police Officers are in charge of police vehicles and police property which shall be kept in a neat, clean condition, in operable condition and fully supplied. Should any equipment not be in such condition when an officer comes on duty or should an officer recognize a problem while on duty, such shall be reported in the police schedule. At the start of duty, an officer shall identify the police vehicle to be used and report the condition of the mileage, fuel oil, water and battery and report any change in condition from prior use.

**Rule 12. DRIVING OF POLICE MOTOR VEHICLE.** No member of the Police Department shall drive any motor vehicle in a careless, reckless, or malicious manner. Police officers shall respond to calls promptly and expediently as safety will permit. They shall not drive faster than the legal speed limit, except in the immediate pursuit of criminals or other cases of urgent necessity.

**Rule 13. ACCIDENTS.** Whenever vehicles or other property is damaged, or a police officer is injured or a person is injured by a police officer, a city employee or by Village property, the Police Officer in charge shall render assistance, ascertain the exact extent of the damage to property or injury to person, and submit a full report of same as soon as possible, but in no less than 24 hours file a written report to the Village Marshal, Village President and Village Attorney. Such report shall state the nature of business at the time of the accident, giving the date, time, place and cause; the names and addresses of all people involved; the names and addresses of all witnesses; what disposition was made of the injured; and what damage there was to his assigned vehicle or to any other property involved. In cases where a police officer is personally involved in the accident, the police officer shall use their best efforts to have such report completed and verified by a further officer.

**Rule 14. SPECIAL TRAINING.** It shall be the duty of all members of all police officers to complete training as prescribed by law and such additional training as is reasonable available to

officers through the Illinois Valley Crime Prevention Commission or other police training agencies. Requests for duty time spent attaining or for training expense reimbursement shall be made to the Village Marshal and must be reported on the Police Schedule.

**Rule 15. RADIO COMMUNICATIONS.** Radio communications shall be used for official business only. Radio conversation shall be in a direct business like manner. The use of disrespectful slurring or profane language is prohibited.

**Rule 16. APPEAR AS A WITNESS.** Members of the Police Department, subpoenaed or required to appear for the prosecution in any court proceeding shall immediately report such court date to the Chief of Police so as to allow necessary scheduling.

**Rule 17. SOLICITING OF FUNDS, DONATIONS, GIFTS, ETC.** No member of the Police Department shall solicit funds, donations, etc., or cause his name to be used or authorize any organization or person to solicit funds, donations or gifts in his behalf, for any purpose whatsoever absent prior written approval from the Village President.

**Rule 18. POLITICAL ACTIVITY.** No member of the Police Department shall engage in political activity during regular working hours or while wearing the uniform or any part of the uniform of a police officer of the Police Department. No member of the Police Department shall use or threaten to use the influence or authority of his position to coerce or persuade any course of political action. No member of the Police Department shall be required to work or make contributions in behalf of any political party or any candidate for political office.

**Rule 19. UNIFORMS.** Unless excused by the Village Marshal in writing on the police schedule, Police Officers shall dress in full uniform during their tour of duty and when attending to police business, such as court hearings. Uniforms shall be worn in a clean, neat appearance at all times. While on duty, a police officer shall wear or possess their badge. No police officer shall trade their badge with one another and loss of a badge shall be immediately reported in writing in the police log.

**Rule 20. FIREARMS, REVOLVERS PURCHASED AND REGISTERED.** Any firearm used by a police officer on duty shall be registered with the Police Department. An officer's hand gun shall be a .38 caliber or larger, secured in a holster and worn in a police like manner. Loss of a firearm shall be immediately reported in writing in the police log.

**Rule 20A. REQUIRED TESTING AFTER OFFICER-INVOLVED SHOOTING.** Any police officer who is involved in an officer-involved shooting must submit to drug and alcohol testing. The drug and alcohol testing must be completed as soon as practicable after the officer-involved shooting but no later than the end of the involved officer's shift.

**Rule 21. PRISONERS.** Police Officers shall without delay book and arrange transportation of prisoners to the LaSalle County Jail for holding pending a bond hearing. Police Officers are authorized to allow release on individual bonds as authorized by law and judge of the Thirteenth Judicial Circuit. A police officer shall allow a prisoner reasonable telephone use and

upon request make reasonable effort to notify a prisoner's relatives or friends so that a prisoner may obtain bail.

**Rule 22. JUVENILES.** Children who come within the jurisdiction of the Juvenile Law shall under no circumstances be confined with adult prisoners. Such children shall be brought to the attention of a Police Juvenile Officer as quickly as possible, so that they may be disposed of according the provisions of the Juvenile Law.

**Rule 23. SEARCHING PRISONERS.** Police Officers shall upon detaining a prisoner thoroughly search and inventory all personal property and give such prisoner a copy of the inventory requesting the prisoner to sign the inventory. Property to be held as evidence shall be tagged or otherwise identified and held under lock and key at Police Headquarters until disposed of in the courts. Property not held as evidence shall be returned to a prisoner upon a prisoner's release from custody or transfer to the LaSalle County Jail.

**Rule 24. DISCIPLINARY DUTIES OF VILLAGE MARSHALL.** The Village Marshal shall be responsible for the bad conduct of all other police officers and shall be responsible for instituting corrective and disciplinary action. The Village Marshal shall attempt to initiate all discipline outside the presence of other members of the Police Department or the public unless otherwise requested by the disciplined officer. In conducting a disciplinary conference, the Village Marshal shall not be tyrannical in conduct or use abusive or profane language. The Village Marshal shall prepare a written report as to all disciplinary conferences. The report shall identify the name of the officer. A disciplined officer shall be afforded the opportunity to submit a written report. In all cases of insubordination, it shall be mandatory of the Village Marshal to file a detailed report with the Village President and Police Committee. Failure of the Village Marshal to comply with this rule shall be considered Gross Neglect of Duty. The Village Marshal shall file a written report of all complaints made by citizens as to the Police Department even if the Village Marshal does not take any disciplinary action.

**Rule 25. DISCIPLINE BY VILLAGE.** A police officer's employment with the Village of Sheridan is considered employment at the will of the Village President subject only to action of the Village Board as may be allowed by Illinois law. The Village President may suspend for up to five working days without pay or terminate a police officer with or without affording an officer an opportunity to be heard.

**Rule 26. COMMENTS, CRITICISM AND COMPLAINTS AS TO SUPERIOR OFFICERS.** Although the Village Marshal is to handle most matters involving the police department, the Village President and police committee welcome criticism, comments, and complaints from members of the Police Department. Comments and criticisms are to be written out and signed so that they may be given proper attention. Any complaints as to the Village Marshal shall state the nature of the problem or violation, the date time and place of the incident and the names, addresses and telephone numbers of any witnesses.

**Rule 27. ABSENCE FROM DUTY.** When the Village Marshal or other police officer is absent from regularly assigned duty, such absent officer shall in all cases fill out an absence report

and file same with the police schedule records at the Village Hall upon returning to duty. Upon a police officer knowing of an impending absence, such officer shall give notice of such impending absence by telephone to a superior officer as soon as possible but not less than two (2) hours before regularly assigned tour of duty. When disability or other cause prevents a police officer from promptly filing an absence report, the absent police officer shall direct a superior officer to file the report on their behalf. The Village Marshal shall complete an absent report of any absent officer should no absent report be filed within 14 days of any police officer's absence. The Village Marshal shall prepare work schedules a minimum of 7 days in advance of work days and provide a copy of such to all police officers, the Village President, and members of the Police Committee in their mail boxes at the Village Hall. Changes should not be made to work schedules absent good cause. Any change in the work schedule shall be approved and signed by the Village Marshal and a corrected work schedule shall be placed in the boxes of the Village President and members of the Police Committee in advance of the scheduled change. Failure to abide by the foregoing shall be grounds for dismissal of a police officer or Village Marshal.

**Rule 28. FURLOUGHES - REQUESTS.** A furlough is an authorized absence from duty by a Policeman without pay, for a period not exceeding ninety (90) days, for reasons of health and welfare to himself or his immediate family. Requests for furlough shall be made in writing and delivered to the Village President for approval or rejection. A police officer on furlough shall notify the Chief of Police Department for reassignment three (3) days before the expiration of his furlough.

**Rule 29. VACATIONS.** Members of the Police Department who have worked full time from a period beginning on or before April 1 for one year to March 31 of the following year shall be entitled to annual vacation periods with full pay on the following basis. For computation of years of service, partial years are not included and a year of service shall be full time employment from April 1 of one year to March 31 of the following year.

(a) One week of vacation shall be allowed for any full time Police Officer who has served the Village of Sheridan for one year.

(b) Two weeks vacation shall be allowed for any Police Officer who has served the Village of Sheridan for more than one year but less than five years.

(c) Three weeks of vacations shall be allowed for any Police Officer who has served the Village of Sheridan for more than five (5) but less than 15 years.

(d) After fifteen years of service, a Police Officer shall be allowed four weeks of vacation.

(e) One additional vacation day shall be accumulated by any full time officer upon the working said officer working one of the following identified holidays:

1. Christmas
2. Thanksgiving
3. July 4th
4. New Years Day

5. Labor Day
6. Memorial Day

As an alternate to the vacation day, the officer may elect to receive 8 additional hours of ordinary compensation.

Vacation time shall not be accrued and must be taken during the April 1 to March 31 year or deemed lost. On or before the close of any April 1 to March 31 year, the police committee at the request of an officer who does not take earned vacation due to scheduling conflict, emergency, or other significant cause may receive ordinary money compensation in lieu of a vacation day. Police Officers entitled to vacation, who are on sick leave pay or injury pay from the village, shall continue to accrue vacation leave at the regularly prescribed rate during such absence. Police Officers who are entitled to vacation whose service is terminated shall be compensated for any accumulated vacation leave prior to the effective date of such termination.

Requests for use of vacation time shall be made in writing to the Village Marshal at least 2 weeks in advance. Requests of the Village Marshal for use of vacation time shall be made to the Chairman of the Police Committee. Under normal circumstances, no more than two weeks shall be taken at one time. The dates requested for vacation time may be denied should another officer be on vacation or should the request for vacation time coincide with Village events requiring special police needs. Requests for vacation time may be submitted no earlier than March 1 for the year beginning the following April 1. The Village Marshal shall maintain a vacation calendar as part of the work schedule. Scheduled vacations shall not be changed excepting emergency situations or upon the approval of the Chairman of the Police Committee.

**Rule 30. SICK LEAVE.** Full time members of the police department are allowed one-day sick leave day for every full two months of service. No more than thirty days of sick leave may be accumulated. An officer is eligible for sick leave with pay for personal illness or physical incapacity resulting from cause beyond an officer's control.

**Rule 31. RESIGNATION AND TERMINATION.** Members of the Police Department shall resign by giving fifteen (15) days notice, in writing, to the Village Marshal, Village President and Village Clerk. Any police officer resigning from the Police Department without such proper notice shall forfeit all accrued vacation days and pay. Any police officers leaving the Police Department due to resignation, requested leave, suspension, termination, or other cause shall immediately surrender their badge and return all Department property.

**Rule 32. SHIFT DIFFERENTIAL.** Any full time officer working a shift which begins after 3:00P.M. but before 11:00P.M. will receive an additional \$0.25/hour shift differential in addition to the compensation of the full time officer as set from time to time by the Village Board of Trustees. Any full time officer working a shift which begins on or after 11:00P.M. but before 6:00A.M. will receive an additional \$0.35/hour shift differential in addition to the compensation of the full time officer as set from time to time by the Village Board of Trustees.

#### **4. AUXILIARY POLICE**

(a) Appointment - The president, with and by the consent of the board of trustees, is hereby authorized and empowered to appoint auxiliary officers as may, from time to time, be requested by the Village Marshal. Appointments to the police auxiliary shall be made annually and shall terminate upon the making of annual appointment in May of each year or at such later time as the president and board of trustees approve new yearly appointments. The President of the Board by and with the consent of the Board of Trustees may appoint up to 10 individuals as auxiliary police officers. Any person whose appointment has been terminated shall immediately return to the chief of police any uniforms, badges, cap pieces, and other department property.

(b) Duties - Auxiliary police officers shall not be members of the regular police department. Auxiliary police shall not supplement members of the regular police department in the performance of their assigned and normal duties, except as otherwise provided herein. The Village Marshal may assign auxiliary police officers to perform only the following duties:

- (i) to aid or direct traffic within the municipality,
- (ii) to aid in control of natural or man-made disasters, and
- (iii) to aid in case of civil disorder as directed by the chief of police.

When it is impractical for members of the regular police department to perform those normal and regular police duties the Village Marshal may assign auxiliary police officers to perform those normal and regular police duties. Auxiliary police officers shall at all times during the performance of their duties be subject to the direction and control of the Village Marshal and the Village Marshal shall not allow an Auxiliary police officer to be on duty unless accompanied by a certified officer. Auxiliary police officers shall not carry firearms, except with the express written permission of the Village Marshal and while in uniform and in the performance of their duties. Auxiliary police officers, when on duty, shall not be conservators of the peace and shall not have powers of a certified police officer but shall follow the rules and regulations of the police department.

(c) Identification. Identification symbols worn by auxiliary police officers shall be different and distinct from those used by members of the regular police department.

(d) Training - Auxiliary police officers, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them. The training and course of study shall be that as recommended by the police training board and the Illinois Valley Crime Prevention Commission. Before being permitted to carry a firearm, however, an auxiliary police officer must have the same course of training as required of peace officers under Section 2 of the Peace Officer Firearm Training Act.

(e) Qualifications - Before recommending an auxiliary police officer to the Village

President and Board, the Village Marshall shall obtain the applicants fingerprints and perform a background check. No person shall be appointed as an auxiliary police officer that has been convicted of a felony or other crime involving moral turpitude. Applicants must be no less than 21 years of age and must be actual, full-time residents of Sheridan or residing within 20 miles of the Village limits.

(f) Compensation and Hours - Auxiliary police officers will volunteer eight hours of service per month to the village police department.

## **5. PART-TIME POLICE OFFICERS**

- (a) Part-time police officers for the Village of Sheridan shall be selected from a list of candidates who have completed the same police committee screening process as candidates for a full-time police officer position. Screening qualifications include: 21 years of age, high school diploma or GED, a valid Illinois driver's license, a valid Illinois Firearms Owners Identification Card, and no prior criminal convictions.
- (b) Part-time police officers for the Village of Sheridan must successfully complete training in accordance with the Illinois Law Enforcement Training Standards Board (ILETSB) requirements.
- (c) Part-time police officers for the Village of Sheridan must hold a valid Illinois Driver's License, a valid Illinois Firearms Owners Identification Card, and be a resident of the State of Illinois.
- (d) Part-time police officers for the Village of Sheridan shall be considered as members of the regular police department, except for pension purposes, and required to abide by all rules and procedures of the department.
- (e) Part-time police officers for the Village of Sheridan shall not be assigned, under any circumstances, to supervise or direct full-time police officers.
- (f) Part-time police officers for the Village of Sheridan shall not be assigned, under any circumstances, as a permanent replacement for any permanent full-time police officer.
- (g) The hours worked by part-time police officers for the Village of Sheridan are restricted within a calendar year.



## CHAPTER 6 - BOARD OF HEALTH

### SECTION A, DEFINITIONS:

**1. Authorized Representative** shall mean a member of the Board of Health, a Peace Officer, or those persons designated by the Health Department to enforce the provisions of this Ordinance.

**2. 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-month period; breakfast may be provided to the guests only; this term shall not include motels, hotels, boarding houses or food service establishments.

**3. Board of Health** shall mean the Sheridan Village Board of Health or its authorized representative.

**4. Building** shall mean a structure built, erected and framed of component structural parts designed for the housing, work, recreation, shelter, enclosure, or support of persons, animals, or property of any kind.

**5. 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.

**6. Garbage** shall mean organic waste resulting from the preparation, processing, handling and storage of food and all decayed or spoiled food, and discarded animal or animal parts from any source whatsoever.

**7. Homeowner** shall mean a person who holds legal title to a residential structure, which is to be used, or is used for his personal, single family residence.

**8. Infestation** shall mean the presence within a building of any insects, rodents or other pests.

**9. Non-Community Public Water Supply** shall mean a public water supply which is not a community water supply, that has at least fifteen (15) service connections used by non-residents, or regularly serves twenty-five (25) or more non-resident individuals daily for at least sixty (60) days per year.



**10. Person** shall mean, but shall not be limited to, any individual, partnership, firm, company, corporation, association, joint stock company, trust estate, or municipality, or any political subdivision or department thereof, or any other entity.

**11. Premise** shall mean a building or part of a building.

**12. Private Water Well** shall mean a water well which serves as owner-occupied single family residence or dwelling.

**13. Property Owner** shall mean the person in whose name legal title to the real estate is recorded.

**14. Refuse** shall mean all combustible and noncombustible waste materials, except garbage. This term shall include accumulation of used paper, boxes, cans, plastics and other containers.

**15. Rodents** shall mean rats and mice.

**16. Rubbish** shall mean demolition materials, discarded appliances, building materials, or inoperable, wrecked or disassembled vehicles or vehicle parts. A vehicle shall be considered inoperable if it is not enclosed within a building and does not bear current license plates and registration, or if it is not insured, or if it is not able to be moved under its own propulsion.

**17. Semiprivate Water Well** shall mean a water well which is not a public water supply, yet which serves a segment of the public other than an owner-occupied single family residence or dwelling.

**18. Shall** means mandatory, must be provided or complied with.

**19. Unsanitary Building or Structure** shall mean any building, structure or portion thereof which, because of its condition, infestation by insects, rodents, or other vermin or lack of repair and maintenance, may aid in the spread of communicable disease or injury to the public.

**20. Vermin** shall mean roaches, bedbugs, fleas, lice or other similar pest-like insects.

**21. Public Nuisances:** Public nuisances include the following Nuisances Per Se and other circumstances found to be a public nuisance by the Board of Health.

**Nuisance Per Se:** The following are declared to be nuisances per se subject to enforcement without prior action of the Board of Health.

1. To allow garbage, refuse or rubbish to accumulate or be collected in any place zoned by the Village as being within a residential district unless such garbage, refuse or rubbish is placed within a garbage container subject to pickup by a waste hauler no less frequently than twice a month.
2. To throw or deposit any garbage, refuse or rubbish or other offensive matter in any water course, lake, pond, spring, well or common sewer, street, or public highway.
3. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake, to the injury or prejudice of others.
4. Infestation or accumulations of manure, rubbish, garbage, or refuse except the normal storage on a property for agricultural purposes.
5. To allow outside of a building a refrigerator, stove, washer or any household appliance that does not have the doors locked or all doors and latching devices removed.
6. Privy, vaults, or garbage receptacles which are offensive and which are not fly tight, vermin and rodent proof, and secure against damage by animals.
7. To burn garbage, refuse or rubbish out of doors in a residential district.
8. Outdoor swimming pools with water capacity height 24 inches or greater unless maintained and protected as follows:
  - a. Pool must be entirely fenced with a fence no less than 4 feet in height. The fence shall be of a type not to allow passage of an object greater than four (4) inches in diameter and not easily traversable or climbable by children. A side of a building may be used as part of the fenced enclosure so long as the resulting enclosure is entirely closed and protected from access by children. The wall of pool may be considered part of the fence so long as fence material extends above the water level or rim of the pool, no less than 1 foot.
  - b. A safety ring or pole must be located by the pool for rescue purposes.
  - c. The gate allowing access to the pool must be self-latching and equipped with hardware for a locking device to be used when the pool is not in use. In the event of no gate in the vicinity of the pool, it may be protected by a lockable ladder

- d. Pool water must be filtered and maintained with clarity such that a black disc twelve (12) inches in diameter placed on the bottom of the pool is clearly visible from the side of the pool.
- e. A protective cover of sufficient strength and type to protect a child from the water shall be placed over any pool remaining erected over the non-swimming season.
- f. The power for pool equipment must be on a GFCI circuit.

9. The storage of chemicals, explosives, flammable liquids, pollutants, or other hazardous or toxic materials in an area within a Lowland Conservancy District (C-1) as established under The Zoning Ordinance for the Village of Sheridan, except that the foregoing shall not apply to storage of household materials by residents residing with a Lowland Conservancy District (C-1) as a non-conforming use.

10. To possess uncovered glass drinking containers upon any open public grounds within the Village of Sheridan between July 1st and July 7<sup>th</sup> of each year.

11. To occupy a residential home without making adequate contractual arrangements for the removal of garbage.

12. The failure to complete an exterior improvement to a home including, without limitation, siding, window, or roof following the expiration of any required building permit or after 30 days' notice to complete an exterior improvement issued by the Village Marshall or authorized representative of the Village of Sheridan Board of Health provided to the owner or occupant of the building.

**Public Nuisance Other Than Nuisance Per Se.** The Board of Health may determine that other circumstances constitute a Public Nuisance in light of circumstances such as locality, surroundings or manner of use. Without limitation, such circumstances may include a dangerous, unsanitary or unoccupied building.

**SECTION AA: GREASE COLLECTION AND STORAGE: Effective  
November 1, 2007:**

- (a) all commercial or other establishments which sell or provide food are required to collect and dispose of food generated grease separately from refuse, recyclables and wastewater. Grease is to be separated from wastewater by use of an interceptor or grease trap which must be cleaned professionally as frequently as the Sheridan Village

Department of Health determines is necessary. The Sheridan Village Department of Health may require proof that such professional collection has been made in accordance with this ordinance.

- (b) Grease which is not required to be separated from wastewater per subparagraph (a) above, is to be collected in a leakproof container kept inside or outside the establishment. Outside containers must be kept on a smooth, non-absorbent and easily cleanable surface (such as sealed asphalt or concrete) and the area must be kept clean at all times. Collection of grease must be made as frequently as the Sheridan Village Department of Health determines to prevent objectionable odors and unsanitary conditions and disposed of appropriately. In the event that the chairman of the Sheridan village Department of Health determines that collections should be made at a particular commercial establishment more frequently in order to protect the health, welfare and safety of the community, Sheridan Village Department of Health shall work with the owner or management of such establishment to determine the frequency of grease collections that are needed and the time period such additional collections will be required. Leakage of liquids of any type from a commercial grease container is strictly prohibited.

## **SECTION B, ADMINISTRATIVE PROCEDURES:**

**1. Goal:** The goal of this Ordinance is to preserve the safety, comfort, and well being of the residents of the Village of Sheridan, as well as to minimize the risk of transmission of communicable disease that may be associated with the declared nuisance condition.

**2. Sheridan Village Board of Health:** There is hereby created a Sheridan Village Board of Health consisting of three members appointed by the President and by the consent of the Board of Trustees who shall have jurisdiction for the purpose of enforcement of the Village Ordinances which relate to public health and public nuisance.

**3. Scope:** The Board of Health is hereby authorized and empowered to inspect pursuant to the Administrative inspection provisions of this Ordinance all buildings, lands, and places within the Village boundary and zoning boundary as to their condition affecting health and sanitation and whenever any declare nuisance or condition prejudicial to the public health is found to exist, the Board of Health shall have the power and authority to order the owner, occupant, or agent thereof to make such alterations or changes if necessary to correct and remove said nuisance, or condition prejudicial to public health or to take action under the penalty clause of this Ordinance.

**4. Unconstitutionality:** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reasons, the remainder of said Ordinance shall not be affected thereby.

**5. Effective Date:** This Ordinance shall be in full force and effect upon its passage and approved. This Ordinance may be published in pamphlet form as provided by law.

**6. Intergovernmental Agreements:** The Board of Health may enter into Intergovernmental agreements for the provision of services under this Ordinance. Assistance shall be provided from the LaSalle County Board of Health.

**7. Administrative Inspection:** Issuance and execution of administrative inspection warrants shall be as follows:

a. A judge of the circuit court, upon proper oath or affirmation showing probable cause may issue warrants for the purpose of conducting administrative inspections or authorized seizures of property authorized by the Ordinance or rules hereunder. For the purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this ordinance or rules hereunder sufficient to justify administrative inspection of a controlled premise, as defined below in subsection (b) specified in the application for the warrant.

b. An inspection warrant shall be issued only upon an affidavit of any person having knowledge of the facts alleged, sworn to before the circuit judge and establishing the grounds for issuing the inspection order. If the circuit judge is satisfied that there is probable cause to believe that grounds for the issuance of an inspection warrant exist, he shall issue an inspection warrant identifying the controlled premises to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected or seized, if any. The inspection warrant shall:

1) State that an authorized representative was refused entry to the controlled premises or that an emergency situation exists and the section of the Ordinance south to be enforced;

2) Be directed to the Board of Health or any authorized representative.

3) Command the person to whom it is directed to inspect specified areas of the controlled premises identified for the specific purposes identified in the warrant, and if appropriate, direct the seizure of the property specified.

4) Identify item or types of property to be seized, if any, or steps to be taken to preserve evidence.

5) Direct that it be served during daylight hours unless specific reasons are set forth which should justify nighttime inspection and to designate the circuit court judge to whom it shall be returned.

c. An inspection warrant issued pursuant to this inspection must be executed and returned within ten (10) days of its date of issuance unless, upon a showing of a need for additional time, the court which issued the inspection warrant orders otherwise. If property is seized pursuant to an inspection warrant, a copy of the inventory of such seized property

shall be given to the person from whose controlled premises the property is taken. If no person is available, the inspection warrant and a copy of the inventory shall be left at such controlled premises. The inventory shall be made under oath by the person executing the warrant.

d. An inspection warrant shall be returnable before the judge of the circuit court who issued the inspection warrant, or any judge named in the inspection warrant or before the circuit court. The judge before whom the return is made shall attach to the inspection warrant a copy of the return and all papers return able in condition therewith and file them with the clerk of the circuit court in which the inspection warrant was executed.

e. No warrant shall be quashed nor evidence suppressed because of technical irregularities not affecting the substantial rights of the person responsible for the controlled premises.

f. The authorized representative may make inspections of controlled premises in accordance with the following provisions:

1) For purposes of this section only, "Controlled Premises" means: places within the Village boundary and zoning boundary including but not limited to areas, buildings, premises, factories, warehouse establishments and conveyances.

2) When authorized by any inspection warrant issued pursuant to this Ordinance any authorized agent or any peace officer, upon presenting the inspection warrant to the person designated in the inspection warrant or any other person on the controlled premise, may enter controlled premises for the purpose of conducting the inspection.

3) When authorized by an inspection warrant, any authorized Representative may execute the inspection warrant in accordance with its terms. This section does not prevent entries in administrative inspections, including seizures of property, with a warrant if:

a) The person in charge of the controlled premise consents;

b) In situations presenting imminent danger, defined in this Ordinance, to health or safety; imminent danger. For the purpose of this section, imminent danger shall mean:

1. Two or more related medically diagnosed cases of food borne illness attributed to an individual food service establishment, retail grocery store, tavern or bed and breakfast establishment.

2. Flooding (including sewage backup) of a food service

establishment, retail grocery store, a tavern or bed and breakfast establishment.

3. Fire within a food service establishment, retail grocery store, tavern or bed and breakfast establishment.

4. No hot or cold water under pressure within food service establishments, retail grocery store, tavern or bed and breakfast establishments.

5. No electricity ad/or gas being supplied to a food service establishment, retail grocery store, tavern or bed and breakfast establishment.

6. The discharge of inadequately treated sewage to a body of water used as a source for drinking water.

7. Semi-private non-community water supply that exceeds the maximum contaminant levels for drinking water as specified in the Federal National Interim Primary Drinking Water Regulations, dated December 1974 and amended August 27, 1980, and any subsequent amendments thereto.

8. An abandoned well that is left uncovered and in such a manner that it creates a health or safety hazard.

c) Institutions involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impractical to obtain a warrant.

d) In any other exceptional or emergency circumstance or when times or opportunity to apply for a warrant is lacking.

**8. Right of Inspection.** An authorized representative, after identification and subject to constitutional limitation, may enter at reasonable times any private or public property or vehicle for the purpose of investigating conditions relating to the administration and enforcement of this Ordinance. The owner or occupant of said property or vehicle or the person in charge thereof shall give the authorized representative free access to all parts of said property or vehicle at all reasonable times for the purpose in investigating conditions relating to the administration and enforcement of this Ordinance, other Village ordinances and rules, regulations or laws of LaSalle County, the State of Illinois, Federal Government, or any agency thereof as relates to public health or public nuisance. Refusal by said owner or occupant of right-of-entry, shall cause the authorized representative to seek permission of the court for right-of-entry.

**9. Inspector and Duties:** The Village Board may, from time to time, appoint one or more Village of Sheridan Authorized Inspectors to perform health and environmental related inspection

duties on behalf of the Village Board, the Village Board Finance & Health Committee, Board of Health, and the Zoning Board of Appeals. The Village Board Finance & Health Committee, and/or the Board of Health and/or Zoning Board of Appeals shall annually provide budget recommendations to pay the costs of the Inspector and Inspector related expenses. Absent direct action by the Village Board, the Inspector shall perform those duties as directed by the Chairperson of the Village Board Finance & Health Committee. Any Board of Health or Zoning Board of Appeals requests for inspections that arise from time to time shall be submitted for approval to the Chairperson of the Village Board Finance & Health Committee. Any appointed Inspector shall present a written monthly report to the Village Board at their monthly meeting whenever the Inspector has performed work in the preceding month. The inspector shall file a request for compensation and expense reimbursement no later than 3 days prior to the first and fifteenth day of the month. If an inspector is a Village Employee, the compensation of the inspector shall be determined at the time of appointment. If an inspector is an independent contractor, the Chairperson of the Village Board Finance & Health Committee shall present a contract for approval by the Village Board.

### **SECTION C – ENFORCEMENT:**

1. It is unlawful and a violation of this ordinance for any person to maintain a nuisance per se, allow to exist a nuisance per se, or own or occupy land upon which a nuisance per se is located. A violation of this provision may subject someone to immediate ordinance enforcement.

2. It is unlawful and a violation of this ordinance for any person to maintain a Public Nuisance Other Than Nuisance Per Se after having been served notice as contemplated in the following section and failing to have completed remedial action within the time specified in such notice. If no time is specified in such notice for the completion of remedial action, such remedial action shall be completed within 30 days of the service of this notice. The filing of a request for a hearing before the Board of Health shall stay the time allowed to complete remedial action. Such stay shall remain in effect until further notice is served by the Board of Health.

3. **Issuance of Notice.** Whenever the Board of Health determines that a public nuisance exists which is not nuisance per se, the Board of Health, or authorized representative, shall give notice to the person responsible for such violation; and unless stated elsewhere in the Ordinance, 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 Board of Health for performance of any act it requires,
- c) be served upon the person responsible for the violations(s) or property owner, provided that such notice shall have been properly served when a copy thereof has been sent by certified mail to his last known address or when he has been served with such notice by any other method authorized by laws of the State of Illinois.

d) contain an outline of remedial action which is required to effect compliance with this Ordinance.

e) state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for an Administrative Hearing is filed with a member of the Board of Health within the time period set for correction of the violation.

**4. Hearings.** Hearings before the Board of Health: Any person affected by any order or notice issued by the Board of Health or authorized representative in connection with the enforcement of any Section of this Ordinance, may file with a member of the Board of Health a written request for a hearing before the Board of Health. Unless stated elsewhere in this Ordinance, the Board of Health shall hold the hearing 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 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 Board of Health 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 Board of Health 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 Ordinance for the purpose of properly protecting the public health. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing.

**5. Penalty:** Any person who maintains, commits, permits, or causes to permit a public nuisance or who fails to take action required by a notice from the Board of Health or otherwise violates any provisions of this Chapter 6 shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties. Each day's failure to comply shall constitute a separate offense. The foregoing shall not limit the Village of Sheridan or its Board of Health from enforcing this ordinance by injunction or other remedy generally available to an Illinois municipality in a court of law or equity.

**6. Relief from Personal Responsibility.** An authorized representative, acting in good faith and without malice, shall be free from liability for acts performed under any provision of this Ordinance or by reason of any act or omission in the performance of his official duties in connection thereto.

**7. Clean-up.**

a. In case the owner, agent or occupant of any premises or lot neglects or fails to clean up and remove all garbage, rubbish, junk, vehicles, tires, and/or other salvageable materials and other refuse, after due notice and time specified by the Board of Health, and the Board of Health deems that the accumulation of rubbish, refuse, and garbage represents an imminent public health hazard, the Board of Health may request extermination and/or a private hauler to remove such materials and the expense incurred shall be billed to the owner, agent or occupant to the extent authorized under Illinois law.

b. If Illinois law authorizes charges as contemplated above, it shall be made a special lien against the property at the next tax roll. Such lien shall be such notice to all persons from the time

of its recording, and shall bear interest at the legal rate thereafter until satisfied.

**8. Variances.** If conditions exist which make impractical or impossible compliance with the requirements of this Ordinance, a variance may be granted by the Board of Health. A person seeking a variance shall submit to the Board of Health a written proposal, which is to be used in lieu of compliance with provision of this Ordinance. Such written request shall include all pertinent data, which lends support to the requested proposal. The extent to which the request proposal complies with the intent of this Ordinance will be the basis for approval or denial of the variance. The Board of Health will notify the applicant in writing regarding the decision to either grant or deny the variance within thirty (30) days of receipt of the request proposal. A variance shall be requested and approved before construction and/or other action begins.

**9. Conflict of Ordinance.** In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, subdivision, or health ordinance, or code of any municipality, township, or government entity within LaSalle County existing on the effective date of this Ordinance, the provisions which establishes the higher standard for the promotion and protection of the health and safety of the residents of LaSalle County shall prevail.

## **CHAPTER 7 - GARBAGE, REFUSE AND RECYCLING**

BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE TRUSTEES OF THE VILLAGE OF SHERIDAN, ILLINOIS THAT:

WHEREAS, The Village of Sheridan has made the following findings of fact:

a. The recycling of certain items, including, but not limited to, aluminum cans, tin (steel) cans, newspaper, mixed paper (low to high grade), cardboard, plastic containers, glass bottles and any economically recyclable waste products (ERWP), is vital to the conservation of America's natural resources.

b. The inclusion of ERWP in the garbage generated by the residents of The Village of Sheridan, increases the volume of garbage and rubbish which must be ultimately disposed of in sanitary landfills.

c. The continued disposal of ERWP generated by residents of The Village of Sheridan and surrounding communities will exacerbate the shortage of landfill space.

d. By eliminating ERWP from the stream of garbage and rubbish, the capacity of existing landfills to serve the needs of The Village of Sheridan for the disposal of non-recyclable garbage and rubbish will be extended for several years.

e. In the interim, science may find new technological methods for the safe disposition of household garbage without threatening our air and water supplies.

f. The Village of Sheridan has in the past allowed any licensed private haulers to provide garbage and recycle pick-up service in The Village of Sheridan, which has caused problems in the ability of the Village of Sheridan to monitor recycling efforts and to monitor recycling efforts and to monitor private hauler compliance with Village ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE TRUSTEES OF THE VILLAGE OF SHERIDAN, ILLINOIS, AS FOLLOWS:

### **SECTION ONE: FINDINGS:**

The findings hereinabove made are incorporated herein by reference.

### **SECTION TWO: DEFINITIONS:**

**CURBSIDE RECYCLABLE COLLECTION:** Refers to recyclable items collected from a set out point in the vicinity of the street curb or edge of road pavement.

**ERWP: LIST of Economically Recyclable Waste Products:** These include Newspaper, Magazines, all grades of Mixed (low to high grade) paper, Cardboard (OCC), Plastics including HDPE, PET plastic bottles, (otherwise known as #1, & #2 plastic), Clear, Amber and Green Glass

Bottles, Aluminum, Bi-Metal and Tin (Steel Cans.)

**RESIDENTIAL GARBAGE:** Residential garbage shall include residential waste accepted at area landfills as announced by the successful garbage contract bidder. Garbage shall not include appliances, furniture, grass clippings, leaves and other types of landscape waste.

**RESIDENTS:** Refers to occupants of single family residential dwellings ~~and multi-family units~~ in the Village of Sheridan. Commercial establishments may negotiate their garbage collection outside of this ordinance due to special requirements for containers or service such facilities may have.

Other terms used in the ordinance shall have their usual and customary meaning.

### **SECTION THREE: BIDDING:**

On a periodic basis, the Village of Sheridan shall solicit bids for the pickup of residential garbage and recyclable materials in The Village of Sheridan.

### **SECTION FOUR: CONTRACT:**

The successful bidder will be required to sign a contract requiring minimum terms as follows:

- A. The successful bidder shall provide curbside garbage pickup weekly and curbside recyclable pickup at a frequency as specified in bid documents, but in any event no less than twice a month.
- B. The successful bidder shall charge no more than the bid price which shall be fixed for the duration of the contract. A customer may choose to contract for additional services and be charged for such. The successful bidder shall be required to collect customer fees.
- C. The successful bidder shall provide proof of adequate insurance naming the Village of Sheridan as an additional insured party.
- D. The successful bidder shall provide the Village of Sheridan a performance bond or non-diminishing irrevocable bank letter of credit in an amount no less than one year's estimated gross revenue.
- ~~E.~~ The successful bidder shall not dispose of ERWP in any sanitary landfill absent approval for such from the Village of Sheridan. Approval for landfill disposal of ERWP will not be approved absent the successful bidder providing adequate proof to the Village of unique, unanticipated circumstances which may not include a usual and customary disposal rate increase.
- F. Absent a customer's purchase and use of a sticker, the successful bidder shall not pick

up more materials than specified in the Village approved contract.

- G. Monthly, prior to each Village Board meeting, the successful bidder shall file a written report of the approximate volume of ERWP collected from curbside recyclable collection and report how such ERWP is disposed. Quarterly, prior to the Village Board meeting, the successful bidder shall file a written report which shall include: a customer names and addresses, the volume of garbage, and an accounting of garbage sticker sales and any other relevant matters affecting garbage and recycling pickup. Within sixty days of the termination of this contract and at other times at the request of the Village of Sheridan, the successful bidder shall provide the Village of Sheridan a list of customer names and mailing addresses. Customer names and addresses shall not be deemed confidential but subject to public inspection.

#### **SECTION FIVE: COLLECTION PROCEDURES:**

Residents shall place garbage only in containers having a cap, which have a holding volume as authorized in a Village approved contract. Garbage containers shall not be placed or present on the Village berm or right of way except on the day of garbage pick-up or the day before or after the date of garbage pickup.

Residents shall place ERWP in a suitable container so that materials will remain contained until pickup. Said containers shall not be placed or present on the Village berm or right of way except on the day of curbside recyclable collection or the day before or after the day of curbside recyclable collection.

#### **SECTION SIX: PROHIBITED ACTIONS AND PENALTIES:**

No person or firm shall take any item of ERWP which has been placed outside for curbside recyclable collection except the successful waste hauler bidder. Each act of wrongful taking of ERWP shall constitute a separate and distinct offense punishable as hereinafter provided.

No occupant, resident or landowner of a residence in the Village of Sheridan shall contract with a waste hauler for routine garbage and recycling pickup in the Village of Sheridan except with the successful waste hauler bidder.

No person or firm shall solicit, contract for, or pickup residential garbage, rubbish or recyclable materials in the Village of Sheridan other than successful bidder as contemplated in this ordinance. The foregoing shall not prohibit a resident of the Village of Sheridan from personally transporting his garbage, rubbish or recyclable materials to a location outside of the Village of Sheridan.

No grass clippings, leaves and other types of landscape waste shall be placed for garbage or curbside recycling pickup except between the months of April through November when the successful bidder shall provide for weekly pickup of two bags of yard waste.

Leaves and landscape waste may be burned on private property only at such times as the Village does not maintain a disposal side for such. During periods of time that burning is allowed, the burning may only take place during daylight hours and supervised by an adult and must be fully extinguished. No garbage may be burned.

#### **SECTION SEVEN: SEVERABILITY**

The various provisions of this Ordinance are to be considered as severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

## CHAPTER 8 – DRAINAGE

1. Whenever in these articles the following terms are used they shall have the meaning respectively ascribed to them in this section:

**Authorized Sewer Contractor:** “Authorized Sewer Contractor” shall be one or more contractors duly appointed as such by the President and Board of Trustees to perform work on sewers located within public property or right of ways within the Village of Sheridan.

**Building Drain:** “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

**Building Sewer:** “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

**Garbage:** “Garbage” shall mean solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

**Industrial Wastes:** “Industrial Wastes” shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

**Interceptors:** “Interceptors” when pertaining to grease or oil shall mean devices which collect and dispose of food generated separately from refuse, recyclables and wastewater, also known as “grease traps”.

**Natural Outlet:** “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**Person:** “Person” shall mean any individual, firm, company, association, society, corporation or group.

**Plumbing Inspector:** “Plumbing Inspector” shall be the person duly appointed as such by the President and Board of Trustees or in his absence the “Building Inspector” as also duly appointed by the President and Board of Trustees.

**President and Board of Trustees:** “President and Board of Trustees” shall mean the duly elected President and Board of Trustees of the Village of Sheridan.

**Properly Shredded Garbage:** “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been

shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

**Private Sewer:** “Private Sewer” shall mean a sewer not located on, within, or below property owned, dedicated, controlled or used by the Village of Sheridan

**Public Sewer:** “Public Sewer” shall mean all or any part of a sewer located on, within, or below property owned, dedicated, controlled or used by the Village of Sheridan.

**Sanitary Sewer:** “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**Sewage:** “Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

**Sewage Works:** “Sewage Works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

**Sewage Treatment Plant:** “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

**Sewer:** “Sewer” shall mean a pipe or conduit for carrying sewage.

**Storm Sewer:** “Storm Sewer” or “Storm Drain” shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**Superintendent:** “Superintendent” shall be the person duly authorized by the President and Board of Trustees to perform the duties as hereinafter specified.

**Shall** is mandatory; **May** is permissive.

**Village:** “Village” shall mean the Village of Sheridan.

**Watercourse:** “Watercourse” shall mean a channel in which a flow of water occurs either continuously or intermittently.

## **2. MANDATORY USE OF SEWERS**

- A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the Village and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within 120 days, after date of receipt of official notice to do so, given

by the Plumbing Inspector, provided that such connection will be required only if said public sewer is situated within one hundred feet of the property line.

- B. Where a public sanitary sewer is not available, the owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose shall be connected to a private sewage disposal system approved by the Village of Sheridan, Sheridan Sanitary District and the LaSalle County Health Department. Absent specific approval by the Village of Sheridan, the Sheridan Sanitary District, and the LaSalle County Health Department, it shall be unlawful to construct, or maintain any privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

### **3. WRONGFUL USE OF SEWERS**

- A. No person shall discharge or cause to be discharged any storm water, ground water, roof downspouts, exterior foundation drains, or other sources of surface runoff or groundwater, cooling water or unpolluted waters to any sanitary sewer. Such water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Plumbing Inspector. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Plumbing Inspector to a storm sewer or natural outlet. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- B. It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of said Village, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the Village or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- D. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
1. Any liquid or vapor having a temperature higher than 150 degrees F.;
  2. Any water or waste which may contain visible evidence of fat, oil or grease;
  3. Any gasoline, benzine, naphtha, fuel oil, or other

flammable or explosive liquid, solid or gas;

4. Any garbage that has not been properly shredded;
5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders, or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
6. Any waters or wastes having a PH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
7. Any waters or wastes containing a toxic or poisonous substance (solids, liquids, or gases) in any sufficient quantity, either singly or by interaction with other wastes, to injure, infuse or interfere with any sewage treatment process, constitute a hazard to human or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
8. Any noxious or malodorous gas or substance capable of creating a public nuisance.
9. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;  
Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Sanitary District for such materials.
10. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Sanitary District as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters;
11. Any radioactive wastes or isotopes of such half-life or concentration as

may exceed limits established by the Sanitary District in compliance with applicable State or Federal regulations.

12. Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time except as permitted by the Sanitary District in compliance with applicable State and Federal regulations.
13. Any cyanide in excess of 0.025 mg/1 at any time except as permitted by the Sanitary District in compliance with applicable State and Federal regulations;
14. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
  - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
  - d. Unusual volume of flow or concentrations of wastes constituting “slugs” as defined herein.
15. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
  - E. All commercial or other establishments which sell or provide food are required to collect and dispose of food generated grease separately from refuse, recyclables and wastewater. Grease is to be separated from wastewater by use of an interceptor or grease trap which must be cleaned professionally as frequently as the Sheridan Village and/or LaSalle County Health Department determines is necessary. The Village of Sheridan Board of Health may require that proof that such professional collection has been made in accordance with this ordinance. Grease which is not

required to be separated from wastewater is to be collected in a leak proof container kept inside or outside the establishment. Outside containers must be kept on a smooth, non-absorbent and easily cleanable surface (such as sealed asphalt or concrete) and the area must be kept clean at all times. Collection of grease must be made as frequently as the Village of Sheridan and/or LaSalle County Health Department determines to prevent objectionable odors and unsanitary conditions. Upon demand by the Village of Sheridan, receipts shall be produced evidencing proper disposal of grease.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3 of this Chapter, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128-Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Sanitary District may have a deleterious effect upon the sewage works processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sanitary District may:

1. reject the wastes;
2. require pretreatment to an acceptable condition for discharge to the public sewers;
3. require control over the quantities and rates of discharge; and/or
4. require payment to cover the added costs of handling and treating the wastes

If the Sanitary District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Sanitary District, and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

#### **4. SPECIAL INDUSTRIAL REGULATIONS**

- A. Any person or entity desiring to sue a sewer for industrial purposes shall make application on a special form furnished by the Sanitary District. The permit

application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sanitary District. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity and pay fees established by the Sheridan Sanitary District.

- B. No industrial user may discharge sewage into any public sewer until the Sanitary District has adopted an industrial cost recovery system which:
1. Meets the requirements of Section 204(b) (1) (B) of the Federal Water Pollution Control Act Amendments of 1972 {citation} and applicable federal regulations; and
  2. Has been approved by the Agency in accordance with the conditions of any grant made to the Sanitary District by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Sanitary District.
- C. Each industry shall be required to install a control manhole and, when required by the Sanitary District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Sanitary District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- D. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge establish by the Sanitary District or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Sanitary District, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Sanitary District at such times and in such manner as prescribed by the Sanitary District. The owner shall bear the expense of all measurements, analyses, and reporting required by the Sanitary District. At such times as deemed necessary, the Sanitary District reserves the right to take measurements and samples for analysis by an outside laboratory service.

- E. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. "The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)
- F. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Sanitary District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Sanitary District for treatment, subject to payment therefore, in accordance with Chapter 00, Article 1, hereof, by the industrial concern, provide such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

##### 5. LIABILITY FOR MAINTAINING LATERAL SEWER LINES

Most lateral sewer lines serving lots in Sheridan flow from a building, through private property, then under a public right of way to a public sewer main located under a street. The Village Board historically has allowed private building owners and occupants to construct said lateral sewer lines and to make connection to the sewer main. The village Board has found from repairs and inspection that many of the lateral sewer lines and connections to the sewer main were not performed properly in accordance to current standards. This ordinance makes the building owner and occupant liable for the costs of maintenance and repair of the lateral sewer line from the building to the sewer main. Such liability is imposed even for maintenance and repair of the sewer lateral located under a public right of way since the vast majority of building owners or occupants, or their predecessors in time, were the parties who established said lateral sewer line and the quality of said lateral. Further, the lot owner or occupant has the ability to perform periodic clean out of the lateral to avoid blockages and is able to control the flow of materials into the lateral which includes materials which could cause a blockage.

## 6. SEWER PERMITS

- A. No person shall uncover, make any connection with or opening into, repair, alter, or disturb a public or private sewer without first obtaining a permit. No permit, however, shall be required for an owner or occupant to attempt to clear an obstruction located within a private sewer by rodding or cleaning through an existing cleanout.
  
- B. An owner or occupant of the property served by a lateral sewer line shall be the applicant for a sewer permit. Applications for a sewer permit shall be on a form furnished by the Village. Fees as set forth in the below schedule of fees shall be paid upon the filing of the application. The application shall describe the proposed work to be performed and be supplemented by such plans, specifications, timetable of work, and other information reasonably required by the Plumbing Inspector. An industrial applicant, as a condition of permit authorization, must provide such information describing its wastewater constituents, characteristics and type of activity, as the Plumbing Inspector and Village Engineer may reasonably require.
  
- C. A sewer permit will only be issued for a new or expanded sewer connection only if the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity adequately and efficiently to handle the additional anticipated waste load.
  
- D. All sewer work shall be performed by a contractor licensed by the State of Illinois and/or the LaSalle County Health Department as a plumber of a private sewage disposal contractor. The contractor shall file a copy of their license with the application. Fees of the contractor shall be paid by the applicant.
  
- E. The applicant, property owner and contractor shall comply with inspections and pay inspection fees as required by the Plumbing Inspector.
  
- F. The applicant, property owner and contractor shall indemnify the Village for any loss or damage that may directly or indirectly be occasioned by performing such sewer work. The liability of the applicant, property owner and contractor shall be both joint and severable.

- G. Prior to a contractor commencing any work, the contractor shall provide the applicant, property owner and Village of Sheridan proof of maintaining public liability insurance in an amount not less than \$100,000 for injuries, including accidental death, to any one person and subject to the same limit for each person in a total amount not less than \$300,000 on account of one accident, and property damage insurance in an amount not less than \$100,000.00.
- H. In the event that a resident of the Village needs to make a connection to a Village sewer main or otherwise perform work on or under the right-of-way of a Village Street, the resident shall follow the same procedures set forth under Section 7. Construction of Utility Facilities in the Rights-of-Way in CHAPTER 27 – PUBLIC PARKS AND PUBLIC WAYS of the *Municipal Code of Sheridan*

## **7. SEWER SPECIFICATIONS**

- A. Any new or repaired private sewer and any new or repaired public sewer lateral leading from a residence to a sewer main shall comply with the building codes as established by the “CABO ONE AND TWO FAMILY DWELLING CODE” and the procedures set forth in that publication entitled *Standard Specifications for Water and Sewer Main Construction in Illinois*, published by the Standard Specifications Committee of the Illinois Society of Professional Engineers, and other similar organizations, third edition.
- B. The Plumbing Inspector may execute a written waiver excusing strict compliance of the building code provision upon written request illustrating a hardship and lack of safety concerns designed to be protected by the building provision sought to be waived. Any new or repaired private sewer and any new or repaired public sewer lateral leading from a building other than a residence to a sewer main shall be approved pursuant to the specification approved by the sewer inspector based upon generally accepted building codes.
- C. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, then under the circumstances the building and the whole shall be considered as one building sewer to which two units or uses have been connected. Two private house sewers may be connected to one 6-inch sewer if approved by the Village Engineer.
- D. All excavations required for sewer work shall be open trench work unless otherwise approved by the Village. No backfill shall be placed until the work has been inspected by the Plumbing Inspector.

- E. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

## **8. VIOLATIONS**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the public sewer or wrongfully use or make use of a sewer. Any person found in violation of the above or any provision of this CHAPTER 8 – DRAINAGE shall be fined not less than \$75 nor more than \$750.00. Each day in which any such violation shall continue shall be deemed a separate offense. In addition to fine, any person violating any provision of the ordinance shall be liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation.

B. Notwithstanding above paragraph “A” where a building drain is unknowingly connected to a public sanitary sewer in violation of this ordinance, a landowner shall have 30 days from discovery of the illegal connection to remove such connection prior to the imposition of fines, penalties and charges imposed by above paragraph “A”.

## **9. SCHEDULE OF FEES**

- A. Sewer Permit Fee: A fee of \$150.00 shall be paid upon the application for any private sewer permit. In addition to said \$150.00 fee, the applicant shall pay inspection fees should more than one inspection be required
- B. Sewer Hookup Fees: In addition to other fees, any person who shall make application for a hook-up of a new private sewer to a public sewer shall pay a fee of three Hundred (\$300.00) dollars as and for a hook-up fee. Where no lateral exists, there shall be an additional Five Hundred (\$500.00) dollars hook-up fee. In the event any building or premises contains more than one dwelling or commercial unit, an additional permit fee of \$150 shall be made for each such multiple unit.
- C. Inspection fees: Inspection fees shall be \$100.00 per inspection and fees shall be paid within 30 days of the inspection
- D. The Village Board may by resolution accept a donation of construction, expansion, or extension of the sewer in lieu of all or part any fees imposed under this Chapter 8.
- E. A Sanitary Sewer Maintenance Fee is imposed on users of Village of Sheridan sewers as follows:

- A monthly fee of \$10.00 for each single-family dwelling connected to the sanitary sewer.
- A monthly fee of \$10.00 for each dwelling unit in a two family or multi-family dwelling building connected to the sanitary sewer.
- A monthly fee of \$10.00 plus \$0.10 for each student of any school.
- A monthly fee of \$10.00 plus \$0.10 for each inmate or resident of the Sheridan Correctional Center.
- A monthly fee of \$10.00 for any other user of the sanitary sewer.

The above monthly charges shall be billed quarterly and due within 30 days of being billed. Any user may pay the sewer user charges a year in advance in which case one month's bill shall be waived.

## **10. COLLECTION OF CHARGES AND LIENS**

If any charges imposed in this Chapter 8 are not paid within 30 days after they are billed, such charges shall be deemed, and are hereby declared to be delinquent and delinquency charges shall be added the delinquency amount at a rate of 2.5% per month. Such delinquent rates and charges shall be a lien upon the real estate upon or for which sewerage service is supplied upon a representative of the Village sending to the owner or owners of record, as referenced by the taxpayer's identification number, of the real estate (i) a copy of each delinquency notice sent to the person who is delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and (ii) a notice that unpaid charges or rates may create a lien on the real estate under this Section.

A representative of the Village may record with the LaSalle County Recorder of Deeds a Claim of Lien and send a copy to the land owner. This notice shall consist of a sworn statement setting out (1) a description of such real estate sufficient for the identification thereof, (2) the amount of money due for such sewerage service, and (3) the date when such amount became delinquent. Delinquency costs shall include the filing fees for recording any Claim of Lien, a \$30.00 search and preparation fees plus reasonable attorney fees in any action to foreclose or otherwise enforce a lien claim.

The remedy of enforcement by lien shall not be exclusive. In any collection action filed by the Village, in addition to any judgment for delinquent rates and charges the Village shall also be entitled to a judgment for their reasonable attorney fees.

In the event of any delinquency, the Village may terminate sewer service by blocking access of the lateral sewer line to the sewer main.

## CHAPTER 9 - SIDEWALKS

**1. SIDEWALKS MUST BE BUILT AS PROVIDED BY ORDINANCES.** All sidewalks or cross walks hereafter constructed or repaired in any street, alley or public ground, shall be constructed and repaired under a permit secured from the Street and Alley Committee of the Village Board and under the supervision of the Street and Alley Committee of the Village Board and the material and workmanship thereof shall be subject to the approval of the said Street and Alley Committee of the Village Board.

**2. Construction of Sidewalk.** No person or corporation shall lay, build or construct any sidewalk in any street, alley, public ground of any kind of material other than cement, concrete or dressed stone in the manner approved by the Street and Alley Committee of the Village Board. Violators shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

**3. Grades.** All sidewalks hereafter built in any street, alley, or public ground shall be graded to a level as nearly as practicable and when necessary, to avoid abrupt grades and steep ascents, the bed shall be filled and graded as directed by the Street and Alley Committee of the Village Board.

**4. Yearly Sidewalk Plan.** No sidewalk hereafter constructed within the Village of Sheridan, whether by order of the Village Board or otherwise, shall be paid for in whole or in part by general taxation, unless specifically provided for by ordinance or resolution of the Village Board. The Street and Alley Committee shall annually make a budget request for sidewalk improvement to the Finance Committee. During the month of May of each year, any landowner desiring financial assistance for repairs or replacement of sidewalk adjacent to their property may make a request for such in writing delivered to the Village Hall. The Street and Alley Committee shall annually present to the Village Board a resolution containing a sidewalk improvement plan. In selecting sidewalks to be placed on the sidewalk improvement plan, the Street and Alley Committee shall take into consideration the condition of any existing sidewalk, the need for a sidewalk, the expected traffic for the sidewalk, and whether an owner adjoining a sidewalk is willing to participate in a 60%/40% payment agreement where the owner agrees to pay 40% of the cost of sidewalk improvements with the City paying the remaining 60% costs of improvements. If a landowner fails to get a required sidewalk placed on the annual improvement plan, such landowner may repair or install a sidewalk in any street, alley or public ground adjacent to their property but only after approval of the plans and subject to conditions approved by the Street and Alley Committee. Conditions and standards for approval shall be similar to conditions and standards normally undertaken by the Street and Alley Committee for work performed as part of their annual plan for sidewalk improvements.

**5. Damages.** Absent a valid court order, the Village shall not pay damages to the landowner for constructing a sidewalk in any street, alley or public ground adjacent to an owner's property where a sidewalk did not before exist. The Village shall not pay damages to the landowner for removal of an existing sidewalk with no present plans for replacement of a removed sidewalk.

**6. Openings.** Every opening in any sidewalk over any vault or coal hole, shall be covered

with a substantial iron grate or plate with rough surface to prevent accidents and the construction of all vaults and coal holes shall be subject to the supervision and direction of the Street and Alley Committee of the Village Board, or such other officer as may be designated by the Village Board.

**7. Obstructions.** No person shall encumber or obstruct any sidewalk in the Village of Sheridan with any goods, wares, merchandise, fuel or other articles or things; except as otherwise authorized to the Board of Trustees.

**8. Flow of Water.** No person shall suffer or permit water to flow or drain from the roof of any building owned, occupied or controlled by him or to run over the sidewalk in front of, near to or adjacent to same.

**9. Use and Occupation.** No person or corporation shall be allowed to build, occupy or use, or suffer or permit to be built, occupied or used, in whole or in part, any open space on, above or below any street, alley or public ground in said Village, unless permitted to so by the Village Board issuing a permit therefor. Such permit shall specify the purpose for which such space is to be used, the extent thereof, and the materials and manner of constructing, and shall be issued only on condition that the party receiving the same, and his assigns, shall as compensation for the privilege granted, build, maintain, and keep in repair the walls of such space and the sidewalk extending over the same in such manner so as at all times to conform with the ordinances of the Village. Every such person or corporation receiving any permit, and building or constructing any such space thereunder, and the walls and sidewalks thereof, shall take such permit subject to the condition that he holds such space as tenant at will of the Village, and that the same may be revoked at any time upon giving thirty days' notice to the owner, or person in possession of the premises abutting thereon, or lying opposite the same, and that such space and walls and the sidewalks thereover shall at all times be the property of the Village without expense to it, or reimbursement by it, before or after such revocation. After notice is give hereunder, all rights and privileges in said space shall cease and the said Village shall continue to be sole owner thereof and be deemed to be in possession as such owner.

**10. Damage.** It shall be unlawful for any person to cut, mar, deface, destroy or in any manner injure any sidewalk within any street, alley or public ground said Village, unless such person at such time shall have in this possession a permit for the doing of such act issued by the Village Clerk where such work is being done for the purpose of construction of sewer, the installation of gas or water pipes or other lawful purpose.

**11. Penalty.** Any person, firm or corporation, who violates, fails, neglects or refuses any provision of this chapter, shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

**12.** Any replacement of a sidewalk or newly-built sidewalk shall be handicap accessible and constructed to a minimum width of four (4) feet and minimum depth of four (4) inches; except existing sidewalks in the same business district which shall be replaced to the same dimensions as

now existing.

## CHAPTER 10 - TREES AND SHRUBS

**1. Planting.** It shall be unlawful to plant any tree or shrub in any public street or parkway or other public place without having first secured a permit thereof. Applications for such permits shall be made to the Village Clerk and shall be referred by him to the President and Board of Trustees of the Village. All trees and shrubs so planted shall be placed subject to the direction and approval of the Committee on Streets and Alleys.

**2. Removals.** It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be referred by him to the President and Board of Trustees for approval before permission shall be granted.

**3. Injury.** It shall be unlawful to injure any tree or shrub planted in any such public place.

**4. Advertisements or Notices.** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or public place.

**5. Wires.** It shall be unlawful to attach any wire or other rope to any tree in any such public place without permission of the President and Board of Trustees.

Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the Village shall, in the absence or provision in the franchise concerning the subject keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed subject to the supervision of the Superintendent of Public Works so that no injury shall be done to the poles or wires or shrubs and trees by contact.

**6. Excavations.** In making excavations in streets, or other public places proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

**7. Penalty.** Any person, firm or corporation violating any provision of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## CHAPTER 11 - PLANTS AND WEEDS

**1. Weeds - Nuisance.** Any weeds such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

**2. Agriculture Use of Land.** It shall be unlawful to plant, cultivate or harvest any land within the Village of Sheridan, other than private gardens and flower beds, unless the land is zoned appropriately for agricultural use.

**3. Height.** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding eight inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

**4. Barberry Bushes.** It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common, or European Barberry, further known as *Berberis Vulgaris*, or its horticultural varieties within the Village.

**5. Removal - Notice.** It shall be the duty of the Health Officer to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this article and to demand the abatement of the nuisance within ten days.

**6. Abatement.** If the person so served does not abate the nuisance within ten days after such notice the Health Officer may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such owner and occupant.

**7. Penalty.** Any person, firm or corporation violating any provision of this article, shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties; and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after ten days from receipt of notice.

## CHAPTER 12 - FIRE LIMITS

**1. Boundaries.** All of that part of the Village of Sheridan embraced within the following limits shall hereafter be known as the "Fire Limits" of said Village to wit: Block Number 1; West one-half of Block Number 2; Lots 5,6,7, and 8 of Block Number 4; Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block Number 5; Lots 1,2,3, and 4 of Block Number 6; Lots 1,2,3,4, and 5 of Block Number 17; Lots 1,2,3,4,5,6,7, and 8 of Block Number 18 and Lots 5,6,7, and 8 of Block Number 19.

**2. Exterior Covering.** It shall be unlawful to construct or erect any building or structure or portion thereof, or addition thereto, in the fire limits unless the exterior walls and roof of such building or structure are covered or constructed of nonflammable material; provided that this shall not operate to prohibit the construction of temporary one story buildings for the use of builders during the construction of the fireproof structures or wooden fences not over four feet high.

**3. Repairs.** It shall be unlawful to repair any existing frame building within the fire limits after the same shall be damaged by any cause to fifty (50) per cent of its value, unless such building is made to conform to the provisions of the foregoing section.

**4. Penalty.** Any person, firm or corporation violating any provision of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## CHAPTER 13a – MUNICIPAL UTILITY TAX

### 1. Tax Imposed.

A). Nothing contained herein shall be considered to repeal the telecommunications tax before imposed by the Village of Sheridan. There is imposed and levied the following taxes on the following persons and occupations:

(1) Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the village of Sheridan and not for resale at a rate of 1% of the gross receipts therefrom;

(2) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the village of Sheridan at rates not to exceed the following maximum rates, calculated on a monthly basis for each purchaser:

- (i) For the first 2,000 kilowatt-hours used or consumed in a month; .1074 cents per kilowatt-hour;
- (ii) For the next 48,000 kilowatt-hours used or consumed in a month; .0704 cents per kilowatt-hour;
- (iii) For the next 50,000 kilowatt-hours used or consumed in a month; .0634 cents per kilowatt-hour;
- (iv) For the next 400,000 kilowatt-hours used or consumed in a month; .0616 cents per kilowatt-hour;
- (v) For the next 500,000 kilowatt-hours used or consumed in a month; .0599 cents per kilowatt-hour;
- (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; .0563 cents per kilowatt-hour;
- (vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; .0555 cents per kilowatt-hour;
- (viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; .0546 cents per kilowatt-hour;
- (ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; .0537 cents per kilowatt-hour;
- (x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; .0528 cents per kilowatt hour.

The tax rates set forth in the preceding table will be used at least through December 3, 2007, are proportional to the rates enumerated in 65 ILCS- 5/8-11-2 (as modified by Public Act 90-561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS – 5/8-11-2 (as modified by Public Act 90-651).

(3) Pursuant to 65 ILCS – 5/8-11-2, the rates set forth in subsection (2) above shall be effective upon approval by the Illinois Commerce Commission.

**2. EXCEPTIONS.** None of the taxes authorized by this Chapter 13a may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which

the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political sub-division thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Chapter 13a for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupational Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Chapter 13a be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality. All accounts in the name of the Village of Sheridan shall be exempt from taxes imposed under this Chapter 13a.

**3. ADDITIONAL TAXES.** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

**4. COLLECTION.** The person maintaining a place of business in this State who delivers the electricity to the purchaser shall collect the 1% tax authorized by this Ordinance from the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any such tax collected by a person delivering electricity shall constitute a debt owed to the municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering electricity who file returns pursuant to this paragraph shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this Ordinance.

**5. REPORTS TO MUNICIPALITY.** On or before the last day of each month, each taxpayer shall make a return to the City for the preceding month stating:

- (A) His name.
- (B) His principal place of business
- (C) is gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (D) Amount of tax.
- (E) Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village of Sheridan, the amount of tax herein imposed; provided that in connection with any

return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

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

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

**7. PENALTY.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than **One hundred dollars (\$100.00)** nor more than **Two hundred dollars (\$200.00)** in addition, shall be liable in a civil action for the amount of tax due. (See 65 ILCS 5/8-11-2)

## **CHAPTER 13b – MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX**

### **1. TAX IMPOSED AND 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 in the City at the rate of 3% of the gross receipts from these sales made in the course of that business. The imposition of this tax is in accordance with the provisions of Sections 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

### **2. COLLECTION OF TAX BY RETAILERS.**

The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Ordinance 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. 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.

### **3. SEVERABILITY.**

If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

### **4. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January, 2020.

## CHAPTER 14 - GAMING REGULATIONS

1. Video Gaming Act. Operation of any video gaming terminal in compliance with the rules and requirements of the Video Gaming Act (230 ILCS 40/1 et. seq.) shall be authorized in the Village of Sheridan as provided for in this section.

2. Local License. Any establishment desiring to operate a video gaming terminal shall complete an application for local licensure. The application for local license shall be turned into the Village Clerk, signed by the applicant and shall contain 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 the incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person;

B. The citizenship of the applicant, their place of birth and if a naturalized citizen, the time and place of their naturalization;

C. Name of the licensed terminal operator that owns, services, or maintains the video gaming terminals to be placed in the applicant's establishment.

D. The number of video gaming terminals to be placed in the applicant's establishment.

E. A copy of any licenses as required by the Video Gaming Act (230 ILCS 40/).

F. A record of any bank accounts maintained for the revenues generated by the play of video gaming terminals. The Village of Sheridan has the right to request an accounting of such accounts.

3. Local License Fees. The Village of Sheridan shall collect a fee of \$25.00 per year per machine for the operation of a video gaming terminal.

4. Penalty. Any person, firm, corporation, club or association convicted of violating the terms of this ordinance shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 penalties.

## **CHAPTER 14A-RAFFLE REGULATION AND LICENSE**

### **SECTION 1. Definitions.**

All definitions contained in the Illinois Raffles and Poker Runs Act shall apply to this Ordinance and in case of any conflict between the provisions of this Ordinance and the provisions of the Illinois Raffles and Poker Runs Act as amended, the Illinois Raffles Act shall control.

- 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": 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": 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. "Eligible Entity": An organization identified in "SECTION 3. Eligible Entity for License" of this CHAPTER 14A-RAFFLE REGULATION AND LICENSE
- e. "Fraternal": An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.
- f. "Labor": An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
- g. "Law enforcement agency": An agency of this state or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.
- h. "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.
- i. "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.
- j. "Raffle": A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

(1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;

(2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of 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.

"Raffle" does not include a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

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

l. "Veterans": 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.

## SECTION 2. License Required.

No person, firm or corporation or other entity shall conduct a raffle in the Village of Sheridan without first having obtained a license for such pursuant to this Ordinance or pursuant to a jointly established system for licensing approved by the Village of Sheridan. Nothing in this CHAPTER 14A-RAFFLE REGULATION AND LICENSE shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles or poker runs as provided for herein.

## SECTION 3. Eligible Entity for License.

Raffle licenses shall be issued to an Eligible Entity. An Eligible Entity is limited 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 5 years immediately before making application for a raffle license and which have had during that entire 5-year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority 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, as well as law enforcement agencies and statewide associations that represent law enforcement officials as provided for in Section 9 of the Raffles and Poker Runs Act.

## SECTION 4. Applications for License.

a. Applications shall be made in writing on the form prescribed by the Village of Sheridan and filed with the Village Administrator at least forty-five (45) days prior to the first day intended for the sale of the raffle chances. The application for license must specify the area or areas in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, and the time and location at which winning chances will be determined.

b. The application shall be supplemented by 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.

c. The Applicant, on behalf of the entity eligible for a license, shall be the proposed Raffle Manager.

d. The following are ineligible to be an Applicant (Raffle Manager)

(1) any person whose felony conviction will impair the person's ability to engage in the licensed position;

(2) any person who is or has been a professional gambler or gambling promoter;

(3) any person who is not of good moral character;

e. An Eligible Entity may be denied a license:

(1) in the event a person defined in above d. (1), (2) or (3) is an officer, director, or employee of the Eligible Entity, whether compensated or not;

(2) in the event a person defined in above d. (1), (2) or (3) is to participate in the management or operation of a raffle as defined in this Act.

(3) in the event that a person defined in d. (1), (2) or (3) has a proprietary, equitable or credit interest in the proposed raffle.

f. In considering a conviction of an Applicant (Raffle Manager) in above d (1), the Village shall not require applicants to report the following information and shall not consider the following criminal history records in connection with an application for licensure:

(1) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987.

(2) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult.

(3) Records of arrest not followed by a conviction.

(4) Convictions overturned by a higher court.

(5) Convictions or arrests that have been sealed or expunged.

g. Upon a finding that an Applicant (Raffle Manager) for a license was previously convicted of a felony, the Village Board shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and evidence, to

determine if the conviction will impair the ability of the applicant to engage in the position for which a license is sought:

(1) the lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought;

(2) whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;

(3) if the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;

(4) the age of the person at the time of the criminal offense;

(5) successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;

(6) evidence of the applicant's present fitness and professional character;

(7) evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and

(8) any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which a license or employment is sought.

h. The Village shall act on an application within 30 days from filing with the Village Clerk/Administrator. If the Village refuses to issue a license to an applicant, then the applicant shall be notified of the denial in writing with the following included in the notice of denial:

(1) a statement about the decision to refuse to issue a license;

(2) a list of the convictions that the licensing authority determined will impair the applicant's ability to engage in the position for which a license is sought;

(3) a list of convictions that formed the sole or partial basis for the refusal to issue a license; and

(4) a summary of the appeal process or the earliest the applicant may reapply for a license, whichever is applicable.

#### SECTION 5. License.

The fee for a license to conduct a raffle(s) shall be \$30.00. No application for a license will be approved prior to receipt of the license fee. Any licenses issued pursuant to this Ordinance shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period. No raffle license shall extend beyond one year. The license shall specify the area or areas within the licensing authority in which raffle chances will be sold, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will be determined.

#### SECTION 6. Manager and Bond.

All operation and conduct of raffles shall be under the supervision of a single manager designated by the organization. The manager shall give a fidelity bond in an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the

performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than 30 days prior to its cancellation. The Village Board may waive this bond requirement by including a waiver provision in the license issued to an organization under this Act, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

#### SECTION 7. Limitations and Conduct of Raffles.

a. Raffles are subject to the following limitations:

- (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle under this ordinance is limited to \$50,000.00.
- (2) The maximum retail value of each prize awarded by a licensee in a single raffle is limited to \$35,000.00.
- (3) The maximum price which may be charged for each raffle ticket issued or sold is limited to \$200.00.
- (4) The maximum number of days during which chances may be issued or sold is limited to 364 days.
- (5) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (6) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
- (7) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- (8) A licensee may rent premises on which to determine the winning chance or chances in a raffle. If a lessor rents the premises where a winning chance or chances on a raffle 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 Village of Sheridan.
- (9) Unless otherwise authorized under the Illinois Raffles and Poker Runs Act or pursuant to a jointly established system for licensing approved by the Village of Sheridan, raffle tickets may only be sold or issued in the Village of Sheridan and the winning ticket(s) shall be drawn within the Village of Sheridan.
- (10) A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years

may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

Notwithstanding the other provisions of this Act, law enforcement agencies and statewide associations that represent law enforcement officials may organize raffles under this Act. Raffles organized by a law enforcement agency or a statewide association that represents law enforcement officials must only be licensed by the governing body of the county or municipality in which the key location for that raffle is located, even if raffle tickets are sold beyond the borders of that governing body of the county or municipality. A raffle organized by a law enforcement agency or a statewide association that represents law enforcement officials must abide by any restrictions established under the Illinois Raffles and Poker Runs Act and by the governing body of the county or municipality in which the key location is located.

#### SECTION 8. Suspension/Revocation and Punishment.

Any license may be suspended or revoked by the Village Board at any time it appears that the proposed or actual operation of the raffle will be or is such as to constitute a public nuisance or to endanger the public peace, health, safety or welfare. Any license granted under this Ordinance may be suspended or revoked in whole or in part at any time that the raffle is conducted contrary to the license or to any State law or rule or Village ordinance or when such raffle or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare. Suspension or revocation shall become effective immediately. It shall be a violation for any person to operate, engage or participate in, except as a patron, any raffle which license has been suspended or revoked.

In addition to any suspension or revocation of license, any person, firm or corporation, who violates, fails, neglects or refuses any provision of this chapter, shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties. Each day that a violation hereof exists shall be considered a separate offence. Each raffle held in violation hereof shall be considered a separate offence.

#### SECTION 9. Records.

a. Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

b. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit 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 raffles. The person who accounts for gross receipts, expenses and net proceeds from the

operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

c. Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership. Each organization licensed to conduct raffles shall report promptly to the licensing local unit of government its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required in this Section.

d. Records required by this Section shall be preserved for 3 years, and organizations shall make available their records relating to operation of raffles or poker runs for public inspection at reasonable times and places.

#### SECTION 10. Village Annual Report

No later than May 1 of each year, the Village will prepare, publicly announce, and publish a report of summary statistical information relating to new and renewal license applications during the preceding calendar year. Each report shall show, at a minimum:

a. the number of applicants for a new or renewal license under this Act within the previous calendar year;

b. the number of applicants for a new or renewal license under this Act within the previous calendar year who had any criminal conviction;

c. the number of applicants for a new or renewal license under this Act in the previous calendar year who were granted a license;

d. the number of applicants for a new or renewal license with a criminal conviction who were granted a license under this Act within the previous calendar year;

e. the number of applicants for a new or renewal license under this Act within the previous calendar year who were denied a license; and

f. the number of applicants for a new or renewal license with a criminal conviction who were denied a license under this Act in the previous calendar year in whole or in part because of a prior conviction.

#### SECTION 11. Validity.

If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm,

corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

**SECTION 12. Repealer.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed but except as so repealed shall be and remain in full force and effect.

## CHAPTER 15 - SALE OF ALCOHOLIC BEVERAGES

1. Whenever in this article the following terms are used they shall have the meaning respectively ascribed to them in this section:

**Alcohol:** "Alcohol" means the product of distillation of any fermented liquid, 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:** "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 a human being. The provisions of this ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with the acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one-per cent or less of alcohol by volume.

**Beer:** "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.

**Club:** "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodations of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment, and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club file with the President of the Board of Trustees of said Village at the time of its application for a license under this ordinance, two copies of a list of names and residences of its members, and similarly file 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 form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its Board of Directors or other governing body out of the general revenue of the club.

**Local Liquor Control Commissioner:** The President of the Board of Trustees of the Village of Sheridan shall be the Local Liquor Control Commissioner for said Village, and shall be charged with the administration of the provisions of this ordinance relating to alcoholic liquor. The salary of the Local Liquor Control Commissioner shall be One Hundred Fifty (\$150.00) Dollars per year

to be considered earned and payable in December of each year for that year in addition to other compensation of the Village President.

**Original Package:** "Original Package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or containers whatsoever used, corked or capped, sealed and labeled by the manufacture of alcoholic liquor to contain and to convey an alcoholic liquor.

**Private Function:** "Private Function" means any private party, function, or event for any social or business occasion, and not open to the general public, where persons other than employees are present in a premises licensed under this Chapter 15. No private party shall be conducted and/or held without prior approval written approval of the Local Liquor Control Commissioner and Chief of Police which shall be requested no less than Five (5) days in advance. Any private function must provide adequate security and unrestricted access to the Village of Sheridan Police Department or their agents.

**Restaurant:** "Restaurant" means any public place kept, used, maintained, advertised, and held out to the public as a place where the primary business is the service of meals, having a seating capacity of not less than forty (40) seats, and where meals are actually and regularly served without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment in capacity and having employed therein a sufficient number of kind of employees to prepare, cook and serve suitable food for its guests. The mere availability and service at any premises of cold sandwiches or other similar foods will not, standing alone, be deemed sufficient to constitute such a restaurant within the meaning of this paragraph, it being the intent of this paragraph that the primary business conducted on the premises to be licensed as restaurants hereunder shall be the service of meals. A full menu shall be available at all times. Such menu shall be on the table, presented to each patron as they are seated or be posted in such a manner to be easily readable by the patrons of the restaurant.

**Sale:** "Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee, whom are of legal age (18 years) as defined by the Illinois Liquor Commission.

**Sell at Retail:** "Sell at Retail" referred to and means, sales for use of consumption and not for resale in any form.

**Wine:** "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.

**2. License Required:** It shall be unlawful to sell or offer for sale at retail in the Village of Sheridan any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

**3. Applications.** Applications for such license shall be made to the President of the Board of Trustees of said Village of Sheridan and in writing, signed by the applicant if an individual or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit. Said application shall set forth such information as is required by the State Liquor Control Act and, if a club is making the application, such application shall be accompanied by a complete list of its members.

**4. Restriction.** No license shall be issued to the following persons. The term "person" as used below refers to any individual person 21 years or age or over or any business entity. All principals of a business entity must be disclosed and all principals must satisfy the requirements set forth below:

1. A person who has not been a resident of the Village of Sheridan for six months prior to his application, except in the case of an applicant who has purchased a regularly established business in said Village or acquired a regularly established business in any manner in said Village, which for six months prior thereto had a liquor license issued by said Village.

2. A person who is not of good character and reputation in the community in which he resides;

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

4. A person who has been convicted of a felony;

5. A person who has been convicted of being the keeper or is keeping a house of ill fame;

6. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

7. A person whose license issued under this ordinance has been revoked for cause;

8. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

9. 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 ordinance, or shall have forfeited his bond to appear in Court to answer charges for any such violation;

10. A person who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued,

11. Any law enforcing public official, any President of the Board, members of the Board of Trustees of said Village, or any President or member of a County Board; and no such official

shall be interested in any way either directly or indirectly with the manufacture, sale or distribution of an alcoholic liquor;

12. Any person, association or corporation not eligible for a State Retail Liquor Dealer's License.

13. Any person who has not received BASSET training as offered by the Illinois Liquor Control Commission.

**5. Classification - Fees.** Such license shall be and are hereby divided into four classes, to-wit:

1. Class A License: which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be \$1,000.00. The annual fee for such license shall be payable in advance in all cases.

2. Class B License: which shall authorize the retail sale on the premises specified of alcoholic liquor for consumption off of said premises only. The annual fee for such license shall be \$1,000.00. The annual fee for such license shall be payable in advance in all cases.

3. Class C - Club License: which shall authorize the retail sale on the premises specified alcoholic liquor for consumption on the premises. The annual fee for such license shall be Fifty (\$50.00) Dollars. The annual fee for such license shall be payable in advance in all cases.

4. Class D – Restaurant License: which shall authorize the sale of wine and beer incidental to the sale of meals at a restaurant, as defined in this Chapter 15, for consumption on the premises. The annual fee for such license shall be \$500.00. The annual fee for such license shall be payable in advance in all cases.

5. Class E – Beer Garden Supplemental License: which shall authorize the retail sale of alcoholic liquor in a beer garden to be sold and consumed on the property. The fee for such supplemental license shall be an additional One Hundred Fifty (\$150.00) Dollars. The annual fee for such license shall be payable in advance in all cases.

(a) It shall be unlawful for a licensee holding a Class “E” Beer Garden License to hold a supplemental beer garden license without also holding a valid Class “A”, “C” or “D” liquor license.

No Beer Garden shall be permitted, maintained or operated except in conformity with the following regulations:

(1) The Beer Garden area shall be adjacent to and operated as part of a premises holding a Class “A”, “C” or “D” liquor license. No part of beer garden shall be on Village Property absent approval from and subject to conditions established by the Village Board.

(2) Beer Gardens shall be no greater in area than one and one-half the other floor space of the licensed premises.

(3) A beer garden shall have a separately posted maximum capacity approved by the Village's Engineer or Building Code Inspector.

(4) At any part of the beer garden not blocked by a building, there shall be maintained or constructed a hedge, fence or other form of barrier (hereinafter "barrier") not less than three feet high surrounding the beer garden area. The barrier shall contain one or more gated fire exits which shall remain closed except in emergency situations. Each gate or exit shall not be less than three feet high, shall swing to egress, shall be equipped with proper hardware, and shall swing free and clear of public sidewalks. The barrier shall not interfere with needed vehicle and pedestrian sightlines. The barrier shall be designed to limit public sightlines to consuming patrons in the beer garden and discourage entrance into the beer garden through the fire exit(s).

(5) All improvements located in the Beer Garden shall comply with Building Codes adopted by the Village and approved by the Building Inspector as evidenced by an Occupancy Permit.

(6) All combustible rubbish shall be stored in noncombustible covered containers.

(7) The noise emanating from any beer garden shall not violate any regulations of the Municipal Code or Ordinances pertaining to noise.

(8) No patron shall be permitted to carry open liquor from the beer garden onto any public way.

(9) All requirements for the Class "A", "C" or "D" license shall be complied with in the Beer Garden except as expressly allowed for the Class "E" License. The licensee or his agent shall be responsible for preventing violations of the section or any municipal code or regulation.

(b) The application for a Class E License shall provide a sketch of the design of the beer garden to the satisfaction of the Building Inspector and Village Marshal. The applicant shall meet with the Village Marshal at the sight of the proposed beer garden to review and modify the design of the beer garden to comply with license requirements and satisfy the health, safety and welfare concerns of the Village Marshal. Any dispute as to design of the beer garden between the applicant and the Village Marshal shall be resolved by the Village President who shall issue any Class E License.

**6. Pro-rating Fee.** The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the license year prior to the issuance of the license.

**7. Disposition of Fees.** All such license fees shall be paid to the President of the Village Board at the time the application is made and shall be forthwith turned over to the Village Treasurer. In event the license applied for is denied the fee shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the Village Board of Trustees by proper action.

**8. Record.** The President of the Board of Trustees shall keep or cause to be kept a complete record of all such licenses issued by him, and shall furnish the Clerk, the Treasurer and Village Marshal each with a copy thereof; upon the issuance of any new license or the revocation of any old license, the President of the Village Board shall give written notice of such action to each of these officers within forty-eight (48) hours of such action.

**9. Renewal and Transfer of License.** A license shall be purely a personal privilege good for and not to exceed one year after issuance unless sooner revoked as in this ordinance 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 the 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 the executors or administrators of the estate of any deceased licensee, or the trustee of an insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale, or manufacture of alcoholic liquor under the order of the appropriate court, or may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

Any licensee may renew his license at the expiration thereof provided the applicant continues to satisfy all application requirements; and, provided that all servers of alcohol have received BASSETT training as offered by the Illinois Liquor Control Commission within the prior 36 months; and, provided further, that the renewal privileges herein provided for shall not be construed as a vested right. Nothing shall prevent the Board of Trustees from decreasing the number of licenses to be issued within its jurisdiction.

**10. Limiting the Number of License.** The number of licenses authorized to be issued in each classification is as follows

- Class A: Six (6) Licenses
- Class B: Five (5) Package
- Class C - Club License: Two (2)
- Class D – Restaurant: Two (2) Licenses

Class E – Supplemental Beer Garden: Two (2) Licenses

**11. Peddling.** It shall be unlawful to peddle alcoholic liquor in the Village of Sheridan.

**12. Sundays-Closing Hours-General**

1. It shall be unlawful to sell or offer for sale on Sunday in the Village of Sheridan at retail any alcoholic liquor between the hours of 1:01 A.M. and 10:00 A.M.
2. It shall be lawful to sell alcoholic beverages, beer and wine from 6:00 A.M. until midnight on Monday, Tuesday, Wednesday, and Thursday.
3. It shall be lawful to sell alcoholic beverages, beer and wine from 6:00 A.M. to 1:00 A.M. the following morning on Friday and Saturday (which 1:00 A.M. is actually on Saturday and Sunday.)
4. Standard or Daylight Savings time, whichever is in effect shall control hours above mentioned.
5. Said places of business shall close at 6:00 P.M. on December 24 each year and not open again for business until the hour of 6 00 P.M. on December 25 of each year, except if said December 24 or December 25 falls on a Sunday, then the aforementioned hours regulating Sundays will supersede and control.
6. Said places of business may remain open until 1:00 A.M. on the 1st day of January.
7. In the event traditional Memorial Day as established by the State of Illinois and July 4th fall on a Sunday, sales and offers for sale will be permitted between the following hours on that day, 6:00 A.M. to midnight.
8. It shall be unlawful for a premises holding a Class A License to remain open or to admit the public to or permit the public to remain within, or to permit the consumption of alcoholic liquor in or upon any licensed premises during the hours within which the sale of such liquor is prohibited. In the case of Class B, C and D licensees, such establishments may be kept open for business during such hours, but no alcoholic liquors may then be sold or consumed by the public on or about such licensed premises.

**13. Gambling.** No gambling device shall be kept or used for the purpose of gambling in any place of business for which a license has been issued, and no gambling of any kind shall be permitted in said place of business except a video gaming terminal licensed by the Village of Sheridan under Chapter 14 of The Municipal Code of Sheridan.

**14. View from Street.** In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel or club) no screen, blind, curtain, partition, window tinting, article or thing shall be permitted in the window or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk. All rooms where liquor is sold for consumption shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured or in any manner obstructed, then such license shall be subject to revocation in the manner herein provided.

**15. Section 1.** It shall be unlawful for any person to partake or consume any alcoholic liquor or possess or carry any alcoholic liquor, except in the original package and with the seal unbroken, on any street, sidewalk, public park, or private property open to the general public over which the city is authorized by contract or other means to regulate the conduct of pedestrians thereon.

**Section 2.** It shall be unlawful for any person to sell or give away any liquor in any city park, square or public grounds, or to be or remain thereat while drunk or in an intoxicated condition.

**16. Habitual Drunkards.** Whenever the wife or any other relative of any person habitually addicted to the use of intoxicating drink, by notice in writing personally served, shall make any request to any dram shop keeper not to sell or in any manner give away liquor to such person, it shall thereafter be unlawful for any dram shop keeper to sell or give away any liquors to such person.

**16A. Compliance with Laws.** A Licensee or any officer, employee or other agent of licensee shall not engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited under ordinance of the Village of Sheridan or prohibited by any statute of the State of Illinois or prohibited by applicable law, rule or regulation of any other governmental body or regulatory agency.

**17. Violation of Terms of License.** The President of the Village Board of Trustees, with the assistance of any members of the Board of Trustees as requested by the President may conduct liquor hearings. If the President finds that a Licensee or any officer, employee or other agent of licensee has engaged in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited under ordinance of the Village of Sheridan or prohibited by any statute of the State of Illinois or prohibited by applicable law, rule or regulation of any other governmental body or regulatory agency, then the President may impose a fine against the Licensee as follows:

First violation within a 12-month period:	\$1,000.00
Second violation within a 12-month period	\$1,500.00
Third or subsequent violation within a 12-month period	\$2,500.00
No more than \$15,000.00 in fines shall be imposed during a license year.	

In addition to or as an alternative to any fine, the liquor license may be suspended for not more than thirty days or revoked.

**18. Appeals.** Any appeal from the decision of the local liquor control commissioner shall be limited to a review of the official record of the proceedings of such local liquor control commissioner.

**19. Penalty.** In addition to any action the Village President may take following a liquor hearing, any person, firm or corporation violating any of the provisions of this ordinance shall be fined not less than Seventy-Five (\$150.00) Dollars, nor more than Five Hundred (\$1,000.00) Dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**20. Validity.** The invalidity of any portion of this ordinance shall not affect the validity of any other portion or portions, thereof, which can be given effect without such invalid part.

## CHAPTER 16 – PEDDLERS AND FARMER’S MARKETS

### (A) PEDDLERS

**1. License Required.** It shall be unlawful for any person or persons to act as a hawker or peddler of goods, wares or merchandise or for any transient, or itinerant merchants or transient vendors of merchandise to set up, maintain or carry on any temporary store or establishment for the sale or disposition by auction or otherwise of any goods, wares, or merchandise, or for any transient photographer to conduct the business of photography for pay within the Village of Sheridan without having first obtained a license so to do.

**2. Peddler Defined.** Any person who shall sell or offer for sale, barter or exchange, any goods, wares or merchandise, or other article or thing of value, at any place in, upon, along or through the streets, alleys or other public places in said Village, and be traveling from place to place, or occupying some temporary or enclosed stand or place of business shall sell or offer for sale any such goods, wares or merchandise or other articles or things of value, shall be deemed a hawker or peddler, within the meaning of this ordinance.

**3. Itinerant Merchants Defined.** The terms "itinerant merchant" and "transient vendor of merchandise" as used herein, shall be construed to mean any person or persons not permanently transacting such business within the Village, or whose stock in trade shall not have been legally assessed for taxation in the annual assessment of other property in said Village of Sheridan, for State, County and Village purposes.

**4. Transient Photographers Defined.** A transient photographer within the meaning of this division, is defined to be a person who engages in the business of photography for pay or for the vending and selling of photographs or the enlargement or reproduction thereof, whether with or without frames, or in giving away enlargements or reproductions upon the purchase of a frame therefore, or in the soliciting or taking orders for the photographs or the enlargement or reproductions thereof, either with or without frames at any time or place within the Village, and who does not intend to become and does not become a permanent photographer or resident of the Village.

**5. Application.** Any person or persons desiring a license under any provisions of this chapter shall make written application therefore, stating the type of business to be carried on, a list of the commodity or commodities offered for sale and for what length of time the applicant desires to engage in said business and upon payment by said person or persons to the Village Clerk, the license fee hereinafter specified, the Village Clerk may issue to said person or persons a license in due form for the time and purposes mentioned in said application. Said license shall be executed by the Village Clerk over the name and under the corporation seal of the Village of Sheridan.

**6. License Fees.** The fees for any license required under this chapter shall be One Hundred (\$100.00) Dollars for one day and Fifty (\$50.00) Dollars for each succeeding day.

**7. Exemptions.** The provisions of this chapter shall not be construed to apply to persons selling vegetables or other farm produce of their farms and gardens, to children under eighteen years of age, to persons who have a regular and permanent place of business within said Village for the sale of meats, fruits, vegetables, or bakers goods nor to regular commercial travelers employed by wholesale houses and selling articles of merchandise to regular dealers within the Village, nor to charitable organizations, nor to a licensed mobile frozen treat vendor.

**8. Mobile Food Vendors.** No person, firm or corporation shall solicit sales of conduct sales of food at a temporary or mobile food sales location or on any public way unless approved by the Village of Sheridan as part of an approved farmers market, fair, community event, or by a license issued by the Village to a Mobile Frozen Treat Vendor.

### **9. Frozen Mobile Treat Vendor Regulations.**

A) FROZEN TREAT as used herein means commercially produced and packaged dessert servings to be purchased and consumed in a frozen state including, without limitation, ice cream, ice milk, frozen custard, frozen yogurt, sherbet, and water ices.

B) APPLICATIONS An applicant for an Annual Mobile Frozen Treat Vendor License shall file an application with the Village Clerk which shall state the name and residence of the person desiring the license and their identifying information and contact information. If the applicant is a business entity the application shall state the name of the business entity, description of the type of entity, and contact information for the principal party or parties of the business entity. Contact information shall include a phone number, e-mail, mailing address and emergency phone number where a person may be contacted at all times. The application shall include a copy of their certificate of registration with the Illinois Department of Revenue, sales tax number, and LaSalle County Health Department permit. The applicant or the principal party or parties of a business entity and any proposed driver of the frozen treat vehicle shall provide a valid Illinois drivers license and personal information for and consent to a criminal and traffic background check. The applicant shall provide title, registration and insurance information relevant to the vehicle proposed to be used for the sale of frozen treats and make such vehicle available for inspection by the police department (or their designee) to investigate possible safety concerns including, without limitation, lights, brakes, horn, and mirrors. The application shall provide proof of general liability insurance in an amount no less than \$100,000.00 per person and \$300,000.00 per occurrence. If sales are going to take place on public property, the Village of Sheridan shall be named as an additional insured property (not merely a certificate of insurance holder). A non-refundable fee of \$100.00 shall be tendered with any application or re-application along with an addition \$50.00 fee for every vehicle driver other than the applicant.

### **C) APPROVAL OR DENIAL OF LICENSE**

Within 20 days of receipt of the application and any required consents, the police

chief, or their designee shall evaluate the application and accept or reject such. If such is accepted, the Village Clerk shall issue a license. All licenses shall be annual in nature and terminate at the end of the calendar year. An application may be rejected for cause stated in writing which may include (without limitation):

- an incomplete or insufficient application
- a criminal or traffic violation history of an applicant or driver causing concern about health, safety issues or such party's interaction with children.
- an unsafe vehicle
- an outstanding debt due the Village.

#### D) RESTRICTIONS AND LIMITATIONS

1) No sales shall take place:

- On Robinson Street between Park and Railroad Streets
- On Si Johnson Avenue between Powers and Bushnell Streets
- At any road intersection
- At any location that interferes with traffic and a safe approach to the vehicle.
- After dark
- During any restrictive time or location announced by the Sheridan Police Department due to health or safety concerns.

2) No person shall operate a vehicle serving frozen treats:

- Who is not identified as approved in the approved license,
- Who is under the influence of alcohol or unlawful drugs,
- Who uses profane, obscene or inappropriate language in the presence of children,
- Who disturbs the peace in any significant manner.
- That causes noise in violation of any noise statute or ordinance.

3) The vehicle serving frozen treats shall be available for inspection and the vehicle driver shall be subject to interview by the police officer or health department officer or their designee at any time while on a public way.

4) The police chief may suspend a license for up to 30 days. In such case, the police chief shall serve written notice of the cause for suspension and shall provide a copy of the written notice to the Village Clerk who shall arrange for a hearing.

#### E) Hearings

The Village Board shall conduct all hearing relevant to a license upon the request of an application whose license application was denied, upon the request of the police chief following the police chief suspending a license, or upon the request of the police chief in light of any complaint received by the police department which suggests valid cause for denial of a license or revocation of a license. The License holder of license applicant shall be provided a notice of any complaint or reason for denial of a license and notice of a hearing date. Failure of a license holder to appear at a hearing date shall be cause for denial or revocation of a license.

In the case of the denial of a license, the Village Board by a majority vote of an quorum may affirm the denial of a license or may direct that a license shall issue. The applicant shall be provided an opportunity to speak and present evidence. The Chief of Police shall be provided an opportunity to respond.

In the case of a suspension of license by the police chief, or a complaint seeking revocation of a license, the Chief of Police or his designee shall present cause why they believe the license should be revoked and the license holder shall be provided an opportunity to respond.

Hearing shall be conducted similar in fashion to the manner in which hearings are conducted by the Zoning Board of Appeals.

A license may be revoked for good cause which may including:

- Fraud, misrepresentation or incorrect statement contained in the license application.
- Failure to maintain conditions required in the license application.
- Failure to abide by requests of the Police or LaSalle County Health Department.
- Failure to file tax returns or loss of sales tax number.
- Violation of any relevant Village ordinance or state or county rule or regulation.
- Outstanding indebtedness owed to the Village.

**10. Penalty.** Any person, firm or corporation violating any of the provisions of this Article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties; and a separate offense shall be deemed committed on each day during or on which a violation occurs or is permitted to continue.

## **(B) FARMER’S MARKET**

**1. Definition.** For the purpose of this ordinance, the following definition is adopted:

Farmer’s Market: A temporary marketplace located on public or private property and used for the sale and display of foods sold directly by farmers to consumers, typically consisting of vegetables, fruits, some types of prepared foods and crafts.

**2. Times and Hours of Operation.** A Farmer’s Market may be held only between the months of April and October. Dates and hours of operation shall be approved, and amended from time to time, by the Sheridan Village Board Park’s Committee. No vendor shall be allowed to occupy a site earlier than one hour prior to the designated start time and one hour after the designated end time. Notwithstanding the above, no Farmer’s Market shall be allowed during periods of time where the Village has approved a special event permit which conflicts with the Farmer’s Market.

**3. Location Restrictions.** The designated location of a Farmer’s Market shall be determined, from time to time, by the Sheridan Village Board Parks Committee. No items for sale, stand or trailer holding items for sale and no canopies and umbrellas shall be placed in a manner that will not

obstruct walkways or endanger pedestrians or nearby traffic.

**4. Permit Required, Application for Permit, and Permit Removal Procedure.** No person shall participate as a vendor at a Farmer's Market in the Village of Sheridan unless issued a Village of Sheridan Farmer's Market Permit which shall be on display at any farmer's market in the Village. All applications for a Farmer's Market permit shall be submitted to the Village on a form provided for such by the Village Clerk. Applications shall be acted upon by the Sheridan Village Board Park's Committee Applications within 7 days of return of a fully completed application. Applications shall be issued on a calendar year basis. Any application may be reviewed at any time by the Sheridan Village Board Park's Committee. Upon receiving any complaint for which the Sheridan Village Board Park's Committee may consider a suspension or revocation of an application, the Village Clerk shall send notice of a hearing to the Complainant and the Applicant. The notice of hearing shall contain reasonable notice of the nature of the complaint and the date and time of the hearing. Notice of the hearing shall be provided the Applicant by e-mail correspondence at the e-mail address provided on the application no less than 72 hours prior to the anticipated hearing. Hearings shall be conducted utilizing procedures similar the hearing procedures provided for hearing before the Zoning Board of Appeals. The Sheridan Village Board Park's Committee may reject any application or suspend or revoke an application based upon failure to the applicant to abide by any Village, LaSalle County or State of Illinois statute, ordinance or code provision or violation of reasonable health and safety standard.

#### **5. Permit Application Criteria and Fees**

(a) General Requirements. At a minimum, the applicant shall provide the following information as part of the application for a Farmer's Market permit:

- i. The name of the person completing the application or if a business entity is making the application the proper name and type of entity making the application. If the applicant is a business entity, a description of the type of entity and the states in which the entity is recognized and the names of the principals of the business entity.
- ii. The addresses and telephone numbers, and e-mail address of each applicant or each principal of a business entity.
- iii. A copy of the sales tax number and identification documentation linking the applicant to the party identified to the sales tax number.
- iv. A description or list of all anticipated items to be sold.

(b) Permit Application Fee. All applicants must provide an application fee of \$10.00 to be paid prior to the issuance of any permit.

(c) Insurance Requirement. Each applicant for a permit shall furnish a certificate of insurance showing commercial general liability insurance of not less than \$50,000.00 per person, \$100,000.00 per occurrence with the Village of Sheridan identified as an additional insured party. The permit holder shall indemnify, defend and hold harmless the Village from any loss that results from the Farmer's Market. The Permit holder shall notify the Village of any anticipated insurance cancellation prior to the cancellation.

**6. Permitted Items for Sale.** The following items, and no others absent the written consent of the Sheridan Village Board Park's Committee, shall be permitted for sale. Any food items offered for sale shall be subject to inspection by a representative of the LaSalle County Health Department or other state or federal food inspector. Any required labels, registrations, permits or licenses must be publically displayed.

A. Foods allowed with no restrictions:

- Fresh fruits and vegetables, only minimally rinsed to remove visible soil, but otherwise unprocessed
- Grains, seeds, beans and nuts (whole, unprocessed and unsprouted)
- Popcorn (kernels can be removed from the cob)
- Fresh herb sprigs; dried herbs in bunches (only cut for harvesting,

B. Foods authorized for sale at a farmers market by a Cottage Food Operation by the holder of a Cottage Food Registration. All foods offered for sale shall be approved as an authorized sale item by the LaSalle County Health Department or other County Health Department applicable to the residence of the holder of the cottage food registration. All cottage foods shall contain state required labels.

C. Other foods, including without limitation, milk and cheese products, eggs, honey, maple syrup, and mushrooms subject to approval by and subject to conditions required by the LaSalle County Health Department.

D. No foods shall be offered for sampling except that the holder of a valid Farmers Market Food Product Sampling Handler Certificate. Only foods above authorized for sale at the farmers market may be sampled.

E. Craft type items are limited to those locally grown or produced by the vendor.

7. **Clean Up.** Each permit holder shall be responsible for the daily removal all their goods from the public property by no later than one hour following the close of normal hours of operation. Vendors shall not use public trash receptacles for disposal of product boxes and unsold product. The Farmer's Market permit holder shall be held responsible for any damage to Village property due to negligence.

**8. Prohibited Actions.**

(a) Improvements. No permanent improvements shall be made on the public property for the Farmer's Market.

(b) Noise or other nuisance. A permit holder shall not allow sale items, garbage or other objects outside of the designated area and shall not provide service any patron violating any ordinance of the Village. A permit holder shall not allow music or noise at a level which subjects any person in the Village to a noise level that disturbs, impairs, or adversely affects the comfort, health, or safety of another within the Village.

**9. No Assignment.** A Farmer's Market permit shall be for the exclusive use of the permit holder and cannot be assigned.

## CHAPTER 17 - MISCELLANEOUS OFFENSES

### Article I - Gambling and Fireworks.

**1. Prohibition.** It shall be unlawful to gamble or attend any gambling resort or to make any bet, lottery or gambling hazard, or to buy or sell any chances or tickets in any gambling game, arrangement of device, except as is authorized by Illinois statute and Sheridan ordinance.

**2. Devices.** It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose; and any such device or paraphernalia kept with such intent may be confiscated by any member of the Police Department. A gambling device does not include any video gaming terminal as defined and authorized under the Video Gaming Act (230 ILCS 40/5).

**3. Gambling Houses.** It shall be unlawful to maintain or patronize any establishment maintained for a gambling house or resort anywhere in the Village.

**4. Advertising.** It shall be unlawful to advertise any gambling house or resort in any street, alley or other public place within the Village.

**5. Fireworks.** It shall be unlawful for any person or persons to sell or give away or discharge any fire crackers, dynamite, caps, pistols, torpedoes or any other dangerous explosives within the corporate limits of the Village of Sheridan.

**6. Penalty.** Any person, firm or corporation violating any provision of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

### Article II - Prostitution

**7. Practice.** It shall be unlawful for any for any person to practice prostitution in the Village.

**8. Soliciting.** It shall be unlawful for any person to solicit on any street, alley or other public place in the Village for the purpose of inducing any person to engage in prostitution or any unlawful sexual intercourse of any kind.

**9. House of Ill Fame.** It shall be unlawful to maintain, frequent or patronize any house of ill-fame or house of prostitution in the Village.

**10. Penalty.** Any person, firm or corporation violating any provision of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

### **Article III - Sale, Purchase, Gift or Acceptance of Liquor by or to a Minor.**

**11. Sale.** No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver beer or wine to any person under the age of twenty-one years, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or is in need of mental treatment. No person, after purchasing or otherwise obtaining beer or wine, shall sell, give or deliver such beer or wine to another person under the age of 21 years except in the performance of a religious ceremony or service.

**12. Purchases, Acceptance, or Possession.** Any persons to whom the sale, gift or delivery of alcoholic liquor, or beer or wine is prohibited because of age shall not purchase or accept a gift of alcoholic liquor, or beer or wine or have alcoholic liquor or beer or wine in his possession.

**13. Penalty.** Any person, firm or corporation violating any provision of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

### **Article IV - Other Offenses**

**14. Disorderly Conduct.** A person shall be guilty of the offense disorderly conduct when they knowingly:

- (a) Do any act in such unreasonable manner s to alarm or disturb another and to provoke a breach of the peace; or
- (b) Transmit in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- (c) Transmit in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- (d) Transmit in any manner to any peach officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
- (e) Enter 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
- (f) Transmit 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 such assistance is required.

#### **14a.Reckless Conduct**

A person commits reckless conduct when they, by any means lawful or unlawful, recklessly perform an act or acts that cause bodily harm to or endanger the safety of another person or their property. A person shall be presumed to have acted in a reckless manner endangering the safety of others by failing to abide by any emergency order of the Governor of the State of Illinois or Mayor or Village Board of the Village of Sheridan.

**15. Intoxication.** It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley or other public place in the Village.

**16. Profanity.** It shall be unlawful to use profanity in any street, alley or other public place in the Village.

**17. Indecent Conduct.** It shall be unlawful for any person to commit any indecent or immoral act; or to appear in any public place in clothes properly belonging to the opposite sex, or not properly or decently garbed.

**18. Battery.** It shall be unlawful for any person to intentionally or knowingly without legal justification and by any means (1) cause bodily harm to an individual or, (2) make physical contact of an insulting or provoking nature with an individual.

**19. False Alarms.** It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village.

**20. Disturbing Assemblages.** It shall be unlawful for any person to disturb any lawful assemblage or gathering the Village.

**21. Combustible Refuse.** It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw or deposit any refuse of any kind on any street, alley or public place.

**22. Missiles.** It shall be unlawful to cast, throw or propel any missile on any street, alley or public place, and it shall be unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street, alley, side- walk or other public place in the Village.

**23. Advertising.** It shall be unlawful to advertise any unlawful business or article in the Village and it shall be unlawful to injure or deface any lawful advertisement or notice.

**24. Unlawful Assemblages.** It shall be unlawful to collect, gather or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose.

**25. Fires.** It shall be unlawful to build or light any fire on any public street or sidewalk or so as to endanger any building or structure. It shall be unlawful to build or light any fire within 8

feet of a boundary line, tree, shrub or improved structure without a permit from the Board of Health. The foregoing shall not limit the safe and proper use of candles, decorative lighting or charcoal or gas cooking grills.

**26. Discharge of Firearms.** It shall be unlawful to discharge any firearm or air gun in the Village when not in accordance with this Municipal Code of Sheridan or any applicable Federal and Illinois laws, 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 prohibit any citizen to discharge a firearm when lawfully defending his person or property, nor prohibit any from discharging a firearm where hunting is authorized under both Village Ordinance and State Statute.

**27. Bathing.** It shall be unlawful for any person to bathe at any public place or in any place open to the public view unless such person is adequately garbed in a bathing suit.

**28. Posting Bills.** It shall be unlawful to post any bills or advertisements on any public property without the authority of the President and Board of Trustees; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

**29. Medical Advertisements.** It shall be unlawful for any person firm or corporation by himself, or his or its agent or servants, to distribute, cast, throw or place or cause to be distributed, thrown, cast or placed in, upon, or along any of the streets, alleys or other public places in the Village, or upon the porches or yards, or private residence therein or within any dwelling or building in the Village, any samples of merchandise of medicinal preparations for the purpose or with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine or any other article whatsoever.

**30. Indecent Publications.** It shall be unlawful to sell or offer for sale, or to circulate, pass from one person to another, or expose in any public place anywhere in view of a store or place frequented by the public any immoral, indecent or obscene publications, printed or written, or pictures or other representations to include videos.

It shall be unlawful to keep any such publications, printed or written matter, pictures, videos or other representation in any place frequented by, or where it may come into possession of minors, or to disclose or expose any such material to minors.

**31. Possession of Alcohol in Public Places.** It shall be unlawful for any person to partake or consume any alcoholic liquor or possess or carry any alcoholic liquor, except in the original package and with the seal unbroken, on any street, sidewalk, public park, or private property open to the general public over which the city is authorized by contract or other means to regulate the conduct of pedestrians thereon. It shall be unlawful for any person to sell or give away any liquor in any city park, square or public grounds, or to be or remain thereat while drunk or in an intoxicated condition.

### **32.5. Unlawful Consumption of Alcohol.**

#### 5/6-16. Prohibited sales and possession

- (a)
  - (i) No licensee (a person or entity holding a liquor license from the Village of Sheridan) 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 21 years or to any intoxicated person.
  - (ii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.
- (b) For the purpose of preventing the violation of above Section (a), any licensee, or his agent or employee, or a representative, agent, or employee may refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.
- (c) Adequate written evidence of age and identity of the person is a document issued by a federal, 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.
- (d) Proof that the defendant-licensee, or his employee or agent, or the representative, agent or employee was shown and reasonably relied upon such written evidence in any transaction forbidden by this Ordinance is an affirmative defense in any ordinance prosecution. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.
- (e) Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photo static evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose

of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photo static evidence of age and identity, is guilty of a violation of this Ordinance.

- (f) Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public in the Village of Sheridan is guilty of a violation of this Ordinance.
- (g) It is unlawful for any parent or guardian to permit his or her residence to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Ordinance. A parent or guardian is deemed to have permitted his or her residence to be used in violation of this Ordinance if he or she knowingly authorizes, enables, or permits such use to occur by failing to control access to either the residence or the alcoholic liquor maintained in the residence.
- (h) Any person shall be guilty of a violation of this ordinance where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 21 years of age and the following factors also apply:
  - (1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and
  - (2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act; and
  - (3) the person occupying the residence knows that the person under the age of 21 leaves the residence in an intoxicated condition.

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.

- (i) 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.
- (j) 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.
- (k) The consumption of alcoholic liquor by any person under 21 years of age is forbidden.
- (l) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the

consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Ordinance.

- (m) Any person who violates the provisions of this Ordinance is guilty of a violation of this Ordinance and the person's sentence shall include, but shall not be limited to, a fine or not less than \$500.

**33. Scaffolds.** Any scaffold or ladder placed in such a position that they overhang or can fall onto any public street, alley or other public place in the Village, shall be firmly and properly constructed and safeguarded; and it shall be unlawful to place or leave any tools or articles on any such place in such a manner that the same can fall into such street, sidewalk, alley or other public way from a greater height than four feet.

**34. Articles on Windows.** It shall be unlawful to place any movable article on any window ledge, or other place abutting on a public street, alley, or other place at a height above four feet from the ground in such a manner that the same can be or is in danger of falling onto such sidewalk, street, alley or other public place.

**35. Whistles.** It shall be unlawful to blow or cause to be sounded any steam whistle of any stationary engine or steam engine in the Village except as a signal for starting or stopping work or in emergencies to avoid or to prevent injury to persons or property.

**36. Obstructing Stairways or Exits.** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall, or any building used by two or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit.

**37. Medicants or Vagrants.** It shall be unlawful for any medicant or vagrant to frequent any depot, store, theater, street, alley, sidewalk, park or other public place frequented by the public in the Village.

Any person found sleeping in such place and who has no established domicile or residence shall be considered to be a vagrant.

**38. Parental Responsibility.**

(1) Definitions. As used in this Ordinance, unless the context otherwise requires, the term specified have the meanings ascribed to them:

- (a) "Legal Guardian" means a person appointed guardian, or given custody, of a minor by a Circuit Court of the State, but does not include a person appointed guardian, or give custody of a minor under the Juvenile Court Act.

(b) "Minor" means a person who is under the age of eighteen (18) years of age.

(2) The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence of the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Ordinance, 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 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 or registered mail, return receipt requested, or by personal service with a certificate of personal service returned, from the Police Department of the Village of Sheridan, following said adjudication or non-judicial sanction; and

(b) if at any time within one (1) year following receipt of the notice set forth in (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.

### **39. Criminal Damage to Property.**

(1) A person violates this ordinance when he:

(a) knowingly damages any property of another without his consent; or

(b) recklessly by means of fire or explosive damages property of another; or

(c) knowingly starts a fire on the land of another without his consent; or

(d) knowingly injures a domestic animal of another without his consent; or

(e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(f) knowingly shoots a firearm at any portion of a railroad train.

**39A. Resisting or Obstructing a Peace Officer or Correctional Institution Employee**

- A. A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer or correctional institution employee of any authorized act within his official capacity commits a violation of this ordinance.
- B. For purposes of this ordinance, “correctional institution employee” means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing.

**39B. THEFT**

Theft. A person commits theft when he 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; and**
- (1) Intends to deprive the owner permanently of the use or benefit of the property; or
- (2) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
- (3) Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

As used in this ORDINANCE, “property” means anything of value. Property includes real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor or service, or otherwise of value to the owner, things growing on, affixed to or found on land, or part of or affixed to any building, electricity, gas and water, birds, animals and fish,

which ordinarily are kept in a state of confinement; food and drink; samples, cultures, microorganisms, specimens, records, recordings, documents, blueprints, drawings, maps and whole or partial copies, descriptions, photographs, computer programs or data prototypes or models thereof, or any other articles, materials, devices, substances and whole or partial copies, descriptions, photographs, prototypes, or models thereof which constitute, represent, evidence, reflect or record, a secret scientific technical, merchandising, production or management information, design, process, procedure, formula, invention or improvement.

As used in this ORDINANCE, “owner” means a person, other than the offender, who has possession of or any other interest in the property involved, even though such interest or possession is unlawful, and without whose consent the offender has no authority to exert control over the property.

As used in this ORDINANCE to “permanently deprive” means to:

- (a) Defeat all recovery of the property by the owner; or
- (b) Deprive the owner permanently of the beneficial use of the property; or
- (c) Retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
- (d) Sell, give, pledge, or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.

As used in this ORDINANCE, “deception” means knowingly to:

- (a) Create or confirm another’s impression which is false and which the offender does not believe to be true; or
- (b) Fail to correct a false impression which the offender previously has created or confirmed; or
- (c) Prevent another from acquiring information pertinent to the disposition of the property involved; or
- (d) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
- (e) Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.

As used in the ORDINANCE, “threat” means a menace, however communicated, to:

- (a) Inflict physical harm on the person threatened or any other person or on property or
- (b) Subject any person to physical confinement or restraint; or
- (c) Commit any criminal offense; or

- (d) Accuse any person of a criminal offense; or
- (e) Expose any person to hatred, contempt or ridicule; or
- (f) Harm the credit or business repute of any person; or
- (g) Reveal any information sought to be concealed by the person threatened; or
- (h) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (i) Bring about or continue a strike, boycott or other similar collective action if the property is not demanded or received for the benefit of the group which he purports to represent; or
- (j) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (k) Inflict any other harm which would not benefit the offender.

As used in the ORDINANCE, "stolen property" means property over which control has been obtained by theft.

As used in this ORDINANCE, "obtain" means"

- (a) In relation to property, to bring about a transfer of interest or possession, whether to the offender or to another, and
- (b) In relation to labor or services, to secure the performance thereof.

As used in this ORDINANCE, the phrase "obtains or exerts control" over property, includes but is limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in or possession of property.

As used in this ORDINANCE, the "value" of property consisting of any commercial instrument or any written instrument representing or embodying rights concerning anything of value, labor, or services or otherwise of value to the owner shall be:

- (a) The "market value" of such instrument if such instrument is negotiable and has a market value; and
- (b) The "actual value" of such instrument if such instrument is not negotiable or is otherwise without a market value. For the purpose of establishing such "actual value", the interest of any owner or owners entitled to part or all of the property represented by such instrument, by reason of such instrument, may be shown, even if another "owner" may be named in the complaint, information or indictment.

### **39.5 Resisting or Obstructing a Police Officer**

A person who knowingly resists or obstructs the performance by one known to the person to be a police officer of any authorized act within his official capacity violates this ordinance

**40. Penalty.** Any person convicted of any violation of the provisions of this ordinance shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1-Title: Interpretation, Paragraph 3 Penalties.

## **Article V – Tobacco and Smoking Products and Cannabis**

### **1. Definitions**

Whenever in this article the following terms are used they shall have the meaning respectively ascribed to them in this section:

Adequate Evidence: "Adequate Evidence" means a document issued by a Federal or State agency that includes both date of birth and picture identification such as a driver's license or State identification card.

Alternate Nicotine Product: "Alternate Nicotine Product" includes any product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternate Nicotine Product" does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purposes.

Cannabis: "Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act.

Distribution: "Distribution" means to give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense or issue.

Electronic Cigarette: "Electronic Cigarette" means any battery powered device which simulates tobacco or other smoking using a heating device or other mechanism creating vapor. "Electronic cigarette" means:

- (1) any device that employs a battery or mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

- (2) any cartridge or container of a solution substance intended to be used with or in the device or to refill the device; or
- (3) any solution or substance, whether or not it contains nicotine intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.

Establishment: "Establishment" means any physical facility operated by a commercial enterprise, nonprofit entity, government agency or other person.

Employee: "Employee" means any person who may be required to or directed by any employer in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment.

Employer: "Employer" means any person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment, or employee.

Hookah Lounge: "Hookah Lounge" means any location accessible to the public where patrons share tobacco, flavored tobacco or other substances from a communal hookah or nargile.

Ordinary Public View: "Ordinary public view" means within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

Organization: "Organization" means a corporation for profit, or not-for-profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or other commercial legal entity.

Person: "Person" includes any individual, employee, business, firm, or corporation.

"Public place" means any place where a person could reasonably be expected to be observed by others.

"Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government as well as all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by a unit of local government.

"Public place" includes, but is not limited to, the grounds of any preschool, primary or secondary school, and school buses. "Public place" includes any business establishment open to the general

public.

“Public place” does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

Smoking Product: "Smoking Product" means:

- (1) Any substance containing tobacco,
- (2) Any device, or part thereof, used to smoke tobacco including without limitation a pipe, cigarette papers or a cigarette rolling machine, or
- (3) Any other substance used with or any part of an electronic cigarette.

Tobacco Product: "Tobacco Product" means any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

## **2. Illegal Distribution of Tobacco and Alternative Nicotine Products.**

No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or electronic cigarettes, alternative nicotine products or tobacco products, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products shall do any of the following:

(a) Give, sell or otherwise distribute to any person under 21 years of age any cigarette or electronic cigarette or alternative nicotine product or tobacco product.

(b) Give, sell or otherwise distribute any cigarettes or electronic cigarette or alternative nicotine product or tobacco product in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing any cigarettes or electronic cigarette or alternative nicotine product or tobacco product to a person under 21 years of age is prohibited by law.

(c) Give, sell or otherwise distribute any cigarettes or electronic cigarette or alternative nicotine product or tobacco product to any person without first verifying by adequate evidence that the person is 21 years of age or older.

## **3. Defenses.**

(a) Possession. It shall be a defense to an alleged violation of       above provision 2 should a minor possess smoking materials within the scope of employment, such as

stocking shelves and unloading boxes.

(b) Sale. It shall be a defense to an alleged violation of above provision 2 (b) if any person reasonably relied upon the minor's adequate evidence of identification.

#### **4. Vending Machines.**

The use of a vending machine for the sale of smoking materials is prohibited except when machine owner or operator directly supervises the use of the machine so that no smoking materials are distributed to any person under 21 years of age.

#### **5. Possession of Tobacco and Cannabis by person under 21 years of age.**

Possession of a tobacco product in a public place by any person under 21 years of age is prohibited. No person under 21 years of age shall purchase any cigarettes or electronic cigarette or alternative nicotine product or tobacco product. No person shall give, sell or otherwise distribute to a person under 21 years of age any cigarettes or electronic cigarette or alternative nicotine product or tobacco product.

Possession or purchase of cannabis by any person under 21 years of age is prohibited and no person under 21 years of age shall purchase, possess or consume cannabis unless authorized under the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program. No person shall assist or facilitate in a person under 21 years of age from obtaining any cannabis product unless authorized under the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program.

#### **6. Prohibition of Person under 21 Years of Age in Hooka Lounge**

No persons under 21 years of age shall be employed at or present within a hookah lounge while smoking is taking place.

#### **7. Parent, Guardian or Caretaker**

No parent, guardian or caretaker shall permit, allow or facilitate, actively or passively, a child for whom they are responsible under 21 years of age to purchase, possess or consume in any manner or form any cigarettes or electronic cigarette or alternative nicotine product or tobacco product or cannabis.

#### **8. Cannabis Use Prohibited in Public Places.**

Cannabis use in ordinary public view, in public places, or in a governmental vehicle is prohibited.

#### **9. Cannabis Use Prohibited in Retail Establishments.**

The on-premises consumption of cannabis at or in a cannabis business establishment, cannabis dispensary, or retail tobacco store, as defined in the Smoke Free Illinois Act, is prohibited.

## **10. Personal Cannabis Cultivation Prohibited.**

Cannabis cultivation for personal use is prohibited unless an Illinois resident 21 years of age or older is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act and follows the limitations under the Cannabis Regulation and Tax Act for personal use cultivation.

## **11. Cannabis Plant Storage.**

Cannabis plants shall not be stored or placed in a location where they are subject to ordinary public view, as defined in this Ordinance. A registered qualifying patient who cultivates cannabis under the Cannabis Regulation and Tax Act shall take reasonable precautions to ensure the plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age.

## **12. Unlicensed Distribution of Cannabis Prohibited.**

No person shall sell, distribute, or dispense cannabis or cannabis products without a license issued under the Cannabis Regulation and Tax Act and the Village of Sheridan.

## **13. Cannabis Possession Limits.**

(A) Except if otherwise authorized by the Cannabis Regulation and Tax Act, for a person who is 21 years of age or older and a resident of this State, the possession limit is as follows:

- (1) 30 grams of cannabis flower;
- (2) no more than 500 milligrams of THC contained in cannabis-infused product;
- (3) 5 grams of cannabis concentrate; and

(4) for registered qualifying patients, any cannabis produced by cannabis plants grown under the Cannabis Regulation and Tax Act, provided any amount of cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

(B) For a person who is 21 years of age or older and who is not a resident of this State, the possession limit is:

- (1) 15 grams of cannabis flower;
- (2) 2.5 grams of cannabis concentrate; and
- (3) 250 milligrams of THC contained in a cannabis-infused product.

(C) The possession limits found in subsections (A) and (B) of this Section are to be considered cumulative.

(D) No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower that would cause him or her to exceed the possession limit under this Section, including cannabis that is cultivated by a person under the Cannabis Regulation and Tax Act or obtained under the Compassionate Use of Medical Cannabis Program Act.

#### **14. Prohibition of Person Under 21 Years of Age in a Cannabis Business Establishment.**

No persons under 21 years of age shall be employed at or present within a cannabis business establishment unless authorized under the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program.

#### **15. Penalty.**

Any person in violation of any provision of this ordinance shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

### **ARTICLE VI - NOISE POLLUTION**

#### **1. Noise Violations.**

(a) It shall be unlawful for any person to create, assist or allow the emission of sound beyond their property line so as to cause noise pollution.

(b) It shall be unlawful to keep any animal which causes frequent or continued noise pollution.

(c.) It shall be unlawful to keep any animal which causes frequent or continued noise pollution.

(d) It shall be unlawful, while in close proximity to any building in which a school is in session, to make or assist in making any noise or diversion, which disturbs the peace or unduly annoys the good order of school.

(e.) It shall be unlawful to operate a motor vehicle that produces noise pollution. Noise pollution produced from a motor vehicle shall include but is not limited to, rapid acceleration or deceleration, squealing of tires, racing of the engine, the idling of a second division vehicle for more than 15 minutes in a residential area, no engine breaking, or any modification or malfunction of the exhaust system in a manner which increases the noise emitted by the originally installed muffler

#### **2. Noise Pollution.**

Noise pollution as used in this section shall be a level of noise which subjects any person in the village to a noise level that disturbs, impairs, or adversely affects the comfort, health, or safety of another within the village.

The following are standards that may be considered in determining a violation of this ordinance:

- A. The level of the noise.
- B. If the noise is usual or unusual to the surrounding area.
- C. If the noise is a natural occurrence or an unnatural occurrence.
- D. The background noise judging by level and intensity.
- E. The origin of the noise in relation to residential areas.
- F. The zoning and character of the surrounding area from which the noise emanates.
- G. The population density of the area from which the noise emanates.
- H. The time, nature, and frequency of the noise.

### **3. Defenses.**

- (a) It shall not be a violation of this section if the noise is produced by emergency vehicles or sirens, or by events sanctioned in advance by the Village of Sheridan Board.
- (b) It shall not be a violation of this section if the noise is produced from a property line source or motor vehicle, when such noise is not audible at a distance of fifty (50) feet.
- (c) It shall not be a violation of this section if the noise is produced from equipment being used for construction between the hours of 7 am and 10 pm local time.
- (d) It shall not be a violation of this section if the noise is produced from athletic events held on park or school property.
- (e) It shall not be a violation of this section if the noise is produced from lawn care maintenance equipment and agricultural field machinery used between the hours of 7 am and 10 pm local time.

### **4. Penalty.**

Any person in violation of this ordinance shall be fined according to the

Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article 1- Title: Interpretation, Paragraph 3 Penalties.

## 5. Other Remedies.

This ordinance shall not be construed as limiting the rights of any person to redress in a court of law for any injury or damage to property that may be caused by noise.

## 6. Severability.

If any provision of this Section is adjudged invalid, or if the application thereof to any person or in any circumstances is adjudged invalid, such invalidity shall not affect the validity of this Section as a whole or of any part, sub-part, sentence or clause thereof not adjudged invalid.

# ARTICLE VII – POSSESSION OF DRUG PARAPHERNALIA AND CANNABIS

## 1. Definitions.

Whenever in this article the following terms are used they shall have the meaning respectively ascribed to them in this section:

**Cannabis:** includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

**Deliver or Delivery:** the actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

**Drug Paraphernalia:** All equipment, products and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" 720 ILCS 550/1 et al, or the "Illinois Controlled

Substances Act" 720 ILCS 570/1 et al, it includes, but is not limited to:

- (a) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (b) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (c) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (d) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- (e) Objects peculiar to and marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
  - (A) water pipes;
  - (B) carburetion tubes and devices;
  - (C) smoking and carburetion masks;
  - (D) miniature cocaine spoons and cocaine vials;
  - (E) carburetor pipes;
  - (F) electric pipes;
  - (G) air-driven pipes;
  - (H) chillums;
  - (I) bonges;
  - (J) ice pipes or chillers;
- (f) Any item whose purpose, as announced or described by the seller, is for use in violation of this Act.

## **2. Violations.**

- (a) Possession of Drug Paraphernalia. A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a violation of this Ordinance for which the court shall impose a minimum fine of \$750 in addition to any other penalty prescribed under 65 ILCS 5/1-2-1.
- (b) Possession or Delivery of Cannabis. It is unlawful for any person knowingly to possess or deliver cannabis
- (c) Intent. In determining intent under this section "2. Violations" the trier of fact may take into consideration the proximity of any cannabis or controlled substances to

drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

### 3. Penalty

Any person in violation of any provision of this Article VII– Possession of Drug Paraphernalia and Cannabis shall be fined according to the Uniform Fine Schedule in Chapter 30-THE CODE, Article 1-Title: Interpretation Paragraph 3 Penalties.

### 4. Exempt Items - Determination

This Article shall not apply to:

(a) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale; or

(b) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

(c) Items listed in Section (2) of this Ordinance which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Act.

(d) A patient (or a caretaker on behalf of a patient) who has been issued a valid registry identification card by the Department of Public Health authorizing possession of the amount of cannabis in question.

(e) Possession of cannabis or drug paraphernalia otherwise authorized under Illinois Statute.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

(A) The general, usual, customary, and historical use to which the item involved has been put;

(B) Expert evidence concerning the ordinary or customary use of

the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;

(C) Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;

(D) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;

(E) Any national or local advertising, concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;

(F) The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;

(G) 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;

(H) The existence and scope of legitimate uses for the object in the community.

## **ARTICLE VII (a) – SMOKING PROHIBITED IN PUBLIC PLACES**

### **1. Definitions**

The following words and phrases shall have the following meanings when used in this article:

*Employee* means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit.

*Employer* means any person, business, partnership, corporation or association, including without limitation a municipal corporation, trust, or non-profit entity that employs the services of more than two persons.

*Place of employment* means any enclosed area under the control of a public or private employer where employees are during the course of employment, including but without limitation work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways and vehicles. A private residence is not a “place of employment”: unless it is used as a childcare, adult day care or health care facility.

*Public place* means any enclosed indoor area to which the public is invited or in which the public is permitted including but not limited to banks, educational facilities, libraries, health care facilities, Laundromats, restaurants, licensees holding a liquor license from the Village of Sheridan, and retail stores. A private residence is not a “public place” unless it is used as a childcare, adult day care or health care facility.

*Smoking* means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, hookah, weed, herbs or other lighted smoking product.

## **2. Smoking Prohibited in Enclosed Public Places**

Smoking is prohibited in all public places and places of employment within the Village of Sheridan and within 15 feet from any entrance, exit, window or ventilation intake for said public place or place of employment. Notwithstanding such prohibition, smoking may be permitted:

- (A) In private residences (except when used as a child care facility, adult day care or health care facility).
- (B) Private vehicles.

## **3. Smoking Paraphernalia**

The owner, operator, manager or other person having control of an area where the provisions of this article prohibit smoking shall remove all ashtrays and other smoking paraphernalia.

## **4. Penalties**

Any person or entity who violates any provision of this Article shall be subject to a fine no less than a minimum amount of \$150.00 and up to the maximum amount identified in the Uniform Fine Schedule found in the “Municipal Code of Sheridan.” In addition to the foregoing mentioned fines, smoking in an area for which the Village of Sheridan has issued a liquor license may result in the Liquor Control Commissioner taking action against the licensee of the applicable Village of Sheridan liquor license.

## **5. Severability**

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this article that can be given effect without the invalid provision or application.

## **ARTICLE VIII – TRESPASS TO REAL PROPERTY**

(a) Whoever:

(1) knowingly and without lawful authority enters or remains within or on a building; or

(2) enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(4) enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle), after receiving prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart:

- (A) any field that is used for growing crops or which is capable of being used for growing crops; or
- (B) an enclosed area containing livestock; or
- (C) or an orchard; or
- (D) a barn or other agricultural building containing livestock;

This is in violation of this ARTICLE IX– Trespass to Real Property.

For purposes of item (1) above, it shall not be a violation to be in a building which is open to the public while the building is open to the public during its normal hours of operation.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he has been notified personally, either orally or in writing, including a valid court order, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This ARTICLE IX– Trespass to Real Property does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) This ARTICLE IX– Trespass to Real Property does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (d), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(e) A fine according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I – title: Interpretation, paragraph 3 Penalties shall be imposed for a violation of this ARTICLE IX – Trespass to Real Property.

## CHAPTER 18 - REMOVAL OF ABANDONED MOTOR VEHICLES

**1. Definitions.** Whenever in this article the following terms are used, they shall have the meaning respectively ascribed to them in this section:

"Highway" means any street, alley, or public way within the Village of Sheridan.

"Abandoned Vehicle" means all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any motor vehicle or other vehicle that has not been moved or used for 7 (seven) consecutive days or more and is apparently deserted.

"Antique Vehicle" means any motor vehicle or other vehicle 25 years of age or older.

**2. Abandonment.** The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this municipality is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of Police Department of the municipality, after waiting period of 7 days or more has expired.

**3. Towing.** When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the municipal police department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Chief of the municipal Police Department shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this ordinance.

**4. Authorized Removal.** (a) When a motor vehicle or other vehicle is abandoned on a highway in this municipality 10 hours or more, its removal by a towing service may be authorized by order of the Chief of the Police Department of this municipality.

(b) When an abandoned, unattended, wrecked, burned or partially

dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway by a towing service may be authorized by order of the Chief of the Police Department of this municipality.

(c) When a vehicle removed from either public or private property is authorized by order

of the Chief of the Police Department of this municipality, the owner of the vehicle will be responsible for all towing costs.

**5. Record.** When a motor vehicle or other vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's name, manufacturer's series name, body style, Vehicle Identification Number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

**6. Unknown Identity.** When the municipal police department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information. The police department will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the police department in sending a notification by certified mail to the owner of legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

**7. No Registration.** When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the police department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

**8. Ownership Proof.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charged have been paid.

**9. Public Sale.** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, 7 years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the police department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the police department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. In those instances, where the certified notification specified herein has been returned by the postal authorities to the police department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

**10. Owner Not Identified.** When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of 7 years of age or newer cannot be determined by any means provided for in this ordinance, the vehicle may be sold as provided herein or disposed of in the manner authorized by the ordinance without notice to the registered owner or other person legally entitled to the possession of the vehicle.

When an abandoned vehicle of more than 7 years of age is impounded as specified by the Ordinance, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner of the U. S. Mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen motor vehicle filed for theft and wanted information. At the expiration of the 10-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this ordinance.

**11. Transaction Report.** When the registered owner or other reclaims a motor vehicle or other vehicle in the custody of the police department legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this ordinance, a report of the transaction will be maintained by the police department for a period of one year from the date of the sale or disposal.

**12. Proceeds of Sale or Towing Charge.** When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Chief of Police and disposed of as set forth in the deduction of towing, storage and processing charges shall be deposited in the municipal treasury.

**13. Damages to Vehicle.** Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold of or disposed of as provided by this Ordinance.

**14. Storage and Parking Vehicles.**

a. For purposes of this ordinance, open private land refers to an area of land not enclosed by a garage or carport. Public land shall include any land owned by the Village of Sheridan, including the highways and the berm.

b. It shall be unlawful to park any vehicle on open private land unless the vehicle is in operating condition, licensed and insured. No vehicle may be parked closer than 3 feet off of the improved roadway.

c. Notwithstanding above provision b., an inoperable vehicle may be parked on open private land for up to 30 days while being repaired.

d. Notwithstanding the above provision b., no boat, recreational vehicle, or trailer shall be parked within required side yard and back yards as set forth in the Village of Sheridan Zoning Ordinance.

e. Vegetation beneath and adjoining any parked vehicle shall be kept trimmed and free of weeds as otherwise required by The Municipal Code of Sheridan.

**15. Penalty.** Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

## CHAPTER 19 - TRAFFIC

### Section 1 - Definitions and General Provision

**1. Definitions.** Whenever in this article the following terms are used, they shall have the meaning respectively ascribed to them in this section:

**Business District:** The closely built up business portion of the Village.

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

**Knowingly:** A person engages in conduct "knowingly" if, when a person engages in conduct, the person is aware of a high probability that he or she is doing so.

**Motor Vehicle:** Every vehicle which is self-propelled and every vehicle, which is propelled by electric power, obtained from overhead wire but not operated upon rails.

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

**Residence District:** The closely built up residence portion of the Village.

**Vehicle:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway including bicycles but not including perambulators or toy vehicles.

**2. Closed Streets.** It shall be unlawful to drive any vehicle, other than an emergency vehicle on duty, upon any street or portion thereof which is closed to traffic and so marked by signs, barricades or otherwise.

**3. Towing.** It shall be unlawful to tow any motor vehicle on any street if the draw bar or connection exceeds eight (8) feet in length. Lights visible to the rear and side for a distance of 200 feet shall be maintained on any vehicle towed on any street between sunset and sunrise.

**3A. Starting Vehicle.** It shall be unlawful to tow or push any motor vehicle with the intent to attempt to start said motor vehicle.

**4. Classification of Vehicles.** For the purpose of this article, motor vehicles shall be divided into two divisions, to-wit: First, vehicles which are designed for the carrying of not more than seven persons; Second, those vehicles which are designed and used for pulling or carrying freight and also vehicles designed and used for carrying more than seven persons.

**5. Obedience to Police.** Members of the Police Department are hereby authorized to direct all traffic in accordance with the provisions of this article, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency it shall be unlawful for any person not authorized by the Chief of Police or the Village Board to direct or attempt to direct traffic.

**6. Scene of Fire.** The Fire Department officer in command, or any fireman designated by him, may exercise the power and authorize a policeman in directing traffic at the scene of any fire or whether the Fire Department equipment is on the scene, in the absence of or in assisting the police.

**7. Signs and Signals.** It shall be unlawful for the driver of any vehicle to disobey the instruction of any traffic sign or signal placed in view by authority of the Village Board of Trustees or in accordance with the laws of the State of Illinois. All signs established by direction of the governing body shall conform to the state standard for traffic signs.

**8. Light Signals.** Whenever a type of signal commonly known as a stop and go signal regulates traffic at an intersection, the following colors shall indicate the following commands:

Red requires the traffic faced by this color shall stop and remain standing.

Green requires the traffic faced by this color shall move and continue in motion except when stopped for the purpose of avoiding an accident or when stopped at a command of a policemen.

Amber or yellow indicates preparation for a change in direction of traffic movement.

When rapid intermittent flashes illuminate a red lens, drivers of vehicles shall stop before entering the intersection.

When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed into the intersection only with extra caution.

**9. Unauthorized Signs - Interference with Signs.** It shall be unlawful for any person to place, maintain or display any device, other than an official warning or direction sign or signal authorized by statute or ordinance, upon or in view of any signal authorized by statute or ordinance, upon or in view of any street when such device purports to be, or is in imitation of an official warning or direction sign or signal, or directs or purports to be, or is in imitation of an official warning or direction. Any such unauthorized device is hereby declared to be a nuisance and may be removed by any policeman.

It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.

**10. Animals or Bicycles.** Every person riding a bicycle or an animal, or driving any animal drawing any vehicle upon any street shall be subject to the provision of this article applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. Provided, that, except in business districts, bicycles may be ridden on sidewalks.

**11. Exemptions.** The provisions of this article regulating the movement of parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties, nor shall such provision apply to persons actually engaged in repairing or otherwise improving the streets under authority of the Village Board of Trustees or of the State of Illinois.

## **Section II - Through Streets and Stop Intersections**

**12. Through Streets.** The following streets and parts of streets are hereby declared to constitute through streets:

Si Johnson Avenue and Robinson Street within the corporate limits of the Village of Sheridan; and North Bushnell to Si Johnson Avenue.

**Stop Intersections.** The following intersections shall be stop intersections for all directions of traffic as indicated:

Church and Barr Streets, 4 way stop – stop signs for all directions of traffic

Church and Worthy Streets, 2 way stop – stop sign for Church both east and west

Church and Hickory Streets, 4 way stop – stop signs for Church both east and west

Church and Prospect Streets, 4 way stop – stop signs for all directions of traffic

Pleasant and Bushnell, 4 way stop – stop signs for all directions of traffic

Pleasant and Rowe, 4 way stop – stop signs for all directions of traffic

Pleasant and Dwight, 2 way stop sign – stop signs for Pleasant both east and west

Pleasant and Prairie, 2 way stop – stop signs for Pleasant both east and west

Grant and Barr, 4 way stop, stop signs for all directions of traffic

Grant and Worthy, 2 way stop, stop signs for Grant both east and west

Grant and Dwight, 2 way stop, stop signs for Dwight both north and south

Grant and Hickory, 2 way stop, stop signs for Grant both east and west

Park and Bushnell, 1 way stop sign – stop sign for Bushnell going north

Park and Rowe, 3 way stop sign – stop signs for Park both east and west; stop sign for Rowe going south

All streets abutting a Through Street shall be controlled by a stop sign. Said stop signs shall conform to the State Manual and Specifications and be located as near as practicable to the nearest line of the crosswalk on the near side of the intersections or, if there is no crosswalk, then as close as practicable to the nearest line of the intersection roadway.

**12.A** 1. Front Street running between Robinson Street and Bushnell Street be declared a one-way street with traffic running from East to West.

**Penalty.** Any person violating any of the provisions of this ordinance shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties.

### **Section III - Rules for Driving**

**13. Starting Parked Vehicle.** No person shall start a vehicle that has stopped, is standing or parked unless and until such movement can be made with reasonable safety.

**14. Driver's Signal.** No driver of a vehicle shall suddenly start, slow down, stop or attempt turn without first giving a suitable signal in such a manner as to apprise others who might be affected by his action:

(a) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided, in event any other vehicle may be affected by such movement.

(b) A signal of intention to turn right or left shall be given during not less than the last 100 feet traveled by the vehicle before turning.

The signal herein required shall be given either by means of hand and arm or by a signal lamp or signal device, but when a vehicle is so construed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then said signals must be given by such lamp

or devise.

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

1. Left Turn - Hand and arm extended horizontally.
2. Right Turn - Hand and Arm extended upward or moved with a sweeping motion from the rear to the front.
3. Stop or Decrease of Speed - Hand and arm extended downward.

**15. Driving from Alleys, Driveways or Garages.** The driver of a vehicle emerging from an alley, driveway or garage, shall stop such vehicle immediately prior to driving onto a sidewalk, or across a sidewalk line projected across such alley, sound the horn of said vehicle and shall exercise unusual care in driving upon said sidewalk or across such line.

**16. Vehicles Not to Be Driven On Sidewalks or in Safety Zones.** No driver of a vehicle shall drive within a sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

**17. Right-of-way.** Except as hereinafter provided, motor vehicles traveling upon public highways shall yield the right-of-way to vehicles approaching along intersecting highways from the right and shall have the right-of-way over those approaching from the left.

**18. Vehicles Turning Left.** The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction, which is within the intersection, or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal when and as required by this article, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

**19. Following Fire Apparatus.** Upon the sounding of gongs or warning devices used upon fire apparatus or fire patrol vehicles, drivers shall draw their vehicles as near to the right curb as is reasonably possible and shall remain standing until such fire apparatus has passed. It shall be unlawful for the driver of any vehicle, other than one on official business to follow any fire apparatus in response to a fire alarm, closer than 500 feet, or to park any vehicle within the block where fire apparatus has stopped to answer a fire alarm.

It shall be further unlawful for the driver of any streetcar or vehicle to drive over any unprotected hose of the fire department without the consent of the fire chief or the assistant in command.

**20. Driving on Right Side of Roadway.** Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:

1. When overtaking and passing another vehicle proceeding the same direction under rules governing such movement;
2. When the right half of a roadway is closed to traffic while under construction or repair;
3. Upon a roadway divided into three marked lanes of traffic under the rules applicable thereupon;
4. Upon a roadway designated and posted for one-way traffic;
5. Whenever there is a single track paved road on one side of the public highway and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

**21. Operation of Vehicles on Approach of Authorized Emergency Vehicles.**

(a) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right hand edge or curb of the highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

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

**22. Reckless or Negligent Driving.** It shall be unlawful to operate any vehicle in the municipality in a reckless or wanton manner, or in a careless or negligent manner, or so as to unnecessarily endanger the life or property.

**Speed Restrictions:**

(a) No person shall drive a vehicle upon any public highway or alley at a speed greater than is reasonable and proper having regard to the traffic and the use of the way, or so as to endanger the life or limb, or injure the property of another.

(b) No person shall operate a motor vehicle on any street within the residential district in the Village at a rate of speed greater than thirty (30) miles per hour.

(c) Notwithstanding the provisions of Paragraph "B" hereof, no person shall operate a motor vehicle on Main or Robinson Streets at a speed greater than 30 miles per hour; or greater than 20 miles per hour in designated School Zones as provided in Paragraph (d) of this Section.

(d) No person shall operate a motor vehicle on any street within the Village of Sheridan where such street is designated a school zone, on school days and when school children are present in excess of twenty (20) miles per hour.

(e) The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when

traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrian or other traffic or by reason of weather or highway condition, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle, or on entering the highway in compliance with legal requirements and the duty of all persons to use due care.

**23. Traffic Shall Not Be Obstructed.** No vehicle shall be operated or allowed to remain upon any street in such manner as to form an unreasonable obstruction to the traffic thereon.

**24. Bicycles and Motorcycles.** It shall be unlawful for more than one person to ride upon any bicycles propelled by human power upon any street, or for any person to ride upon a motorcycle other than upon a seat with proper footrest attached to said vehicle.

**24a. Wheeled Devices on Sidewalk.** It shall be unlawful for anyone to ride a bicycle, skateboard, scooter, roller-skates or similar wheeled device designed for transportation or entertainment, upon the following sidewalks adjoining the following portions of streets:

Si Johnson Avenue between Barr and Powers Street  
Bushnell Street between Church and Railroad Streets  
Robinson Street between Church and Railroad Streets

**25. Unattended Vehicles.** No vehicle shall be left unattended while the motor of such vehicle is running; and no vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving.

**26. Unattended Animals.** It shall be unlawful to leave any horse or draft animal unattended in any street without having such animal securely fastened.

**27. Clinging to Vehicles.** It shall be unlawful for any person on a street riding a bicycle, motorcycle, sled, skid, toboggan, or any other toy vehicle, to cling to or attach himself or his vehicle to any moving vehicle or wagon.

**28. Toy Vehicles.** It shall be unlawful for any person upon skates, a coaster, sled or other toy vehicle, to go upon any roadway other than at a crosswalk.

**29. Riding on Running Boards.** It shall be unlawful for any person to ride upon the fenders, running boards or outside steps of any vehicle.

**30. Driving Through Funeral or Other Procession.** No driver of a vehicle shall drive between the vehicles comprising a funeral or their authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this article. This provision shall not apply to intersections where traffic control signals or police officer controls traffic.

**31. Drivers in Procession.** Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as close as it

practicable and safe.

**32. Funeral Processions to Be Identified.** A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by having the lights of each vehicle lighted.

**33. Backing.** The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

**34. Restricted Access.** No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exhibits as are established by public authority.

**35. J-Turns Prohibited.** The driver of a vehicle shall not make a left turn on Si Johnson Avenue between Robinson and Bushnell Streets for the purpose of entering a diagonally marked parking area. The driver of a vehicle shall not back a vehicle across the center of Si Johnson Avenue between Robinson and Bushnell Streets.

#### **Section IV - Pedestrians**

**36. Right-of-way.** It shall be unlawful for the driver of any vehicle to drive into any roadway without the exercise of due and proper care in view of the special use made thereof by pedestrians.

It shall be unlawful to drive any vehicle into any crosswalk which there is in such crosswalk upon half of the roadway upon which such vehicle is traveling, any pedestrian engaged in crossing the roadway, until such pedestrian shall have passed beyond the past of such vehicle, or the pedestrian shall indicate his intention not to cross.

**37. Pedestrians Using Roadway.** At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right-of-way to all vehicles upon the roadway.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of such traffic.

**38. Signal.** At intersections where traffic directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

**39. Standing on Sidewalk.** It shall be unlawful for a pedestrian to stand upon any sidewalk, except as near as it reasonably possible to the building line or curb if such standing interferes with the use of said sidewalk by other pedestrians.

**40. Prohibited Crossings.**

- (a) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- (b) No pedestrian shall cross a roadway other than in a crosswalk, in the central traffic district, or in any business district.
- (c) No pedestrian shall cross a roadway other than in a crosswalk.

#### **41. Pedestrians Walking Along Roadway.**

- (a) When sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon any adjacent roadway.
- (b) Where sidewalks are not provided, any pedestrian walking along and upon any highway, shall, when practicable, walk only on the left side of the roadway or its shoulder, facing traffic which may approach from the opposite direction.
- (c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of a vehicle.

### **Section V - Parking Rules**

**42. No Parking Places.** At anytime it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a policeman or traffic signal:

1. In any intersection;
2. In a crosswalk;
3. Upon any bridge or viaduct, or in any such way or approach thereto;
4. Between a safety zone and the adjacent curb or within 20 feet of a point on the curb immediately opposite the end of a safety zone;
5. Within 15 feet of a traffic signal or a through street sign on the approaching side;
6. Within 20 feet of an intersection;
7. At any place where the standing of a vehicle will reduce the usual width of the roadway for moving traffic to less than 18 feet.
8. At any curb within 15 feet of a fire hydrant;
9. At any place where the vehicle will block the use of a driveway.

10. Within 50 feet of the nearest rail of a railroad grade crossing;
11. Within 20 feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any station within 75 feet of such entrance;
12. On any sidewalk of parkway;
13. At any place where official signs prohibit parking.
14. On the following designated snow routes within the Village of Sheridan between the hours of 1:00 A.M. and 6:00 A.M. each year between the dates of November 1st and March 15th:
  - (a) The entire length of Si Johnson Avenue
  - (b) The entire length of Robinson Street
  - (c) The entire length of Front Street
  - (d) That portion of Bushnell Street between Church Street and Burlington Street.
15. On the south side of the road, on the shoulder South of the road, or within twenty feet of the road surface of the South side of Si Johnson Avenue as it runs from Powers Street to the East Edge of the Village Limits between the hours of 8:00 a.m. and 10:00 p.m. each year between the dates of April 1 and August 1.
16. Post Office Parking – The first two parking spaces on the East side of Bushnell Street going North from Si Johnson Avenue on Bushnell Street are 15-minute only parking.
17. Veteran’s Memorial Parking – No parking is authorized in areas designated as no parking in front of the Veteran’s Memorial Park on North Bushnell Street.

The first two parking spaces on the south side of Front Street going East from Bushnell on Front Street are reserved solely for post office employees parking on Mondays through Fridays from 7:00 a.m. until 5:00 p.m. and on Saturdays from 7:00 .a.m. until Noon.

**43. Parking.**

- (a) On roadways other than those designated for diagonal parking where parking of vehicles is allowed on the roadway by the curb or edge of the roadway, the following shall apply:

(1) No vehicle shall be parked or left to stand with the left side of such vehicle next to the curb.

(2) The right wheels of the vehicle shall be within twelve (12) inches of the curb.

(b) On roadways where parking on the street is prohibited, no vehicle shall be parked closer than three feet to the edge of the roadway. Parking is prohibited on Powers Street between the intersections of Powers Street and Si Johnson Avenue and Powers Street and Plumb Street.

(c) **Diagonal Parking.** All motor vehicles parked on the following described streets in the Village of Sheridan, shall be parked diagonally:

1. On both sides of Si Johnson Avenue, between Robinson Street and Bushnell Street.
2. On the North and South side of Si Johnson Avenue from Bushnell to a point one-half block West of Bushnell Street.
3. On the West side of Bushnell Street, between Si Johnson Avenue and Railroad Street.
4. The West side of Bushnell Street, between Si Johnson Avenue and a point one-half block South of Si Johnson Avenue.
5. Both sides of Robinson Street, between Si Johnson Avenue and Church Street.
6. South side of Si Johnson Avenue between Robinson Street and Powers Street.
7. North side of Si Johnson Avenue, between Powers Street and a point one-half block West of Powers Street.
8. On the North side of Front Street, between Robinson Street and Bushnell Street.

**(d) Position of motor vehicle.** At those places above described requiring diagonal parking, all motor vehicles so parked shall be in a position so that right front wheel of the motor vehicle is the closest wheel to the edge of the public highway, and said right front wheel shall be touching the curb if one has been constructed or as near to the sidewalk as is practical if there is no curbing.

**(e) Excepting.** This Ordinance shall not apply to any motor vehicle while being used to deliver merchandise to an establishment in the Village of Sheridan engaged in selling merchandise at retail provided that such deliveries are completed as quickly as practical and such motor vehicle is caused to comply with the provision so f the Ordinance as soon as such deliveries are completed.

**(f) Penalty.** Any person, firm, or corporation violating any provision of this Ordinance shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties.

**(g) Parking of Vehicles with the Capacity for Containing Flammable Liquids.**

1. It shall be unlawful to park any vehicle on any public streets of the Village of Sheridan which has the capacity to carry whether in a single container or multiple containers, more than one-hundred gallons of flammable liquids, as herein after defined, except as provided in Section 2 hereof.

2. Notwithstanding Section 1 hereof, it shall be lawful to park vehicles described in Section 1 hereof on a public street of the Village of Sheridan for not to exceed one hour at a time, between the hours of 6:00 a.m. and 8:00 p.m. for the purpose of making deliveries or to enable the operator thereof to attend to necessary business.

3. It shall further be unlawful to park any vehicle, which has the capacity to carry, whether in a single container or multiple containers, more than 100 gallons of flammable liquids, as hereinafter defined, anywhere in the Village of Sheridan, for any period in excess of one hour, either inside or outside of any building or confined area.

4. The phrase, flammable liquids, as used in this ordinance shall mean any liquid with a flash point at or below 200 degrees Fahrenheit (93 1/3 degrees Centigrade) closed cup tester, and shall include but not be limited to Ether, Carbon bisulfate, Gasoline, Naphtha, Benzol, Acetone, Collodion, Alcohol, Amyl Acetate, Toulon, Ethyl Acetate, Methyl Acetate, Methyl Alcohol, Kerosene, Amyl Alcohol, Turpentine, Fuel Oil.

The flash point shall be determined with the Elliott, Abel, Pensky or the Tax closed cup testers, but the Tag closed cup tester (standardized by the United States Bureau of Standards shall be authoritative in case of dispute. All tests shall be made in accordance with the methods adopted by the American Society for testing Materials.

5. Any person, firm, partnership, situation, or corporation violating the provision of this ordinance shall be guilty of a misdemeanor and shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties.

**44. Vehicles For Sale.** It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, and to park any vehicle upon any business street from which vehicle merchandise is peddled.

**45. Loading Zone.** During the time specified herein it shall be unlawful for the driver of a vehicle to stand a passenger vehicle for period of time longer than is necessary for the loading or unloading of passengers, not to exceed minutes, and for the driver to stand any freight carrying vehicle for a period of time longer than is necessary to load, unload, and deliver materials, not to exceed 30 minutes, at any of the following places:

1. In any public alley, during anywhere of the day or night.
2. At any place not to exceed 75 feet along the curb before the entrance to any hospital or hotel at any time;
3. At any place not to exceed 75 feet along the curb before the entrance to any

public building between 8:00 o'clock a.m. and 6:00 o'clock p.m., except on Sunday.

4. Directly in front of the entrance to any theater at any time the theater is open for business.

**46. Alleys.** No person shall park a vehicle within an alley in such manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

## **Article VI - Condition of Vehicles**

**47. Clear Vision.** It shall be unlawful to operate any vehicle, which is no loaded on in such condition that the operator does not have clean vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle that is so constructed or so loaded that the operator's view of the roadway to the rear is obstructed shall be equipped with a mirror so attached to give him view of the roadway behind him.

**48. Unnecessary Noise.** It shall be unlawful to operate a vehicle that makes unusually loud or unnecessary noise.

**49. Horn.** Every vehicle shall be equipped with a good and sufficient audible-signaling device in efficient working condition. Such signaling device shall be sounded when necessary to give timely warning of the approach of a vehicle, but such horn or signaling device shall not be sounded for any purpose other than as a warning of impending danger.

No motor vehicle other than an emergency vehicle shall be equipped with a siren or a gong-signaling device.

**50. Gas and Smoke.** It shall be unlawful to operate any vehicle which emits dense smoke or such amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.

**51. Projecting Loads - Widths and Height.** No vehicle unladen or with load, shall exceed a length of 55 feet extreme over all dimensions without permit.

The maximum width and height of any vehicle and its load shall not exceed the limit expressed in the State Traffic Law.

No passenger type vehicle shall be operated n the streets with the load extending beyond the line of the fenders on the left side of the vehicle nor

extending more than 6 inches beyond the line of fenders on the right side thereof.

No combination of vehicles coupled together shall consist of more than two units, and no combination of vehicles, unladen or with load, shall exceed a total of 55 feet; but such length limitation shall not apply to vehicles operated in the daytime for transporting poles, pipes, machinery or other objects which cannot readily be dismembered, nor to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such load carried at night shall be clearly marked with official lights to show the full dimension of the load.

No part of the load of a vehicle shall extend more than 3 feet in front of the extreme front portion of the vehicle.

**52. Brakes.** It shall be unlawful to drive any motor vehicle on any street unless such vehicle is equipped with good and sufficient brakes in good working condition as required by the State Traffic Law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanism operating the brakes of such vehicle.

**53. 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 cutout is prohibited.

**54. Lights.** It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the state law.

Any motor vehicle owned or usually operated by a volunteer fireman may be equipped with not to exceed two lamps, which shall emit a blue light without glare. Such lamp may be mounted anywhere on the vehicle forward of the back of the front seat. Except that a flashing blue light may be used only when such fireman is responding to a fire or emergency call.

**55. Nonskid Devices.** It shall be unlawful to operate any motor vehicle upon any street equipped with any nonskid devices so constructed that any rigid or nonflexible thereof comes into contact with the pavement or roadway.

**56. Tires.** It shall be unlawful to operate on any street, any motor vehicle which is not equipped with tires conforming to the requirements of the State Traffic Law.

**57. Size, Weight and Load.**

### **Adoption of Chapter 15 of The Illinois Vehicle Code**

**(1). CHAPTER 15** of The Illinois Vehicle Code (625ILCS 5/15-101 et.sec.) shall apply to all roads in the Village of Sheridan except that the following express provisions shall supercede any contrary provision or provisions contained in said CHAPTER 15.

## **(2). Weight Limits on Streets Other Than Truck Routes**

Any vehicle operated on a Street in the Village of Sheridan not designated a Truck Route shall be of lawful weight as provided under Chapter 15 of The Illinois Vehicle Code but in no event shall any vehicle have a gross weight in excess of 18,000 pounds. Said 18,000 pound limit shall not apply to following types of vehicles:

- (a) Emergency Vehicles
- (b) Publicly owned vehicles used for snow removal
- (c) Public Utility vehicles owned or operated by a public utility company or any contractor or material man of a public utility company while engaged in the repair, maintenance or construction of utility facilities.
- (d) Garbage and recycling vehicles in the process of making pick-ups
- (e) A delivery vehicle servicing a business not accessible by Truck Route for any more than the minimum distance necessary for the purpose of making deliveries or picking up loads.

## **(3). Truck Routes**

Robinson Street and Si Johnson Avenue are designated as Truck Routes in the Village of Sheridan. Any vehicle operated on a Truck Route in the Village of Sheridan shall be of lawful weight as provided under Chapter 15 of The Illinois Vehicle Code but in no event shall any vehicle have a gross weight in excess of 73,280 pounds unless issued a special weight permit.

## **(4.) Special Weight Limit**

The Village Marshal with the advise and consent of the Village President may upon written application issue a one day special permit in writing authorizing the applicant to operate a vehicle of a size or weight exceeding the maximum specified in The Municipal Code of Sheridan. Any special weight permit intended to last for more than one day shall be approved by the Village Board. Unless otherwise set by the Village Board, the minimum permit fee shall be \$75.00. For permits seeking an increased gross weight limit in excess of 1,000 pounds over the gross weight limit, the permit fee shall be \$75.00 for every 1,000.00 pounds in excess of the gross weight limit.

## **(5). Fines and Liability**

The fine for a violation of this Section 56. Size, Weight and Load shall be the same fine as set forth in CHAPTER 15 OF The Illinois Vehicle Code except that if the violation is of an express provision of this section 56. Size, Weight and Load, the fine shall be \$150.00 for weight of 1 to 1,000 pounds in excess of the maximum and an additional \$150.00 for every additional 1,000 pounds or part of an additional 1,000 pounds.

In addition to any fine, any person driving any vehicle upon a street or bridge in violation of this Section 56. Size, Weight and Load, is liable for all damage which the street, bridge or village-owned appurtenance thereto may sustain as a result of the violation. The measure of liability is the cost of repairing the street, bridge or village-owned appurtenance thereto partially damaged or the replacement cost of the street, bridge or village-owned appurtenance thereto damaged beyond repair together with all other expenses incurred by the village in providing a temporary detour, including a temporary street or bridge or appurtenance used to serve the needs of the public during the period of repair or replacement of the street, bridge or village-owned appurtenance. Whenever such driver is not the owner of such vehicle, but is driving with the express or implied permission of such owner, then the owner and driver are jointly and severally liable and the recovery may be made by the Village in any manner provided for the collection of judgments in a civil action.

**58. Spilling Loads.** No vehicle shall be so loaded that any part of its load shall be spilled or dropped on any street or alley the municipality.

**59. Bicycles.**

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be

visible from all distances from 50 to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a good and adequate brake.

**Article VII - Drivers**

**60. Age Limit.** It shall be unlawful for any person under 16 years of age to operate any motor vehicle upon any street in the Village.

**61. Liquor or Drugs.** It shall be unlawful for the habitual user of narcotic drugs to operate any motor vehicle upon any street; and it shall be unlawful for any intoxicated person, or any person under the influence of alcohol or of a narcotic drug to operate or attempt to operate any motor vehicle on any street.

**62. Accidents.** The driver of a vehicle which has collided with, or been in an accident with any other vehicle, person or property in such manner as to cause injury or damage shall stop immediately, and render such assistance as may be possible, and give his true name and

address to the injured person, or the owner of the property damages, and to a policeman if one is present. The driver of each vehicle shall give a report of each such accident to the Village Marshall within 24 hours after the accident.

**Article VIII –  
SNOWMOBILES, ATV's, GOLF CARTS, AND MOTORIZED SCOOTERS**

**63. Use of Public Streets and Sidewalks.**

(a) It is unlawful for a person to operate a motorized scooter or go-ped, or similar device which consists of a footboard between end wheels and is controlled by an upright steering handle attached to a front wheel which is powered by an electric or gas motor or other mechanical means, on any public street or sidewalk in the village of Sheridan.

(b) Except for a peace officer of the Village of Sheridan, it is unlawful for a person to operate an all-terrain vehicle (ATV) as such term is defined and/or used in the Illinois Vehicle Code (625 ILCS 5/1-100 et.sec.) on any public street or sidewalk in the Village of Sheridan.

(c) No person under 16 years of age shall operate a snowmobile or golf cart, as such terms are defined and/or used in the Illinois Vehicle Code (625 ILCS 5/1-100 et.sec.), on a public street or sidewalk in the Village of Sheridan. A person under 16 years of age, however, may operate a snowmobile or golf cart as allowed in this ARTICLE VIII upon satisfying appropriate conditions set forth in the Illinois Vehicle Code or regulations of the Illinois Department of Natural Resources for youthful operation of a snowmobile or gold cart.

(d) A person 16 years of age or older, in possession of a valid drivers license, may operate a snowmobile or golf cart, as such terms are defined and/or used in the Illinois Vehicle Code (625 ILCS 5/1-100 et.sec.) on a public street or sidewalk in the Village of Sheridan only as allowed in this ARTICLE VIII.

**64. Limited Allowed Use of Snowmobile in Village Limits.**

(a) Use Regulations: Except as provided herein, a Snowmobile must obey all Traffic Rules and Regulations as described in the Illinois Vehicle Code and Ordinances of the Village of Sheridan. A snowmobile shall have a functioning, manufacturer's approved muffler. A snowmobile may travel from their point of origin being the residence of owner or operator, in the most direct route to the following designed route without using private property. The following designated may not be used for pleasure riding but merely for ingress and egress. The maximum speed allowed on the following designated rout is 15 m.p.h. In the Village of Sheridan, no snowmobile shall pull any object except an object designed for and properly hooked to a snowmobile. A snowmobile shall be operated on the extreme right side of the roadway or roadway berm. A snowmobile shall be ridden with, and not against, the ordinary flow of traffic. No snowmobile may operate past a church or funeral while any services are in progress. No snowmobile shall be operated on Si Johnson Avenue from Robinson to Barr Street. No

snowmobile shall be operated on Robinson Street from Church to Si Johnson Avenue. No snowmobile shall be operated in the Village of Sheridan between midnight and 6:00 a.m.

(b) Designed Route:

East to West Route: Si Johnson Avenue from the Village Limits at the East Side of Sheridan, West to Robinson Street, North to Burlington Street, West to Barr Street, South to Si Johnson Avenue, West to the Village limits.

West to East Route: Above in reverse.

South to North Route: Robinson Street from the South side of Sheridan to Grant Street, East to Power Street, North to Pleasant Street, East to Cemetery Road, North to Si Johnson Avenue, West to Robinson Street, North to the village limits.

North to South Route: Above in reverse.

(c) Emergency Exception: Notwithstanding other provisions of this Article VIII, a snowmobile may operate on any street in the village of Sheridan when a snowmobile is the only form of vehicular traffic that is capable of safe operation within Corporate limits of the Village of Sheridan. This exception may only be declared available by the Village President of the Village of Sheridan, the Chief of Police of the Village of Sheridan, the Department of Conservation, the LaSalle County Sheriff, the Illinois State Police or any official designated by any of these persons.

**65. Golf Carts:** No Golf Cart shall be operated on any sidewalk in the Village of Sheridan. No golf cart may be operated on a roadway in the Village unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem on the rear of the golf cart, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, turn signals, and a horn. When operated on a roadway, a golf cart shall have its headlight and tail lamps lighted as required by Section 12-201 of the Illinois Vehicle Code and its operator shall obey all Traffic Rules and Regulations as described in the Illinois Vehicle Code and Ordinances of the Village of Sheridan. Any minor child on a golf cart shall be seated in a forward facing seat and secured with a lap belt, seat belt or other form of safety restraint.

## Article IX - Penalties

**66. Penalty.** Any person, firm or corporation violating any provision of this article. shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties.

**67. Arrest.** Any person arrested for violation of this article shall be released upon proper

bail being furnished as required by statute. The police officer in command at the station may, or in the absence of a police magistrate or justice, prescribe the amount of bail or bond in each instance. Provided, that any arrested person may at his request have the amount of such bond set by a magistrate or justice of the peace as provided by statute.

**68. Tickets.** For offenses other than driving while intoxicated or reckless driving, police officers after making note of the license number of the vehicle (and the name of the offender where possible) may issue a traffic violation ticket notifying the offender to appear in Court at the time designated for hearing such cases. Such officer may sign a complaint for the time and place so specified.

### **Article X: Vehicle Impound**

**69. Impound of Vehicle.** To deter the following proscribed conduct in the Village of Sheridan, whenever a police officer has probable cause to believe that a motor vehicle has been used in the commission of the following proscribed conduct, such vehicle is subject to immediate impoundment by the Sheridan police department:

- (a) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any misdemeanor or felony offense in violation of the Criminal Code of 1961.
- (b) Operation or use of a motor vehicle in the commission of, or in the attempt to commit a felony.
- (c) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act.
- (d) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess a controlled substance, as defined by the Illinois Controlled Substances Act.
- (e) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or otherwise violate the Cannabis Control Act provided such violation of the Cannabis Control Act is subject to a penalty of more than a civil violation.
- (f) Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 or this Code.
- (g) Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.
- (h) Operation or use of a motor vehicle with an expired driver's license, in violation of

Section 6-101 of this Code, if the period of expiration is greater than one year.

- (i) Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age.
- (j) Operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this Code.
- (k) Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 1961

**70.** When a vehicle was reported stolen at the time of an above alleged violation and the theft was reported to the appropriate police authorities within 72 hours after the theft was discovered or reasonably should have been discovered, a Sheridan Police Officer, in lieu of impoundment, may return the vehicle to the owner provided that it does not need to be impounded for evidentiary purposes.

**71. Towing and Storage.** Whenever a police officer directs the impoundment of a motor vehicle, the police officer shall provide for the transport of the vehicle to a facility by means as time to time approved by the Village. For any towing company or storage facility to become approved by the Village, such must provide proof of insurance coverage to cover loss by fire, theft or other risks and be open for business during normal business operating hours.

**72. Initial Notice.** At the time the vehicle is towed, the police department shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense as follows:

- the fact of the seizure of the vehicle,
- the vehicle owner's or lessee's right to an administrative hearing.
- the vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lien holder posts with the Village a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

**73. Follow –Up Notice.** Within 10 days after a vehicle is impounded, the police department shall provide further notice by personal service or by first class mail to interested parties (including the registered owner or lessee of the vehicle and any lien holder of record) to the address(es) of the interested parties as registered with the Secretary of State. Such further notice shall contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

**74. Costs.** The standard impound cost which shall be considered an administrative penalty, is \$300.00 plus an additional \$10.00 a day for any vehicle impounded beyond 5 days. . For any non-standard vehicle transport, an additional charge of up to \$100.00 may be imposed. The impound cost constitutes a debt due and owing the Village, towing company and storage facility.

**75. Conditions for Release of Impounded Vehicle.** An impounded vehicle shall not be released until:

- (a) any waiting time established under Illinois law has lapsed, and
- (b) the Sheridan police department has released the vehicle for evidentiary and/or possible forfeiture purposes, and
- (c) all costs are paid to the Village of Sheridan by cash, guaranteed funds or credit card, and,
- (d) the owner, registrant, or their duly authorized agent, appears in person with proper identification, and
- (e) the intended driver provides a valid drivers license, proof of insurance and an apparent ability to operate a vehicle, and,
- (f) the vehicle appears in lawful condition to be driven on the roadway or a towing company is prepared to remove the vehicle.

When an Owner or their agent seeks release of a vehicle prior to an Administrative Hearing, the above costs shall be paid the Village. If the Owner or their agent waives a right to an Administrative Hearing, the costs paid shall be forfeited to the Village. Absent the signing of a waiver of hearing, the costs shall be held by the Village Treasurer as a bond pending the outcome of the Administrative Hearing.

**76. Forfeiture Notice.** In the event that the Sheridan Police Department seeks forfeiture of a vehicle, notice shall be provided the LaSalle County Sheriff's Department, the LaSalle County State's Attorney's Office and owners and interested parties as identified under Article 36 of the Criminal Code of 1961.

**77. Hearings.**

Administrative hearings shall be conducted an administrative hearing officer being the City Attorney or other attorney as time to time appointed by the City who is an attorney licensed to practice law in this State for a minimum of 3 years.

The date and time of the initial hearing shall be scheduled by the Police Department and notice of such shall be provided by the above mentioned follow-up notice. An interested party may request a change to the date and time of the initial hearing by contacting the Village Clerk. The initial hearing shall be conducted no later than 45 days after the date of the follow-up notice.

At the hearing, the administrative hearing officer shall determine by a preponderance of the evidence whether or not the police officer directing the impoundment of the vehicle had cause to believe that the vehicle was subject to impoundment under this ordinance. The party seeking return of the vehicle shall bear the burden of proof. Formal rules of evidence shall not be applicable to the hearing. The party seeking return of the vehicle fails to appear at the hearing, the hearing

officer shall enter a default order sustaining the impoundment.

At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If the administrative hearing officer overrules the impoundment, the vehicle shall be released (if not already released) and any bond posted shall be refunded to the party posting the bond. If the administrative hearing officer sustains the vehicle impoundment, any bond posted to secure the release of the vehicle shall be forfeited to the Village. If no bond was posted, the vehicle shall remain impounded until all fees are paid or the vehicle is deemed abandoned. Fees owed the City may be collected and enforced in the same manner as a judgment entered by a court of competent jurisdiction unless such collection action is stayed by a court of competent jurisdiction. All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law.

**78. Abandoned Vehicles.** Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Vehicle Code.

**79. Impound Proceeds.** Impound proceeds, after payment of towing and storage charges, shall be deposited into the Village of Sheridan police fund to payable for non personnel charges.

**80. Notice of Ordinance by Signs.** Signs shall be posted at the main entrances to the Village stating as follows: “VEHICLES SUBJECT TO SEIZURE UNDER THE MUNICIPAL CODE OF SHERIDAN”

## **CHAPTER 20 - TRAILERS**

### **1. RESTRICTIONS ON USE.**

It shall be unlawful for any person to locate or maintain a manufactured home, recreational vehicle, shed, tent or other temporary or recreational shelter for living or sleeping purposes, within the corporate limits of the Village of Sheridan without the consent of the owner. Said consent shall be in writing and approved by the Village of Sheridan Zoning Enforcement Officer. Any such consent shall be limited in duration to thirty days in any six-month period. A property owner may not consent to use of their property as authorized above unless their property has an area of at least five thousand (5,000) square feet and unless the location will cause no safety concern in the judgment of the Village of Sheridan Zoning Enforcement Officer. A property owner may not execute such a consent for use of their property for more than thirty days in any six-month period. The consenting property owner must allow use of their toilet facilities by their visitors.

### **2. PENALTY.**

Any person violating any of the provisions of this ordinance. shall be fined according to the Uniform Fine Schedule in CHAPTER 30– THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties. Each day that a violation is permitted to exist shall constitute a separate offense.

## CHAPTER 21 - ANIMALS

**1. Cruelty.** No person shall cruelly treat any animal in the Village in any way; and any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section.

**2. License Required.** No person shall own or keep a dog or cat older than 6 months in the Village unless they shall obtain a license and tag for such cat or dog from the Sheridan Police Department's animal control officer. An applicant for a license shall complete an application giving the following information:

- Applicant's name, address, and telephone number
- Name of animal
- Breed, color and sex of dog or cat

A separate license and tag shall be issued for each dog and each cat. A license may not be issued a dog and/or cat until the applicant presents proof of a current inoculation for rabies or a letter from a licensed veterinarian stating the reason why such dog or cat should not be vaccinated. The fee shall be \$10.00 per year for each dog and \$5.00 per year for each cat. A license may be issued for a period of up to 3 years provided that for a dog license to issue for more than 1 year, the applicant must present proof of an inoculation for rabies that lasts for the license period.

**3. Dangerous, Non-household or Excessive Animals.** No person shall own, keep, harbor, maintain, possess or permit to be under his control within the Village of Sheridan:

- a) any dangerous animal
- b) more than two dogs within a dwelling unit or lot as defined by The Zoning Board of the Village of Sheridan.
- c) more than two cats within a dwelling unit or lot as defined by The Zoning Board of the Village of Sheridan.
- d) any animal or animals other than a dog, cat, aquatic, amphibian or small cage animal or animals. A small cage animal may not include any chickens, ducks, geese, other fowl or other farm type livestock.

The foregoing shall in no way limit:

- i) the raising of livestock for agricultural purpose in areas zoned for agricultural uses according to The Zoning Ordinance of the Village of Sheridan so long as such livestock is adequately contained.

ii) the raising of more than two dogs or cats where kennels are permitted according to The Zoning Ordinance of the Village of Sheridan.

iii) the owning, keeping, harboring or maintaining of such other animals as permitted by a license issued by the Sheridan Village Board of Health. Licenses may be issued by the Sheridan Village Board of Health for a period of up to one year finding that such animal causes no risk to the health, safety and welfare of its keeper or those living in the area of the keeper, upon finding that such animal causes no disturbance or nuisance to those living in the area, and upon finding the animal is sheltered to provide healthy and sanitary care and prevent its escape. The Sheridan Village Board of Health may revoke a license upon finding the conditions of issuance of a license are not complied with. Decisions of the Sheridan Village Board of Health may be appealed to the Village Board of Trustees.

e) An animal shall be deemed a dangerous animal if it meets one or more of the following conditions:

i) it attacks a person or animal one or more times without provocation,

ii) it has a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of persons or other animals.

iii) it manifests a disposition to snap or bite without provocation to a person in a place where such person is conducting himself peaceably and lawfully.

**4. Noises.** It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.

**5. Strays.** It shall be unlawful to permit any animal to run at large in the Village. An animal shall be deemed to be running at large if it is not leashed, fenced, housed or otherwise restricted from leaving the person or premises of its owner, possessor or keeper. It shall further be unlawful to picket or tie any such animal along any of the streets of the Village for the purpose of grazing or feeding. The police may seize any animal running at large. If a seized animal's owner can readily be identified by tag or otherwise, the police shall impound the animal as provided in this Chapter and attempt to notify the owner. If the animal's owner cannot be readily identified, the stray animal may be impounded in the manner provided in this Chapter or may be released, or may be relocated elsewhere in the Village and released.

**6. Tag Required.** No person shall own or keep a dog or cat older than 6 months in the Village unless such dog or cat has a collar with a current tag issued from the Sheridan Police Department's animal control officer.

**7. Killing Dangerous Animals.** Any village police officer is authorized to kill any

dangerous animal of any kind when it is necessary for the protection of any person or property.

**8. Diseased Animals.** No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected. It is hereby made the duty of the Sheridan Village Board of Health to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

**9. Housing and Clean Up.** No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, or unwholesome. Any person owning, keeping, harboring, maintaining or possessing any animal shall promptly remove and dispose of all feces left by such animal on any public property or on private property not owned by such person.

**10. Dogs.** It shall be unlawful to permit any dog to go upon any public street, alley or sidewalk or other public place, unless such dog is securely leashed.

**11. Impounding.** The Village Board may from time to time designate one or more premises to be used as the Village Pound. Animals which are impounded in the Village Pound shall be kept in the pound until redeemed or until otherwise disposed of as may be directed from time to time by the Village Board. Animals held in the pound shall be held at least 72 hours for redemption.

Any person seeking to redeem any impounded animal shall pay the impounding costs suffered by the Village plus a redemption fee as follows:

- a) First redemption..... \$ 150.00
- b) Second redemption..... 350.00
- c) Third and subsequent redemptions..... 750.00

**12. Care of Impounded Animals.** Animals which are kept in the Village Pound shall be humanely treated and fed. All animals shall be redeemed within 72 hours after the same was impounded. Any such animal not redeemed within such time may be sold, destroyed or otherwise disposed of. An animal may be sold, destroyed or otherwise disposed of without such 72 hours waiting period if the animal is severely injured or suffers from a contagious disease.

**13. Dog Bite.** Whenever any dog bites a person, the owner of said dog shall be immediately notified the Sheridan Village Board of Health who shall order the dog to be held on the owners premises or shall have it impounded for a period of fifteen (15) days. The dog shall be examined immediately after it has been anyone and again at the end of the fifteen (15) day period.

If at the end of his fifteen (15) day period, a veterinarian is convinced that the dog is free from rabies, he shall order the dog released from quarantine or the pound as the case may be.

**14. Penalty.** Any person, firm or corporation violating any provision of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties.

## **CHAPTER 22 - STORAGE OF PETROLEUM AND PETROLEUM PRODUCTS WITHIN THE VILLAGE**

### **Section 1.**

1. It shall be unlawful to store or maintain a supply of more than 10 gallons of any flammable liquid as hereinafter defined, anywhere in the Village of Sheridan, except general business districts zoned B-1, wherein the limit shall be 300 gallons held for resale purposes.

This shall not be construed to prohibit the underground storage of fuels for internal combustion engine if properly vented and if said tank is not located within five (5) feet of any structure; nor should this be construed to prohibit use of properly plumbed and vented storage tanks of fuel oil, kerosene, propane, or like heating produces used for heating purposes.

It shall further be unlawful to park any vehicle which has the capacity to carry, whether in a single container or multiple containers more than 100 gallons of flammable liquids, as hereinafter defined, anywhere in the Village of Sheridan, inside of any building or confined area.

2. The phrase, flammable liquids, as used in this ordinance shall mean any liquid with a flash point at or below 200 degrees Fahrenheit (93 1/3 degrees Centigrade) closed cup tester, and shall include but not limited to Ether, Carbon bisulfate, Gasoline, Naphtha, Benzol, Acetone, Collodion, Alcohol, Amyl Acetate, Toluol, Ethyl Acetate, Methyl Acetate, Methyl Alcohol, Kerosene, Amyl Alcohol, Turpentine, and Fuel Oil.

3. Any person, firm or corporation violating the provisions of this act shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties, and each day that a violation exists shall constitute a separate offense.

## CHAPTER 23 - DANGEROUS BUILDINGS.

**1. Definitions.** The term "dangerous Buildings" as used in this ordinance is hereby defined to mean and include:

(a) Any building, shed, fence or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures;

(b) Any building, shed, fence, or other man-made structure which because of faulty construction, age, lack of property repair or any other cause is especially liable to fire and constitutes or creates a fire hazard;

(c) Any building, shed, fence or other man-made structure which by reason of faulty construction, age, lack of property repair or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such a structure.

(d) Any building, shed, fence or other man-made structure which is substantially damaged by fire, explosion, or other natural or man made disaster, or any building, shed, fence or other man-made structure which is in need of substantial repair due to abandonment or neglect.

**2. Declared a Nuisance.** Any such dangerous building in the Village is hereby declared to be a nuisance.

**3. Prohibition.** It shall be unlawful to maintain or permit the existence of any dangerous building in the Village; and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

**4. Abatement.** Whenever the Fire Marshall, the Health Inspector or any other officer or employee of the Village shall be of the opinion that any building or structure in the Village is a dangerous building, he shall file a written statement to this effect with the Village Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

To \_\_\_\_\_(owner-occupant of the premises) of the premises known and described as \_\_\_\_\_.

You are hereby notified that (Described building on the premises above described has been condemned as a nuisance and a dangerous building after inspection by

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The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately, or the Village will proceed to do so.

If the person receiving such notice has not complied therewith then (10) days from the time when this notice is served upon such person by personal service or by registered mail, the Village may, upon order of the Village President, proceed to remedy the condition or demolish the dangerous building.

Any building, shed, fence or other manmade structure which is substantially damaged by fire, explosion, or other natural or manmade disaster, shall be boarded, fenced to a height of six (6) feet, or similarly made inaccessible to access and viewing by the public within five (5) working days after such cause. An owner must make application for a building permit within thirty (30) days after such cause. An owner must complete rebuilding, remodeling or razing within seven (7) months after such cause.

**5. Penalty.** Any person, firm or corporation violating any provision of this ordinance by permitting any building or structure to remain in a dangerous condition shall be fined according to the Uniform Fine Schedule in CHAPTER 30– THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

**6. Unknown Owners.** If the owner of the premises concerned is unknown, or if his address is unknown, service of a notice provided for in this ordinance may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published within the municipality.

**7. Alternative Action.** In addition to the actions authorized by other sections of this ordinance, the Fire Marshal, Chief of the Fire Department or any

other municipal official whose duty it is to investigate fires, may make the investigations authorized by the statute found in Illinois Revised Statutes, Chapter 127 1/2, Paragraph 9 to 14. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law.

## CHAPTER 24 - BUILDING CODE

**1. Adoption of Code.** The Village of Sheridan does hereby adopt the rules and regulations published in “The Zoning Ordinance for the Village of Sheridan, Illinois.”

Said rules and regulations are incorporated herein and made a part of the municipal law of the Village of Sheridan the same as if herein set forth verbatim.

**2.** That the term “responsible bidder” for construction related contracts entered into by the Village of Sheridan means a bidder who meets all of the following applicable criteria, and submits evidence of such compliance:

- (1) All applicable laws pre-requisite to doing business in Illinois.
- (2) Evidence of compliance with:
  - (a) Federal employer tax identification number or social security number (for individuals).
  - (b) Provisions of Section 2000(e) of Chapter 21, Title 42, of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity provisions.)

**3.** Certificate of insurance indicating the following coverages: general liability, worker’s compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.

**4.** Compliance with all provision of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the “Act”.

- 5.** One or more of the following:
- (a) participation in apprenticeship and training programs approved and registered with the United States Department of Labor’s Bureau of Apprenticeship and Training;
  - (b) Licensed by the State of Illinois for the trade for which the bid is submitted;
  - (c) Pre-certified as qualified by the Illinois Department of Transportation or other state office for the trade for which the bid is submitted;
  - (d) Certified as a “responsible bidder” by the Village of Sheridan Board, or a designated committee of the village Board, no less than 14 days prior to the last date for return of bids by a showing by the bidder to the Village that the bidder is competent in the trade for which the bid is submitted. Such showing to the village of Sheridan shall include a summary of all training for those performing work, a work history of those performing work, and letters of recommendation from recent customers. Nothing shall prevent the Village from requesting further information or investigating further information.

## Section 1. DEFINING PUBLIC WORKS

The term “public works” shall mean the following: any constructing, altering, reconstructing, repairing, rehabilitating, refinishing, refurbishing, remodeling, remediating, renovating, custom fabricating, maintenance, landscaping, improving, moving, wrecking, painting, decorating, demolishing, and adding to or subtracting from any public building, structure, highway, roadway, street, alley, bridge, sewer, drain, ditch, water work, railroad, excavation, or other project, development, real property, or improvement herein described of any material or article of merchandise, which is paid for out of a public fund or out of a special assessment.

## Section 2. RESPONSIBLE BIDDER

The term “responsible bidder” for public works contracts entered into by the Village of Sheridan means a bidder who meets all of the following applicable criteria, and submits evidence of such compliance:

- A. Documents evidencing compliance with all applicable laws and ordinances pre-requisite to doing business in Illinois;
- B. A federal employer tax identification number or, if an individual, a valid social security number
- C. A statement of compliance with provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by executive order No. 11375 (known as the Equal Opportunity Employer provisions);
- D. Disclosure of the name and address of each subcontractor from whom the contractor has accepted a bid and/or intends to hire on any part of the project. Further, each such subcontractor shall be required to adhere to the requirements set forth herein as though it were bidding directly to the Village, and submit its information and supporting documentation to the Village no later than the date and time of the contract award;
- E. Certificate of insurance indicating the following coverages: general liability, worker’s compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.
- F. A statement of compliance with all provisions of the Illinois Prevailing Wage Act (820 ILCS 130/1 et seq.) for those trades as covered in the “Act”.

Such statement shall also provide that the contractor has reviewed the Prevailing Wage Act (or federal Davis Bacon Act) , and agrees to pay the applicable prevailing wage rates attached to the bid specifications, and will strictly comply with the Prevailing Wage Act (or federal Davis Bacon Act) and related requirements.

A contractor who has been found by the Illinois Department of Labor to be in violation of the Prevailing Wage Act twice within a three (3) year period shall be deemed not to be a Responsible Bidder for two (2) years from the date of the latest finding;

G. Evidence of participation in apprenticeship and training programs applicable to the work to be performed on the project which are approved by and registered with the United States Department of Labor's Office of Apprenticeship. The required evidence shall be a copy of the United States Department of Labor Certificate issued for each apprenticeship and training program that applies to the project.

H. Evidence that the bidder is competent in the trade for which the bid is submitted. Such evidence shall include a summary of all training for those performing work, a work history of those performing work, and letters of recommendation from customers on projects completed in the last two (2) years;

I. Statements as to past performance, which shall give an accurate and complete record of all public works projects completed in the last two (2) years by the contractor. Such statements shall include the name of the public body and the project, original contract price, final contract price, and the names of all subcontractors used, if applicable.

### Section 3. Incomplete Submissions by Bidders and Sub-Contractors

It is the sole responsibility of the contractor to comply with all submission requirements at the time it submits its bid to the Village. The submission requirements also apply to all sub-contractors, as provided in Section 2(d). Contractor and/or sub-contractor submissions deemed incomplete by the Village may result in a determination that the contractor is not a responsible bidder.

### Section 4. Materiality

The requirements of this Resolution are a material part of the bid documents and the contract and the successful bidder shall insert this Resolution in all subcontracts.

### Section 5. Previous Resolutions

Any previous Resolutions or portion thereof in conflict with this Resolution is hereby revoked.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effect immediately upon its adoption and publication in pamphlet form.

## CHAPTER 24A - FLOOD DAMAGE PREVENTION

**1. Purpose.** This ordinance is enacted pursuant to the police powers granted to this village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

- (a) To prevent unwise developments from increasing flood or drainage hazards to others;
- (b) protect new buildings and major improvements to buildings from flood damage;
- (c) to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (d) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (e) maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (f) make federally subsidized flood insurance available, and
- (g) to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**2. Definitions.** For the purposes of this ordinance, the following definitions are adopted:

**Base Flood:** 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 3 of this ordinance.

**Base Flood Elevation (BFE):** The elevation in relation to mean sea level of the crest of the base flood.

**Basement:** That portion of a building having its floor sub-grade (below ground level) on all sides.

**Building:** A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

**Critical Facility:** Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

**Development:** Any man-made change to real estate including, but not necessarily limited to:

- (a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (b) substantial improvement of an existing building;
- (c) installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 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 channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of

additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA:** Federal Emergency Management Agency

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Fringe:** That portion of the floodplain outside of the regulatory floodway.

**Flood Insurance Rate Map:** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain and Special Flood Hazard Area (SFHA):** These two terms are synonymous. Those lands within the jurisdiction of the Village of Sheridan, the extraterritorial jurisdiction of the Village of Sheridan, or that may be annexed into the Village of Sheridan, that are subject to inundation by the base flood. The floodplains of the Village of Sheridan are generally identified as such on panel number(s) 0265 and 0270 of the countywide Flood Insurance Rate Map of LaSalle County prepared by the Federal Emergency Management Agency and dated July 18, 2011. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the Village of Sheridan or that may be annexed into the Village of Sheridan are generally identified as such on the Flood Insurance Rate map prepared for LaSalle County by the Federal Emergency Management Agency and dated July 18, 2011.

**Floodproofing:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**Floodproofing Certificate:** A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

**Flood Protection Elevation (FPE):** The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

**Floodway:** That portion of the floodplain required to store and convey the base flood. The

floodway for the floodplains of the Fox River shall be as delineated on the countywide Flood Insurance Rate Map of LaSalle County prepared by FEMA and dated July 18, 2011. The floodways for each of the remaining floodplains of the Village of Sheridan shall be according to the best data available from the Federal, State, or other sources.

**Freeboard:** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

**Historic Structure:** Any structure that is:

- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (c) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
- (d) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**IDNR/OWR:** Illinois Department of Natural Resources/Office of Water Resources.

**IDNR /OWR Jurisdictional Stream:** Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this ordinance.

**Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

**Manufactured Home:** 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.

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided

into two or more lots for rent or sale.

**New Construction:** Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NFIP:** National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer:** A vehicle which is:

- (a) built on a single chassis;
- (b) four hundred (400) square feet or less in size;
- (c) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Repetitive Loss:** Flood related damages sustained by a structure on two separate occasions during a ten 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.

**Start of Construction:** Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

**Structure (see “Building”)**

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cumulative

percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition).

**Substantial Improvement:** Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this ordinance in which the cumulative percentage of improvements:

- (a) Equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or
- (b) Increases the floor area by more than twenty percent (20%).

“Substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**Violation:** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

**3. Base Flood Elevation.** This ordinance’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- (a) The base flood elevation for the floodplains of the Fox River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of LaSalle County prepared by the Federal Emergency Management Agency and dated July 18, 2011.
- (b) The base flood elevation for each floodplain delineated as an “AH Zone” or AO Zone” shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of LaSalle County.

- (c) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the countywide Flood Insurance Rate Map of LaSalle County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- (d) The base flood elevation for the floodplains of those parts of unincorporated DeKalb County that are within the extraterritorial jurisdiction of the Village of Sheridan or that may be annexed into the Village of Sheridan, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of DeKalb County prepared by the Federal Emergency Management Agency and dated July 18, 2011.

**4. Duties of the Building Inspector.** The Building Inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Sheridan meet the requirements of this ordinance. Specifically, the Building Inspector shall:

- (a) Process development permits in accordance with Section 5;
- (b) ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- (c) ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;
- (d) assure that all subdivisions and annexations meet the requirements of Section 8;
- (e) ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- (f) if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- (g) inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- (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 ordinance;
- (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 ordinance;
- (m) perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- (n) maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**5. Development Permit.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- (a) The application for development permit shall be accompanied by:
  - i. drawings of the site, drawn to scale showing property line dimensions;
  - ii. existing grade elevations and all changes in grade resulting from excavation or filling;
  - iii. the location and dimensions of all buildings and additions to buildings;
  - iv. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and
  - v. cost of project or improvements as estimated by a licensed engineer or architect.  
A signed estimate by a contractor may also meet this requirement.
- (b) Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey elevation to be below the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

- i. The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
- ii. The Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

**6. Preventing Increased Flood Heights and Resulting Damages.** Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (a) Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
  - i. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
  - ii. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3:
  - iii. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
  - iv. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
  - v. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:
  - vi. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
  - vii. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:

- viii. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:
- ix. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
- x. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
- xi. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:
- xii. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:
- xiii. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

(b) Other development activities not listed in 6(A) may be permitted only if:

- i. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or
- ii. 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.

## **7. Protecting Buildings.**

- (a) In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
  - i. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
  - ii. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

- iii. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
- iv. 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).
- v. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
- vi. Repetitive loss to an existing building as defined in Section 2.

(b) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

- i. 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 inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
  - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
  - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
  - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
- ii. The building may be elevated on solid walls in accordance with the following:
  - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  - b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

- c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. 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, and
- d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
  - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
  - ii. 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.
  - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
  - iv. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- iii. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
  - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of 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.

- c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
- d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
- e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

(c) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- i. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- ii. 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.
- iii. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- iv. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(d) Manufactured homes or travel trailers to be permanently installed on site shall be:

- i. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
- ii. 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 Ill. Adm. Code § 870.

(e) Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:

- i. The vehicle must be either self-propelled or towable by a light duty truck.
- ii. The hitch must remain on the vehicle at all times.
- iii. The vehicle must not be attached to external structures such as decks and porches.
- iv. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- v. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
- vi. The vehicle's wheels must remain on axles and inflated.
- vii. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
- viii. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
- ix. The vehicle must be licensed and titled as a recreational vehicle or park model, and must either:
  - a. entirely be supported by jacks, or
  - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

(f) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- i. The garage of shed must be non-habitable.
- ii. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- iii. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- iv. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.

- v. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
- vi. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- vii. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
- viii. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
- ix. The structure shall be anchored to resist floatation and overturning.
- x. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- xi. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

**8. Subdivision Requirements.** The Village of Sheridan Board of Trustees shall take into account 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 protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:

- i. 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;
- ii. the boundary of the floodway when applicable, and
- iii. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

**9. Public Health and Other Standards.**

(a) Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:

i.No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.

ii.Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

iii.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.

iv.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.

v.Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(b) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

**Section 10. Carrying Capacity and Notification.** For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the Village of Sheridan shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

**Section 11. Variances.** Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals and Plan Commission for a variance. The Zoning Board of Appeals and Plan Commission shall review the

applicant's request for a variance and shall submit its recommendation to the Village of Sheridan Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

(a) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- i. The development activity cannot be located outside the floodplain.
- ii. An exceptional hardship would result if the variance were not granted.
- iii. The relief requested is the minimum necessary.
- iv. There will be no additional threat to public health, safety or creation of a nuisance.
- v. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
- vi. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
- vii. all other state and federal permits have been obtained.

(b) The Zoning Board of Appeals and Plan Commission shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:

- i. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
- ii. increase the risk to life and property, and
- iii. 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) Historic Structures. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:

- i. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

- ii. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(d) Agriculture. Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood proofed.

- i. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
- ii. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

- iii. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.
- iv. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces. 5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.
- v. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7(B) this ordinance.
- vi. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
- vii. Wet-flood proofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

**Section 12. Disclaimer of Liability.** The degree of protection required by this ordinance 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 ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Sheridan or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

**Section 13. 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 ordinance. Upon due investigation, the Building Inspector may determine that a violation of the minimum standards of this ordinance exists. The Building Inspector shall notify the owner in writing of such violation.

(a) If such owner fails after ten (10) day's notice to correct the violation:

- i. The Village of Sheridan shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.

- ii. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
  - iii. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
  - iv. The Village of Sheridan shall record a notice of violation on the title of the property.
- (b) The Building Inspector 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. The Building Inspector is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit. No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:
- i. The grounds for the complaint, reasons for suspension or revocation, and
  - ii. the time and place of the hearing.
- At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.
- (c) Nothing herein shall prevent the Village of Sheridan from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**Section 14. Abrogation and Greater Restrictions.** This ordinance repeals and replaces other ordinances adopted by the Board of Trustees of the Village of Sheridan to fulfill the requirements of the National Flood Insurance Program including: Ordinance 2001-41 dated May 14, 2001. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section 15. Severability.** The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

**Section 16. Effective Date.** This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

## CHAPTER 25 – MOVING BUILDINGS

**1. Permit Required.** No person, firm or corporation shall move any building, on through, or over any street, alley, sidewalk or other public place in the Village without having obtained a permit therefore from the Village Board. Applications for such permits shall be made in writing to the Clerk and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place.

**2. Approval – Fee.** Upon approval of the intended route by the Village Board, a fee of Five (\$5.00) Dollars for each day or fraction thereof that it is intended that the building shall occupy any such portion of any such public place shall be paid to the Clerk and the permit issued. Additional payment of (\$10.00) Dollars for each day or fraction thereof over and above the time stated on the permit during which any building shall occupy any such public place shall be paid.

**3. Bond.** Every person, firm or corporation applying for a permit under this article shall submit with his application a bond with a lawful corporate surety to be approved by the Village Board, conditioned on his compliance with all the provisions of this article, and agreeing to pay and holding the Village harmless from any claim which may be made against it by reason of this occupation of any street, alley, sidewalk or other public place by the building or structure moved.

**4. Lights and Warnings.** Wherever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the Police Department so as to warn vehicles and persons from entering that portion of the street so blocked.

The person's firm or corporation moving any building through the streets shall keep warning signs and lanterns or lights on the building so as to guard against any person or vehicle colliding with it.

**5. Wires – Cutting.** Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the Village President shall estimate the expense of fixing the wires and the bond to be given to cover such expense.

**6. Fire Alarm Wires.** When any moving building shall approach any fire alarm wire or pole which shall be endangered by the removal of such building, or structure, it shall be the duty of the mover to notify the Fire Marshall at least six hours before reaching such wire or pole so that they may be removed or cared for by the Village authorities.

**7. Penalty.** Any person, firm or corporation violating any provisions of this article shall be fined according to the Uniform Fine Schedule in CHAPTER 3-The CODE, Article I-Title: Interpretation, Paragraph 3 Penalties; and a separate offense shall be deemed committed on which day or on which a violation occurs or continues.

## CHAPTER 26 – CURFEW

1. **Regulations.** It is unlawful for a person less than 18 years of age to be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 21 years of age as approved in writing by a parent or legal guardian, or unless engaged in a business or occupation in which the laws of the State of Illinois authorize a person less than 18 years of age to perform, or unless in attendance at, or a not-for-profit community organization sponsored activity:

(1) Between the hours of 9:30 p.m. to 6:00 a.m., Sunday through Thursday.

(2) Between the hours of 10:30 p.m. and 6:00 a.m., Friday and Saturday.

**2. Parents.** It is unlawful for a parent, legal guardian or other person to knowingly permit a minor in their custody or control to violate Section One (1) of this Section. A parent or legal guardian shall be presumed to have knowingly permitted a minor in their custody or control to have violated the above Section One (1) if the minor has been taken into custody for violations of curfew on two prior occasions within 24 months of the most recent time the minor was taken into custody for violation of curfew.

**3. Penalty.** A person convicted of a violation of any provision of this section shall be fined according to the Uniform Fine Schedule in Chapter 3-THE CODE, Article 1-Title: Interpretation, Paragraph 3 Penalties.

## CHAPTER 27 - PUBLIC PARKS AND PUBLIC WAYS

All public parks within the Village of Sheridan shall be subject to the following rules and regulations:

**1. Hours.** All public parks located within the Village limits shall open at 6:00 a.m. and shall close at 10:00 p.m. It shall be unlawful for any individual, group, or organization to enter, remain, loiter, or otherwise be in any public park before the opening hour or after the closing hour.

**2. USE:** All public parks shall be available for the lawful use and enjoyment of the public but subject to as follows:

A. Structures or Displays.

No permanent or temporary structure or display may be brought upon or erected within any public park absent a written resolution of the Village Board to the contrary.

B. Vehicles.

No vehicles may be driven upon or within any public park.

C. Picketing and Protesting.

Any group or organization may use any public park for the purpose of picketing or protesting provided that the number of people involved in picketing or protesting does not exceed 15 in number at any one time, provided that no more than 10% of the ground within the public park is occupied for picketing or protesting and provided that picketing or protesting shall not last in duration for more than one hour in any one day during open park hours and provided that no sign or poster greater than 20 square feet shall be carried or displayed.

D. Assemblies of more than 50 people.

No group or organization may use or enter upon any public park if more than 50 people enter or are anticipated to enter upon the park within one day without obtaining a permit for park use from the Village Clerk. Permits shall be available on a first-come, first-use basis but no application for a permit may be accepted by the Village Clerk more than 70 days before the scheduled event and less than 40 days before the scheduled event. No permit shall issue unless the applicant provides for a sufficient number of portable restroom facilities being available for use by park users. Such portable restrooms shall be placed in the vicinity of the park in a location with ease access for park users. No permit shall issue unless in writing the applicant agrees to, and provides a security deposit in the amount of \$100.00

to assure clean-up and restoration of the park to its condition prior to usage and repair of any damages to park improvements. Should village employees be required to clean-up and restore the park grounds, the applicant shall be liable for clean-up and restoration costs assessed in the amount of \$25.00 per hour for any and all time spent by each and every village employee engaged in clean-up or restoration.

**3. Each of the following locations shall be deemed a public park.**

A. Block 2 of the Original Town of Sheridan, not the Village of Sheridan.

B. Block 1 or the Original Town of Sheridan, now the Village of Sheridan except such portion of Block 1 upon which is located the Village Hall and other general governmental buildings.

**4. Use of Public Ways.**

A. Definition:

“Public Way” is any area subject to the ownership or control of the Village of Sheridan, not substantially improved by a building and not predominantly used for streets or parking. Such area includes but is not limited to sidewalks, walkways, berms, and pedestrian rest areas.

B. USE:

Unless a public way is posted "no trespassing" or unless a municipal police officer or other municipal officer has requested that a person move from a public way, all public ways shall be available for the lawful use and enjoyment of the public but subject to as follows:

(1) Structure or displays.

No permanent or temporary structure or display may be brought upon or erected on any public way absent a written resolution of Village Board to the contrary.

(2) Vehicles.

No vehicle may be driven upon any public way.

(3) Picketing and protesting.

Any group or organization may use any public ways for purpose of picketing and protesting provided that the number of people involved in picketing or protesting does not obstruct the free passage of any pedestrian

passing on or along any walkway, provided that no more than 10% of the ground within a one block area is occupied for picketing or protesting and provided that picketing or protesting shall not last in duration for more than one hour in any one day and provided that no sign or poster greater than 6 square feet shall be carried or displayed.

(4) Rest Areas.

Rest areas in a public way are those areas that have a park bench or are otherwise suitable as rest areas for pedestrians. The Village of Sheridan has a limited number of public way rest areas and, therefore, public way rest areas are restricted solely for the temporary use of pedestrians, temporary use being defined as no longer than 15 minutes in duration. It is unlawful for a person to occupy a public way area for a period of time longer than 15 minutes within a 60-minute period or following a request of a municipal police officer or other municipal officer to vacate such area so that it may be made available for use by other pedestrian traffic. A municipal police officer or other municipal officer may request a person to vacate such area when that person is hindering the access of another to the use of a public way or another person is waiting to use the public way rest area. For those seeking a rest area which can be used for longer than 15 minutes in duration, the Village of Sheridan has established public parks where use of a rest area is not restricted except for general restrictions for the use of public parks.

**5. Trespass to Public Ways or Parks.**

The Village of Sheridan reserves the right to deny public access to certain portions of parks and public ways as established by resolution of the Village Board as time to time are adopted or by authorization of a Village Board member who finds that access to an area needs to be denied in order to protect the health, safety or general welfare of the public.

(a) It is unlawful to enter upon a public way or park after receiving notice from a village police officer or other village officer that such entry is forbidden, or remain upon such public way or park after receiving notice from a village police officer or other village officer to depart, and who thereby interferes with another person's lawful use and enjoyment of such public way or park.

(b) A person has received notice from a village police officer or other village officer within the meaning of subsection (a) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry to him or a group of which he is a part, has been conspicuously posted or exhibited at or near the forbidden area.

**6. Violations.**

Any individual, group or organization violating any provision of this Chapter shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title:

Interpretation, Paragraph 3 Penalties. Each day of every continuing violation shall be deemed a separate offense.

Nothing in this Chapter shall prohibit any village employee from performing park management and maintenance duties. The Village Board of Trustees may grant a variance from any provision of this Chapter by written resolution. Any person denied an application for park use may appeal such decision to the Village Board of Trustees.

## 7. Construction of Facilities in the Rights-of-Way.

### 7.1 Purpose and Scope.

a) Purpose. The purpose of this Section is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.

b) Intent. In enacting this Section, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by private parties, by establishing uniform standards to address issues, 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 Village'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 storm water 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 Village'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 Section 7 of Chapter 27. This Section applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Section 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 Village, 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 Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Section.

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 Village, 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 Section and the provisions of any franchise, license or similar agreement between the Village 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 Sections. This Section supersedes all Sections or parts of Sections 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 Section, the utility shall comply with the requirements of this Section to the maximum extent possible without violating federal or State laws or regulations.

h) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Section and may vary the standards, conditions, and requirements expressed in this Section when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

## **7.2 Definitions.**

As used in this Section and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

“AASHTO” - American Association of State Highway and Transportation Officials.

“ANSI” - American National Standards Institute.

“Applicant” - A person applying for a permit under this Section.

“ASTM” - American Society for Testing and Materials.

“Backfill” - The methods or materials for replacing excavated material in a trench or pit.

“Bore” or “Boring” - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

“Cable operator” - That term as defined in 47 U.S.C. 522(5).

“Cable service” - That term as defined in 47 U.S.C. 522(6).

“Cable system” - That term as defined in 47 U.S.C. 522(7).

“Carrier Pipe” - The pipe enclosing the liquid, gas or slurry to be transported.

“Casing” - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

“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.

“Code” - The Municipal Code of the Village of Sheridan.

“Conductor” - Wire carrying electrical current.

“Conduit” - A casing or encasement for wires or cables.

“Construction” or “Construct” - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

“Cover” - The depth of earth or backfill over buried utility pipe or conductor.

“Crossing Facility” - A facility that crosses one or more right-of-way lines of a right-of-way.

“Director of Public Works” - The Village Director of Public Works or his or her designee.

“Disrupt the Right-of-Way” - For the purposes of this Section, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil,

and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

“Driveway Apron” – A driveway apron is that portion of a driveway allowing access from the improved street to private property that lies in the right-of-way between the boundary line of the private property and the edge of the improved street.

“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 Village 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 Section. For purposes of this Section, the term “facility” shall not include any facility owned or operated by the Village.

“Freestanding Facility” - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

“Frontage Road” - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

“Hazardous Materials” - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village 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 or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder" - A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT" - Illinois Department of Transportation.

"ICC" - Illinois Commerce Commission.

"Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting" - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use" - The use of pole lines, trenches or other facilities by two or more utilities.

"J.U.L.I.E." - The Joint Utility Locating Information for Excavators utility notification program.

"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 7.4 and 7.5 of this Section.

"Practicable" - That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines" - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt" - That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.

“Public Entity” - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

“Restoration” - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

“Right-of-Way” or "Rights-of-Way"- Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. “Right-of-way” or "Rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village 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 7.10.

“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.

“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 Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider" - Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer" - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

"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 Section.

"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).

"Village" - The Village of Sheridan.

"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.

### **7.3 Annual Registration Required.**

Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Village Clerk, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in Section 7.8 of this Section, in the form of a certificate of insurance.

### **7.4 Permit Required; Applications and Fees.**

- a) Permit Required. No person shall construct (as defined in this Section) any

facility on, over, above, along, upon, under, across, or within any Village 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 Section), 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 Village Clerk and obtaining a permit from the Village therefor, except as otherwise provided in this Section. 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 Section shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village 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 applicant 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) If the applicant is not a utility, the applicant's name, address, telephone, telecopy numbers, e-mail address, and its interest in the work;
- 3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
- 4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- 5) Evidence that the utility has placed on file with the Village:
  - i) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
  - ii) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation,

construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village 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 Village 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 7.8 of this Section;
- 8) Evidence of posting of the security fund as required in Section 7.10 of this Section;
- 9) Any request for a variance from one or more provisions of this Section (See Section 7.21); and
- 10) Such additional information as may be reasonably required by the Village.
- 11) The application of an applicant seeking to undertake sidewalk improvements outside the scope of the Village's annual sidewalk improvement program shall illustrate compliance with the requirements of Chapter 9 – SIDEWALKS OF THE MUNICIPAL CODE OF SHERIDAN.
- 12) The application of an applicant seeking to work on a lateral sewer line to a Village sewer main in the right-of-way shall illustrate compliance with the requirements of CHAPTER 8 – DRAINAGE of THE MUNICIPAL CODE OF SHERIDAN.
- 13) The application of an applicant seeking to work on a driveway apron beyond the scope of the Village's annual road improvement plan shall file drawings, plans and specifications with the Village Engineer. In the event that the Village Engineer has reason to believe the proposed work may impact on adjoining property owners, the Village Engineer may request the Village's Zoning Board of Appeals/Plan Commission conduct a public hearing utilizing the same procedures utilized for a variance or special use request where notice of the public hearing is provided adjoining property owners who shall have an opportunity to review and comment on driveway apron plans. In such event, the applicant shall, in addition to other fees, pay usual and customary hearing fees of the Zoning Board of

Appeals/Plan Commission. The recommendations of the Village's Zoning Board of Appeals/Plan Commission shall be presented to the Village Board and Village Engineer for final action on the proposed driveway apron.

d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection c) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- 1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- 2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- 3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- 4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Metropolitan Water Reclamation District [other local or state entities with jurisdiction], have been satisfied; or
- 5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

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 Village within thirty (30) days after the change necessitating the amendment.

f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement or unless otherwise provided by the Board, all applications for permits pursuant to this Section shall be accompanied by a fee agreement between the Applicant and the Village stating that the Applicant shall be responsible for Village costs, including without limitation permit costs, inspection fees, and engineer and attorney review costs, to be paid in a timely and effective manner that will not cause delay to the Applicant's project. 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.

## **7.5 Action on Permit Applications.**

a) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Engineer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall reject such application in writing, stating the reasons therefor. If the Village Engineer is satisfied that the proposed work conforms to the requirements of this Section and applicable ordinances, codes, laws, rules, and regulations, the Village Engineer 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 Village Engineer, that the construction proposed under the application shall be in full compliance with the requirements of this Section.

### b) Additional Village 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 Village that it intends to commence work governed by this Section 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 Village 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 Village Engineer shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
- 2) In the event that the Village Engineer fails to provide such specification of location to the telecommunications retailer within either (i) ten (10) days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) 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 Section.
- 3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 7.4 of this Section the telecommunications retailer shall submit to the Village an application

for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (a) of this Section.

c) Additional Village 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 Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

## **7.6 Effect of Permit.**

a) Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Section on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

b) Duration. No permit issued under this Chapter shall be valid for a period longer than six (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 Chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village 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 Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

## **7.7 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 Village 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 Section, it shall be treated as a request for variance in accordance with Section 7.21 of this Section. If the Village 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.

## **7.8 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 Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

- 1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as “X,” “C,” and “U” coverages) and products-completed operations coverage with limits not less than:
  - i) Five million dollars (\$5,000,000) for bodily injury or death to each person;
  - ii) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
  - iii) Five million dollars (\$5,000,000) 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) 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) 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 Village within ten (10) days following receipt of a written request therefor from the Village.

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 Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Mayor of such intent to cancel or not to renew.”

Within ten (10) days after receipt by the Village of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.

e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection a) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection a), or the requirements of Subsections b), c) and d) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection a) of this Section, such as evidence that the utility is a “private self insurer” under the Workers Compensation Act.

f) Effect of Insurance and Self-Insurance on Utility’s Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

g) Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. [All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.]

## **7.9 Indemnification.**

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village 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 Section 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 Section by the Village, its officials, officers, employees, agents or representatives.

#### **7.10 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 as security for:

- 1) The faithful performance by the permittee of all the requirements of this Section;
- 2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Section; and
- 3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Section including, without limitation, any damage to public property or restoration work the permittee is required by this Section to perform that the Village 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 Village from the permittee pursuant to this Section or any other applicable law.

b) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

- 1) Provide that it will not be canceled without prior notice to the Village and the permittee;
- 2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
- 3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

c) Amount. The dollar amount of the Security Fund shall be the greater of

\$1,000.00 or the estimated project cost for work performed on public property as determined by the Village Engineer to 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 Village Engineer, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.

d) Withdrawals. The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village 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 Village for any damages, claims, costs or expenses which the Village 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 Section that the Village 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 Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection c) of this Section.

f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection c) of this Section.

g) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Section or other applicable law. In the event work authorized under the permit included any open road cuts, an amount determined by the Village Engineer may be retained for up to 12 months for any potential road repairs arising from post work settling in the area of the road cut(s). 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 Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village 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 Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Section 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 Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

## **7.11 Permit Suspension and Revocation.**

a) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Section for one or more of the following reasons:

- 1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- 2) Non-compliance with this Section;
- 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 Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Section stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 7.11.

c) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- 1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- 2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village 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 Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection a) of this Section.

e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection c) of this Section, the Village or its designee may, at the option of the Village: (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 non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

#### **7.12 Change of Ownership or Owner's Identity or Legal Status.**

a) Notification of Change. A utility shall notify the Village 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 applicable laws, ordinances, rules and regulations, including this Section, 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 Village'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.

#### **7.13 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 Section, the Village Engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

#### **7.14 Traffic Control.**

a) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

d) Notice When Access is Blocked. At least 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 7.20 of this Section, 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 Village.

## 7.15 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 subsection.

- 1) No Interference with Village Facilities. No utility facilities shall be placed in any location if the Village Engineer determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
- 2) Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
- 3) No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- 4) No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- 5) Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

b) Parallel Facilities Located Within Highways.

- 1) Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:
  - i) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
  - ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
  - iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

- iv) No pole is located in the ditch line of a highway; and
  - v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.
- 2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
- i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;
  - ii) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
  - iii) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.
- c) **Facilities Crossing Highways.**
- 1) No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village 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:
    - i) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);

- ii) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
  - iii) Overhead crossings at major intersections are avoided.
- 5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:
  - i) The design materials and construction methods will provide maximum maintenance-free service life; and
  - ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- 6) Markers. The Village 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 Village 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 Village may restrict the location and size of any freestanding facility located within a right-of-way.
    - 2) The Village may require any freestanding facility located within a right-of-way to be screened from view.
  - f) Facilities Installed Above Ground. Above ground facilities may be installed only if:
    - 1) No other existing facilities in the area are located underground;
    - 2) New underground installation is not technically feasible; and
    - 3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

g) Facility Attachments to Bridges or Roadway Structures.

- 1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
- 2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - i) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - ii) The type, length, value, and relative importance of the highway structure in the transportation system;
  - iii) The alternative routings available to the utility and their comparative practicability;
  - iv) The proposed method of attachment;
  - v) The ability of the structure to bear the increased load of the proposed facility;
  - vi) The degree of interference with bridge maintenance and painting;
  - vii) The effect on the visual quality of the structure; and
  - viii) The public benefit expected from the utility service as compared to the risk involved.

h) Appearance Standards.

- 1) The Village 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.

## 7.16 Construction Methods and Materials.

### a) Standards and Requirements for Particular Types of Construction Methods.

#### 1) Boring or Jacking.

i) Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

ii) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.

iii) Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).

iv) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

v) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.

2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and

Bridge Construction.”

- i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Engineer.
- ii) Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
- iii) Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.

3) Backfilling.

- i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT’s “Standard Specifications for Road and Bridge Construction.” When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- ii) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Engineer, 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 Engineer.

4) Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph 4) is permitted under Section 7.21, the following requirements shall apply:

- i) Any excavation under pavements shall be backfilled and

compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Engineer.

- ii) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
- iii) All saw cuts shall be full depth.
- iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (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.

- i) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
- ii) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- iii) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village 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 Village. Bell and spigot type pipe shall be encased regardless of installation method.
- iv) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- v) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;

vi) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

<b>TYPE OF FACILITY</b>	<b>MINIMUM COVER</b>
<b>Electric Lines</b>	<b>30 Inches (0.8 m)</b>
<b>Communication, Cable or Video Service Lines</b>	<b>18 to 24 Inches (0.6 m, as determined by Village)</b>
<b>Gas or Petroleum Products</b>	<b>30 Inches (0.8 m)</b>
<b>Water Line</b>	<b>Sufficient Cover to Provide Freeze Protection</b>
<b>Sanitary Sewer, Storm Sewer, or Drainage Line</b>	<b>Sufficient Cover to Provide Freeze Protection</b>

b) Standards and Requirements for Particular Types of Facilities.

1) Electric Power or Communication Lines.

i) Code Compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 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.

ii) Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

iii) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of “moles,” “whip augers,” or other approved method which compress the earth

to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.

- iv) Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. 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:
- i) the use of “moles,” “whip augers,” or other approved methods which compress the earth to move the opening for the pipe;
  - ii) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
  - iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
  - iv) tunneling with vented encasement, but only if installation is not possible by other means.
- 3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT’s “Standard Specifications for Road and Bridge Construction,” and all other applicable laws, rules, and regulations.
- 4) Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- 5) Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines,

and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois.”

- 6) Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Engineer. With the approval of the Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

c) Materials.

- 1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standards Specifications for Road and Bridge Construction,” the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

2) Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Village Engineer. 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 Village.

- 3) Hazardous Materials. The plans submitted by the utility to the Village 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 Village, 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 Engineer when emergency work is required to restore vital utility services.

- 3) Unless otherwise permitted by the Village, the hours of construction are those as set forth in this Code or otherwise directed by the Board.

e) Location of Existing Facilities. Any utility proposing to construct facilities in the Village 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 Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

## **7.17 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 Village as permitted by law.

b) Other Utilities – Tree Trimming Permit Required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Section.

- 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 Village 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 Village 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 Village 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 Village 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 Engineer that such spraying is the only practicable method of vegetation control.

**7.18 Removal, Relocation, or Modifications of Utility Facilities.**

a) Notice. Within ninety (90) days following written notice from the Village, 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 Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

b) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the Village, 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 Section; 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 Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

d) Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Engineer determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, 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.

#### **7.19 Clean-up 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 Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Village Engineer. 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 Village Engineer for good cause shown.

#### **7.20 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 Village and at the utility's expense.

b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

- 1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment

required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

- 2) In an emergency, the utility shall, as soon as possible, notify the Village Engineer 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 Village 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 Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

## **7.21 Variances.**

a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Section must do so in writing to the Village Engineer as a part of the permit application. The request shall identify each provision of this Section from which a variance is requested and the reasons why a variance should be granted.

b) Authority to Grant Variances. The Village Engineer shall decide whether a variance is authorized for each provision of this Section identified in the variance request on an individual basis.

c) Conditions for Granting of Variance. The Village Engineer 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 Village Engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Section but which carry out the purposes of this Section.

e) Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Village Engineer under the provisions of this Chapter shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within 30 days after the date of such order, requirement, decision or determination. The Village 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 Village Board shall timely decide the appeal.

## **7.22 Penalties.**

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Section 7 of Chapter 27 shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village 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 Section. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village'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 Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

## **7.23 Enforcement.**

Nothing in this Section 7 of Chapter 27 shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Section 7 of Chapter 27.

## **7.24 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Section 7 of Chapter 27 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **CHAPTER 27A - A MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE**

**WHEREAS**, the Village of Sheridan as an Illinois municipality has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Illinois Telecommunications Municipal Infrastructure Maintenance Fee Act, Public Act 90-154 (the "Act"); and

**WHEREAS**, the fees imposed under this Ordinance will for the first time establish municipal franchise fees with respect to telecommunications retailers; and

**WHEREAS**, this Ordinance is intended to create a uniform system for the collection of fees associated with the privilege of using Village rights-of-way and other public rights-of-way for telecommunications activity within the municipal boundaries of the Village, including the recovery of reasonable costs for regulating the use of all public rights-of-way within its municipal boundaries for telecommunications activity.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Sheridan as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Adoption of Fee.** There is hereby established a Chapter 27A of the Municipal Code of the Village that will read as follows:

### **CHAPTER 27A - Telecommunications Infrastructure Maintenance Fee**

#### **1. Definitions.**

As used in this Chapter, the following terms shall have the following meanings:

(a) "Gross Charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village,

and charges for that portion of the interstate inter-office channel provided within the Village. However, “gross charges” shall not include:

(1) any amounts added to a purchaser’s bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser’s bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;

(2) charges for a sent collect telecommunication received outside the Village;

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts (“bad debt” means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunications devices; or

(9) charges for telecommunications and all services and equipment provided to the Village.

(b) "Public Right-of-Way" means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

(c) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(d) "Sale of telecommunications at retail" means 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.

(e) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(f) "Telecommunications" includes, but is not limited to messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value-added services in which computer-processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission.

“Telecommunications” shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. “Telecommunications” shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. 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 Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

(g) "Telecommunications provider" means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form. “Telecommunications retailer” or “retailer” or “carrier” means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the Village.

(i) “Village” means the Village of Sheridan, Illinois.

(j) “Wireless telecommunications” includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. §332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

## **2. Registration of telecommunications providers.**

(a) Every telecommunications provider as defined by this Chapter shall register with the Village within 30 days after the effective date of this Chapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provided, however, that any telecommunications retailer that has filed a return pursuant to paragraph 4(c) of this Chapter shall be deemed to have registered in

accordance with this Section.

(b) Every telecommunications provider who has registered with the Village pursuant to paragraph 2 (a) has an affirmative duty to submit an amended registration form or current return as required by paragraph 4 (c) as the case may be, to the Village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the Village.

### **3. Municipal telecommunications infrastructure maintenance fee.**

- (a) A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1.0% of all gross charges charged by the telecommunications retailer to service addresses within the Village for telecommunications originating or received in the Village.
- (b) Upon the effective date of the infrastructure maintenance fee authorized in this Chapter, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers.
- (c) Imposition of the infrastructure maintenance fee provided under this Chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.
- (d) The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in paragraph 4 of this Chapter.

### **4. Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.**

(a) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.

(b) Unless otherwise approved by the Village, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(c) Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form to be prescribed by the Village, which shall

contain such information as the Village may reasonably require.

(d) Any infrastructure maintenance fee required to be collected pursuant to this Chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under paragraph 4(a) by the telecommunications retailer pursuant to this Chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(e) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the Village may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(f) Amounts paid under this Chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) “gross charges” for purposes of the Telecommunications Excise Tax Act;

(2) “gross receipts” for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;

(3) “gross charges” for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;

(4) “gross revenue” for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.

(g) The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Chapter to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five (5%) percent of the total amount of the underpayment determined in an audit, plus any costs incurred

by the Village in conducting the audit, in an amount not to exceed five (5%) percent of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for same.

(h) The Village may promulgate such further or additional regulations concerning the administration and enforcement of this Chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to paragraph 2 of this Chapter of such regulations.

**5. Compliance With Other Laws.** Nothing in this Chapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- (a) generally applicable taxes; and
- (b) standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and
- (c) any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
- (d) compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

**6. Existing Franchises and Licenses.** Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Chapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

**7. Penalties.** Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Chapter. shall be fined according to the Uniform Fine Schedule in CHAPTER 30 – THE CODE, Article I-Title: Interpretation, Paragraph 3 Penalties.

**8. Enforcement.** Nothing in this Chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Chapter.

**9. Severability.** If any section, subsection, sentence, clause, phrase or portion of this [Article/Chapter] is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**10. Conflict.** This Chapter supersedes all Chapters or parts of the Municipal Code of

Sheridan adopted prior hereto, which are in conflict herewith, to the extent of such conflict.

**Section 3. Fee Implementation.**

(a) The Village Clerk shall send a copy of this ordinance by certified mail/return receipt to each known telecommunications retailer providing services within the Village.

(b) The Village infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on and after April 1, 1999. The infrastructure maintenance fee shall apply to gross charges billed on or after April 1, 1999. For any telecommunications retailer not receiving notice of this ordinance prior to April 1, 1999, the infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on the first day of the month no less than 60 days after receipt of notice of this ordinance.

**Section 4. Effective Date.** This Ordinance shall take effect immediately upon its passage, approval and publication in pamphlet form.

## CHAPTER 27B – SMALL WIRELESS FACILITIES

### 1. Purpose and Scope.

The purpose of this Chapter 27B SMALL WIRELESS FACILITIES is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict. In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

### 2. Definitions.

For the purposes of this Ordinance, the following terms shall have the following meanings:

Antenna – communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

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

Applicant – any person who submits an application and is a wireless provider.

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

Collocate or collocation – to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

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

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

FCC – the Federal Communications Commission of the United States.

Fee – a one-time charge.

Historic district or historic landmark – a building, property, or site, or group of buildings,

properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law – a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

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

Municipal utility pole – a utility pole owned or operated by the Village in public rights-of-way.

Permit – a written authorization required by the Village to perform an action or initiate, continue, or complete a project.

Person – an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency – the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate – a recurring charge.

Right-of-way – the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

Small wireless facility – a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

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

Wireless facility – equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider – any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

Wireless provider – a wireless infrastructure provider or a wireless services provider.

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

Wireless services provider – a person who provides wireless services.

Wireless support structure – a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

### 3. Regulation of Small Wireless Facilities.

#### (A) Permitted Use.

Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

#### (B) Permit Required.

An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

(1) Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole

or wireless support structure:

- a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
- b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
- c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
- f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
- g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) Application Process. The Village shall process applications as follows:

- a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
- b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

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

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

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

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

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

- d. The Village shall deny an application which does not meet the requirements of this Ordinance.

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

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

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

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

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

- e. Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

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

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

- (4) Tolling. The time period for applications may be further tolled by:
  - a. An express written agreement by both the applicant and the Village; or
  - b. A local, State or federal disaster declaration or similar emergency that causes the delay.

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

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

(6) Duration of Permits. The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Ordinance.

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

- (7) Means of Submitting Applications. Applicants shall submit applications,

supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) Collocation Requirements and Conditions.

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

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

(3) No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

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

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

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

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

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

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise

unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

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

(6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

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

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

(8) Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

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

- a. 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

b. 45 feet above ground level.

(9) Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a Special Use Permit in conformance with procedures, terms and conditions set forth in the Marseilles Zoning Ordinance.

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

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

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

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

(D) Application Fees.

Application fees are imposed as follows:

(1) Applicant shall pay an application fee of \$650.00 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350.00 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(2) Applicant shall pay an application fee of \$1,000.00 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

- (3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
- (4) The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
  - a. routine maintenance;
  - b. the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
  - c. the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
- (5) Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(E) Exceptions to Applicability.

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

- (1) property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
- (2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
- (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

(F) Pre-Existing Agreements.

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

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

(G) Annual Recurring Rate.

A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(H) Abandonment.

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

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or

through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

#### 4. Dispute Resolution.

The Circuit Court of LaSalle shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

#### 5. Indemnification.

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

#### 6. Insurance.

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

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

(ii) workers' compensation insurance, as required by law;

OR

(iii) commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

7. Severability.

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

## CHAPTER 28 - VILLAGE SEAL

**1. Village Seal.** That the seal now provided for the Village of Sheridan, LaSalle County, and State of Illinois, and now in use in said Village, having the inscription, "Corporate Village of Sheridan" around the outer edge thereof, and the inscription, "LaSalle County, Illinois" across the center thereof, the impression of which seal is hereto affixed, shall be and is hereby established and declared to be the seal of the Village of Sheridan, LaSalle County, Illinois.

## CHAPTER 29 - FIRE INSURANCE COMPANIES

**1. License Fee.** All Corporations, companies, and associations not incorporated under the laws of this State, and which are engaged in effecting fire insurance within the Village of Sheridan shall pay to the Village Treasurer annually, at the time of filing the reports hereinafter mentioned, as a tax or license fee, a sum equal to two percent (2%) of the gross receipts for all premiums which, during the year ending on every first day of July, shall have been received by said corporations, companies or associations, or their agency or agents respectively, for any insurance effected or agreed to be effected in the Village of Sheridan by or with such corporations, companies or associations respectively.

**2. Agent to File Annual Report of Premiums.** Every person who shall act within the Village of Sheridan as agent or otherwise, for or on behalf of such corporation, company, or association shall, on or before the fifteenth day of July of each year, render to the Village Clerk a full, true and just account, verified by his oath, of all premiums which, during the year ending on every first day of July preceding such report, shall have been received by him , or any other person for him, in behalf of such corporation, accompany, association, and shall specify in said report the amount received for such insurance. Such agents shall also pay to the Village Treasurer, at the time of rendering the aforesaid report, the amount of rates, fixed by this ordinance, for which the companies, corporation or associations represented by them are severally chargeable under the statute in such case mad and provided, and under this ordinance. Due records of such funds received shall be maintained.

**3. Penalty for Failure to Report and Pay Fee.** If any such company, corporation or association fail to files the report herein designated by the day required by this Article, or if the amount of rates aforesaid shall remain unpaid after the day limited for the payment thereof, every such corporation, company or association shall forfeit and pay the Village of Sheridan the sum of Two Hundred (\$200.00) Dollars upon conviction for each and every offense; and in addition to such penalty the Village of Sheridan shall recover in an action in its name, and for its use, against such corporation, company or association, so failing to make such report or pay such rates, the full amount of the rates which may be due under the provisions hereof.

## CHAPTER 30 - THE CODE

### Article I - Title: Interpretation

**1. Title.** This ordinance shall be known as the " The Municipal Code of Sheridan - 1997."

**2. Construction of Words.** Whenever any word in any section of this ordinance, 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 ordinance 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. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words "this ordinance" whenever used in this code shall be held and taken to mean the entire, code, including each and every section thereof. The word "Village" Whenever used in this ordinance shall be held and taken to mean the Village of Sheridan. The words "Written" or "In writing" may include printing. Provided that these rules of construction shall not be applied to any section of this ordinance which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

**3. Officers and Employees.** Whenever reference is made in the ordinance to a village officer or employee by title only, this shall be construed as though followed by the words "of the Village of Sheridan" and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties mentioned.

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

**4. Intent.** All general provisions, terms, phrases and expressions contained in this ordinance shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out.

### Article II - Enforcement

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

Whenever there is a breach or violation of the terms in this ordinance, unless other provision expressly sets forth the remedy for the breach or violation, such breach or violation shall be subject to a fine under the following Uniform fine Schedule.

#### UNIFORM FINE SCHEDULE

In the case of a first violation of any Village of Sheridan ordinance committed within a 5-year period, the defendant shall be fined no less than \$150.00 and no more than \$750.00.

In the case of a second violation committed within 5 years of a previous violation of any village of Sheridan ordinance violation committed within a 5-year period, the defendant shall be fined no less than \$350.00 and no more than \$750.00.

In the case of a third violation committed within 5 years of a previous violation of any Village of Sheridan ordinance violation committed within a 5-year period, the defendant shall be fined \$750.00.

### **Article III – Administrative Adjudication**

#### **1. Purpose, Authority, and Reservation of Rights.**

The purpose Article III – Administrative Adjudication is to provide a fair and efficient method of enforcing Village ordinances by an administrative hearing officer. Administrative adjudication shall only be utilized for purposes authorized under DIVISION 2.1 ADMINISTRATIVE ADJUDICATIONS under the ILLINOIS MUNICIPAL Code. Administrative adjudication shall not be used for offenses governing the movement of vehicles that are reportable offenses under Section 6-204 of the Illinois Vehicle Code. A hearing officer under administrative adjudication shall not have authority to impose a penalty of incarceration, or impose a fine in excess of \$50,000.00. The maximum monetary fine shall be exclusive of costs including costs of enforcement, costs imposed to secure compliance with the Village’s ordinances, and cost of collection including costs of any collection agency or attorney. The Village reserves its right to employ all other means and methods available under the law to enforce its Village ordinances, including direct application to the Circuit Court.

#### **2. Definitions.**

For the purposes of this Article II – Administrative Adjudication, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

***Complaint.*** A formal written accusation against a person or entity (i.e., a ticket or notice of violation) for a violation of Village Ordinance.

***Default.*** A failure to appear for a scheduled hearing.

***Hearing Officer.*** A State of Illinois attorney licensed for at least 3 years and in good standing with the attorney registration and disciplinary commission of the supreme court of Illinois appointed by the Mayor. A hearing officer shall have successfully completed a formal training program which includes: (1) instruction on the rules of procedure of the administrative hearings which they will conduct; (2) orientation to each subject area of the code violations that they will adjudicate; (3) observation of administrative hearings; and (4) participation in hypothetical cases, including ruling on evidence and issuing final orders.

***Municipal Code violation.*** Non-compliance with any provision of the *Municipal Code of Sheridan*.

***Officer.*** A full or part-time Village of Sheridan Police Officer.

***Respondent.*** Person charged with violating any ordinance or law in the Village of Sheridan.

***Zoning violation.*** Non-compliance with any provision of *The Zoning Ordinance for the Village of*

*Sheridan, Illinois* including violation of any conditions established under a variance, special use or other form of zoning.

### **3. Administrative Adjudication Personnel.**

The Village Clerk/Administrator shall be the Clerk for general administration and record keeping associated with Administrative Adjudication proceedings. Duties shall include scheduling hearing, maintaining physical files and computer records for all charges, reviewing the status of all hearings to verify the need for the presence of the hearing officer, and answering questions of Respondents about the hearing process. In the event that the Village enters an intergovernmental agreement with another Municipality to establish a mutual program of administrative adjudication, the Village Clerk/Administrator shall work with the Clerk of the municipality conducting the hearings providing all required Village information to add Village of Sheridan complaints to the hearing docket.

### **4. Power of the Hearing Officer.**

- (A) Preside at an administrative hearing called to determine whether or not a Code violation exists;
- (B) At the request of any party or on the administrative hearing officer's own motion, issue subpoenas for the attendance of relevant witnesses and/or the production of relevant books, records, or other information. Subpoena issuance shall be at the discretion of the administrative hearing officer, where it is determined that the requested witness or document is material to the defense of the allegations and does not constitute a needless presentation and that the elements of the defense sought to be proved could not otherwise be established without the production of the requested evidence;
- (C) Administer oaths to witnesses, hear testimony, ask questions of the parties and witnesses, if necessary, to ensure the clarity and completeness of the testimony and the record, and accept evidence that is relevant to the existence of a Code violation;
- (D) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- (E) Issue a written determination based on a review of the notice of violation, citation, other charging documents and based upon the evidence presented at the hearing, stating whether a Code violation exists. The determination shall be in writing.
- (F) Impose penalties consistent with applicable Code provisions and assess costs upon finding a party liable for the charged violation. When applicable, each day a code provision is found to have been violated by the respondent shall constitute a separate offense, and each separate offense subjects the respondent to the penalty provided by the governing penalty provision.
- (G) Impose, in addition to fines, administrative and enforcement costs and, when applicable, imposing costs incurred by the Village for effecting compliance with code provision(s) for which a respondent has been found liable.

### **5. Pre-Commencement of Administrative Hearing.**

(A) A police officer or the Village Clerk/Administrator at the request of a police officer prior to commencing an Administrative Hearing procedure may provide notice to an alleged ordinance offender that the Village intends to commence an Administrative Hearing. The notice shall advise that an administrative hearing may be avoided by payment of ½ of the minimum fine paid and received by the Village no less than 5 business days before the hearing date. If no payment is timely received by the Village the charge or ticket shall remain on the docket for an Administrative Hearing.

(B) An officer issuing a ticket to the offender may present to the offender a notice advising that they may avoid an administrative hearing by payment of ½ of the minimum fine paid and received by the Village no less than 5 business days before the hearing date. If no payment is timely received by the Village the charge or ticket shall remain on the docket for an Administrative Hearing.

(C) The prepayment of a fine under this section shall not constitute an admission of guilt by the person charged and no record of the filing of an administrative hearing shall be maintained for a potential respondent making a pre-commencement payment.

## **6. Charging Document for Administrative Hearing.**

(A) Any police officer may request a municipal code violation be referred to administrative adjudication, and any zoning enforcement officer may request a zoning violation be referred to administrative adjudication. Such request for administrative adjudication shall be made by tendering a charging document to the Village Clerk/Administrator. At the request of a police officer or zoning enforcement officer, a person other than the police officer or zoning enforcement officer may signing a charging document.

(B) The Charging document shall:

(1) Identify the respondent by name and identify the respondent's address or place for service,

(2) Identify the relevant code section or sections,

(3) Identify the date, time, and place of the alleged violation,

(4) Provide a description of the activity, conduct or condition alleged to constitute a code violation in sufficient detail to so that a reasonable person can identify the nature of the alleged code violation,

(5) Be signed by the police officer or person making the complaint to the police officer. A police officer signing a charge shall constitute a certification of the correctness of the information in the complaint and shall establish a prima facie case. A person other than a police officer shall swear to the accuracy of the information in the complaint before a notary public and such shall also constitute a certification of the correctness of the information in the complaint and shall establish a prima facie case,

(6) If a person signing the complaint is not a police officer, the complaining person shall provide their contact information to allow the Village Clerk/Administrator to provide

effective notice of scheduled administrative hearing,

- (7) Upon receipt of a complaint, the Village Clerk/Administrator shall register the complaint on a docket for an upcoming administrative hearing and initiate service of the complaint and notice of hearing on the Respondent if not already provided the Respondent by the initiating police officer or zoning enforcement officer.

## **7. Service of Complaint and Notice of Hearing.**

The Village Clerk/Administrator shall establish a calendar of hearing dates and make such available to the Police Department. The Notice of Hearing may be provided with the complaint. In non-emergency circumstances, the hearing should generally be set not less than 2 weeks nor more than 6 weeks from the date of the complaint. A copy of the Complaint and a Notice of Hearing identifying service may be obtained on a respondent by one or more of the following means:

(A) By personal delivery of the complaint and notice of hearing to a respondent no less than 10 days before the hearing by a police officer or zoning enforcement officer other party designed by the Chairman of the Police Committee or Village President.

(B) By a police officer or zoning enforcement officer other party designed by the Chairman of the Police Committee or Village President leaving a copy of the Complaint and Notice of Hearing no less than 10 days before the hearing at the usual place of abode of the Respondent with a family member or a person residing there who is 13 years or age or older and mailing a copy of the Complaint and Notice of Hearing in a sealed envelope with postage fully prepaid, addressed to the Respondent at their usual place of abode.

(C) By certified or registered mail, return receipt requested to the usual place of abode of the Respondent, upon return of a receipt showing to whom delivered and the date and address of delivery which shall be no less than 10 days before the hearing.

(D) Service of notice of a violation of ordinance governing parking or standing of vehicles may be made by affixing the Complaint and Notice of Hearing to an unlawfully parked or standing vehicle or by handing the notice to the operator of the vehicle if the operator is present.

(E) Service of notice of a violation of ordinance governing a nuisance building may be made by posting the complaint and notice of hearing at a main entrance of the building with a mailing of the Complaint and Notice of Hearing no less than 10 days before the hearing to the address where tax bills are mailed.

(F) The officer or other person accomplishing service of the Complaint and Notice of Hearing shall complete and sign a proof of service describing the manner of service and date of service. Failure to indorse the date and manner of service shall not affect the validity of service. If service is not accomplished within 10 days of the hearing, the Code Hearing Division shall remove the Complaint from the hearing docket, establish a new hearing date and attempt a further service of Complaint and Notice of Hearing.

## **8. Administrative Hearings.**

(A) All administrative hearings conducted by a hearing officer are open to the public and shall be presided over by a duly appointed hearing officer who is charged with providing the parties a full and fair opportunity to be heard.

(B) All administrative hearings shall be conducted on the date set for hearing. In rare instances and for good cause shown, a continuance may be granted at the discretion of the administrative hearing officer at the request of a party to the hearing or upon need of the hearing officer. The purpose of administrative hearings is to provide a prompt resolution of alleged code violations. Accordingly, the request for, and the grant of, continuances shall be curtailed to the extent fairness permits. Lack of preparation shall not be grounds for a continuance. Continuances shall not be granted for more than two months.

(C) The formal and technical rules of evidence shall be waived in the conduct of the hearing. Evidence, including hearsay, may be admitted. Respondents may be represented by an attorney or other representative. The Village may but need not be represented by an attorney or other representative. The respondent may testify, present witnesses, and cross-examine any opposing witnesses. The complaint shall be considered proof of a complaint violation and the Village may but need not present witnesses or other proofs. The hearing officer shall consider the police report and any accompanying pictures or other documents. For good cause shown to the hearing officer, the Parties may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents.

(D) The hearing officer shall permit persons to contest the merits of a charge without attending a hearing. Any person may file a notarized statement of facts specifying grounds for contesting the violation notice, which must be received with the office of administrative hearings no less than 5 business days prior to the date of the hearing.

(E) No violation may be established except upon proof by a preponderance of the evidence. The charging document, issued in accordance with the applicable provisions of this code, however, shall be prima facie evidence of the correctness of the facts specified in the document.

(F) If at the time set for hearing, the respondent, or their attorney or other agent fails to appear, the administrative hearing officer shall enter a default judgment of liability against the respondent and impose fines and assess costs.

(G) The administrative hearing officer shall dismiss a case without prejudice upon motion by a representative of the Village.

(H) At the conclusion of a hearing, the hearing officer shall issue their final determination which may be liable, not liable, or liable upon default or a plea of no contest. If the hearing officer issues a final determination of liability, the hearing officer shall impose fines and assess costs. At the request of the Village, the hearing officer may issue an order of compliance. The order of compliance shall set a further compliance hearing and the hearing officer may advise the Respondent that the fine amount will be determined at the further compliance hearing taking into consideration needed compliance work. At any scheduled compliance hearing, the hearing officer

may continue to matter for a further compliance hearing, and may establish a fine if not before established.

(I) The cost to be assessed as part of an administrative hearing shall be \$30.00 consisting of fees associated with file management/record keeping, fees paid the hearing officer, and review and/or attendance by the Village Attorney.

(J) If one or more respondents are present, the hearing officer shall make their decision both orally and in writing. The hearing officer shall under all circumstances issue a written decision. The decision shall also contain, a statement that the respondent may appeal the decision to the Circuit Court within 35 days, pursuant to the Illinois Administrative Review Act set forth in 735 ILCS 5/3-101 et seq. Any decision of the hearing officer finding liability shall provide fine payment information to the offender. The Code Hearing Unit within 5 business days of a written decision shall mail a copy of the order by United States mail to any respondent not present at the hearing.

(K) The hearing officer's written final determination shall constitute a final determination for purposes of judicial review and is subject to review under the Illinois Administrative Review Act.

(L) The Hearing Officer may set aside any order entered by default and set a new hearing date upon a petition received by the Code Hearing Unit within twenty-one (21) days after the issuance of the order of default and mailing of the order. The Hearing Officer may vacate a default if they determine that the respondent's failure to appear at the hearing was for good cause or at any time if the respondent establishes that the Village did not provide proper service of process. If any judgment is set aside pursuant to this subsection, the hearing officer shall have the authority to enter any order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default order.

(M) The Village Board and/or the Village Clerk/Administrator shall determine the manner in which the record shall be preserved. Such preservation may be made by tape recording or other appropriate means. Recording by any means by any member of the public is prohibited unless expressly authorized by the hearing officer. The record of all hearings before an administrative hearing officer shall include a copy of the findings, decision, and order of the administrative hearing officer's final determination.

#### **9. Appeal from Decision of Hearing Officer.**

Any final decision by a hearing officer that a Municipal Code or Zoning Ordinance violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law. Any person filing for judicial review under the Administrative Review Law shall be subject to the assessment of costs for the preparation and certification of the record of proceedings before the hearing officer. Any failure to pay such fee shall subject the party seeking review to the provisions of 735 ILCS 5/3-109, including dismissal of the complaint on a motion by the Village.

#### **10. Enforcement of Judgment.**

(A) Any fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed

by the hearing officer which remains unpaid after expiration of the period in which judicial review may be commenced under the Illinois Administrative Review Law (unless stayed by a court of competent jurisdiction) shall be a debt due and owing the Village may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Upon being recorded in the manner required by Article XII of the Illinois Code of Civil Procedure, a lien shall be imposed upon the real estate of the respondent in the amount of any debt due and owing. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(B) The Village may commence a proceeding in the circuit court for purpose of obtaining a judgment on the findings, decision, and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions, and orders against a person in such a proceeding. When the Village seeks a judgment on the findings, decision, and order, the Village shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certificate that recites facts sufficient to show that the findings, decision, and order was issued in accordance with this chapter and applicable provisions of this code.

(C) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the Village under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(D) In the event that the order provided for the correction of a violation, the hearing officer shall set a future hearing date for the Respondent to correct the violation. At such time, the hearing officer shall hear testimony and accept any evidence relevant to the abatement of the violation in accordance with the order.

(E) The order to correct a Code violation and the sanctions imposed by the Village as the result of a fine of a Code violation under this Section shall attach to the property as well as to the owner of the property, so that a finding of a Code violation against one owner cannot be avoided by conveying or transferring the property to another owner. Any subsequent transferee or owner of property takes subject to the findings, decision and order of a hearing officer under this Section.

(F) Any expenses incurred by the Village to enforce the judgment, including, but not limited to, attorney's fees, court costs, and collection costs including that or a collection agency may be assessed against the respondent by the hearing officer in a supplement proceeding.

## **11. Supplemental Hearings.**

In any case in which a respondent has failed to comply with an order directing the respondent to correct a violation or other sanction or when a fine is not timely paid, the Village may commence a Supplement Hearing imposing any expenses incurred by the Village in the enforcement of the order against the Respondent. Notice shall be provided the respondent by mail no less than 14 days before the scheduled hearing on the supplemental proceeding. Notice may be provided in the same manner as service of complaint and notice of hearing or may be provided by United States mail to any address provided by the respondent to the Village during the hearing

process.

#### **Article IV- Amendments**

**1. Reference to Code.** Any additions or amendments to this code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same part of this ordinance shall be deemed to be incorporated in this ordinance so that a reference to the Municipal Code of Sheridan shall be understood to include them.

**2. Penalties.** In case of amendment of any section of this ordinance containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

**3. Recording Amendments.** It shall be the duty of the Village Clerk/Administrator to keep at least one copy of the Municipal Code of Sheridan which Village Clerk/Administrator shall mark in the following manner: Whenever an ordinance which amends or makes an addition to the code is passed and approved he shall note on the margin of the section of sections amended that such amendment has been made, with a reference to the place in the amendment book hereinafter described, where the amendment may be found; and in the case of an addition, he shall mark in the appropriate place a notation that such addition has been made, with a similar reference to the aforementioned amendment book.

The Village Clerk/Administrator shall also keep a separate book containing every amendment or addition passed to this Code, with a reference on each copy of such amendment of the addition as to the place in the record of ordinances where the original ordinance may be found.

The above mentioned records shall be kept in addition to the record of ordinances which the Clerk is required to keep by statute.

#### **Article V - Printing**

**1. Authorization.** This ordinance shall be printed and published in book form.

**2. Distribution of Copies.** All of the printed copies of this code belonging to the Village shall be deposited with the Clerk/Administrator who shall deliver one copy thereof to the President and each member of the Board of Trustees, and copies to such other persons as the President and Board of Trustees may direct.

**3. Presentation of Copies.** The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities by presenting them with a copy of this Code, bound at the expense of the Village, as to them shall seem suitable.

#### **Article VI- Repealing Clause**

**1. Repeal of General Ordinances.** All general ordinances of the Village passed by the President and Board of Trustees prior to the passage of this ordinance 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 the following section, from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances; revenue ordinances, vending machine ordinances. ordinances relating to boundaries

and annexation; franchise and other ordinances granting special rights to person or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances, ordinances establishing, naming or vacating streets, alleys, or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village, civil defense ordinances, and all special ordinances, including subdivision ordinance.

**2. Public Utility Ordinance.** No ordinances relating to railroads or railroad crossings with streets and other public utilities shall be repealed by virtue of the passage of this ordinance or by virtue of the preceding section, excepting as this Code may contain provisions for such matters, in which case the Ordinance shall be considered as amending such ordinance or ordinances in the respect of such provisions only.

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

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

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed; or as discontinuing, abating, modifying or altering any penalty occurred or to accrue, or as affecting the liability of any person, firm or corporation or as waiving any right of the Village under any section or provision of ordinances existing at the time of the passage of this ordinance.

**4. Time of Taking Effect.** This ordinance consisting of Chapters 1 to 30, inclusive, the same being designated as the "Municipal Code of Sheridan -- 1999: shall take effect and be in full force from and after its passage and publication in book form as provided by statute.