VILLAGE OF LEE

MUNICIPAL CODE

Updated August 10, 2023

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CHAPTER 1

**OFFICIAL VILLAGE CODE**

SECTION:

1-1-1: Title

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1-1-1: **TITLE**: Upon the adoption by the Village Board of Trustees, this Code is hereby declared to be and shall hereafter constitute the official Lee Village Code. This Code of ordinances shall be known and cited as the *LEE VILLAGE CODE* and is hereby published by authority of the Board of Trustees and shall be supplemented to incorporate the most recent legislation of the Village as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Code by title in any legal documents (2017 Code).

1-1-2: **ACCEPTANCE**: The Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title (2017 Code).

1-1-3: **AMENDMENTS:**

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 In the case of repealed chapters, sections, or subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by the omission thereof from reprinted pages affected thereby.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

B. Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Section \_\_\_\_\_\_\_\_ of the Lee Village Code is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full.

C. If a new section not then existing in the Code is to be added, the following language shall be used: "The Lee Village Code is hereby amended by adding a section (or title or chapter) to be numbered \_\_\_\_\_\_\_\_, which section (or title or chapter) reads as follows: . . . ." The provisions shall then be set out in full.

D. All titles, chapters, sections, or provisions of this Code desired to be repealed must be specifically repealed by section, article, or chapter number, as the case may be.

E. Two (2) official copies of this Code shall be maintained so that all amendments thereto and all general ordinances thereafter passed may be posted and inserted in their proper places within the Code. One of the copies shall be maintained by the Village Clerk and the other by the Village Attorney. In case of any doubt as to whether a new ordinance is a general ordinance, the Village Clerk shall be guided by the advice of the Village Attorney. (2017 Code)

1-1-4: **CODE ALTERATIONS**: It shall be unlawful for any person in the Village to change or amend, by additions or deletions, any part or portions of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby. (2017 Code)

1-1-5: **SUPPLEMENTATION OF CODE**:

A. By contract or by Village Personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Village Board. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the Village Board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

C. When preparing a supplement to this Code, the codifier (meaning the person, agency, or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

* Organize the ordinance material into appropriate units, such as chapters, articles, divisions, subdivisions, or sections.
* Provide appropriate catchlines, headings, and titles for sections and other units of the Code printed in the supplement, and make changes in such catchlines, headings, and titles.
* Assign appropriate numbers to sections and other units to be inserted in the Code and, where necessary to accommodate new material, change existing section or other unit numbers.
* Change the terms "this Ordinance" or words of the same meaning to "this Chapter," "this Article," "this Division," etc., as the case may be, or to "Sections \_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
* Make other non-substantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into the Code. In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

CHAPTER 2

**SAVING CLAUSE**

SECTION:

1-2-1: Repeal of General Ordinances and Resolutions

1-2-2: Public Ways and Public Utility Ordinances

1-2-3: Effect of Repeal; Court Proceedings

1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES AND RESOLUTIONS**.

A. All general ordinances of the Village passed by the Mayor and Board of Trustees prior to the adoption of this Code are hereby repealed, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such code. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

3. Any right or franchise granted by any ordinance of the Village.

4. Any ordinance establishing, dedicating, accepting the dedication of, naming, grading, improving, altering, locating, opening, paving, widening, vacating, etc., any street, alley, sidewalk, public way, public park, or public grounds in the Village.

5. Any appropriation ordinance.

6. Any ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code.

7. Any ordinance rezoning specific property or any amendment thereto.

8. Any ordinance establishing or prescribing grades in the Village.

9. Any ordinance providing for local improvements and assessing taxes therefore.

10. Any ordinance dedicating or accepting any plat or subdivision in the Village.

11. Any ordinance establishing the boundaries of any wards in the Village, or extending or contracting the boundaries of the Village.

12. Any ordinance respecting the conveyance or acceptance of real property or easements in real property.

13. Any ordinance prescribing the number, classification, or compensation of any Village officers or employees, not inconsistent herewith.

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

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

16. Any ordinance establishing fire lanes on private property.

17. Any temporary or special ordinance not in conflict with the provisions of this Code.

18. Any administrative ordinances not in conflict or inconsistent with this Code.

B. The provisions of this Code, so far as they are in the same substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments.

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES**: No ordinance relating to railroads or railroad crossings with street and other public ways, or relating to the conduct, duties, service, or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of Section 1-2-1 of this Chapter, except as this Code may contain provisions for such matters, in which case, this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3: **EFFECT OF REPEAL; COURT PROCEEDINGS**:

A. Reviving Prior Ordinances: When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision unless it shall be therein so expressly provided.

B. Current Pending Actions: Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, form or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the effective date hereof.

1-2-4: **SEVERABILITY CLAUSE**: Should any section, paragraph, sentence, clause, phrase, or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs, or sections of this Code, since the same would have been enacted by the Village Board without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, or section.

CHAPTER 3

**DEFINITIONS**

SECTION:

1-3-1: Application of Provisions

1-3-2: Construction of Words

1-3-3: Definitions

1-3-4: Catchlines

1-3-1: **APPLICATION OF PROVISIONS**: In the construction of this Code, and of all ordinances, the rules of construction and definitions set out in this Section shall be observed, unless such construction would be inconsistent with the manifest intent of the Village Board. The rules of construction and definitions set out in this Section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto. Cross references, state law references, editor’s notes, and history notes are by way of explanation only and shall not be deemed a part of the text of any section.

1-3-2: **Construction of Words**:

A. Liberal Construction: All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Mayor and Board of Trustees may be fully carried out.

B. Minimum Requirements: In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare.

C. Computation of Time: Whenever a notice is required to be given or an act to be done in a certain length of time before any proceeding shall be held, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be held shall be counted.

D. Delegation of Authority: Whenever a provision appears requiring the head of a department or some other Village Officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other office to designate, delegate, and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

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

F. Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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

H. Number: A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

I. Officers and Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words “of the Village of Lee”, and shall be taken to mean the officer or employee of the Village having the title mentioned or performing the duties mentioned.

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

K. Ordinance: The word “ordinance” contained in the ordinances of the Village has been changed in the content of this Code to “title,” “chapter,” section,” and/or “subsection,” or words of like import for organization and clarification purposes only. Such change to Village ordinances is not meant to amend passage and effective dates of such original ordinances.

L. Limitation: These rules of interpretation shall not be applied to any section of this Code which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

1-3-3: **DEFINITIONS**: Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

|  |  |  |
| --- | --- | --- |
| Board and village boaRD: |  | The terms "Board" and "Village Board" shall mean the Board of Trustees of the Village of Lee, Illinois. |
| Code and this Code: |  | The terms "Code" and "this Code" shall mean the Lee Municipal Code, including any additions or amendments to such Code by ordinances adopted subsequent to the last ordinance included in the Code prior to its adoption. Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided. |
| Computation of time: |  | The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding such Saturday, Sunday, or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.  **State Law References:** Similar provisions, 5 ILCS 70/1.11. |
| Corporate limits and village limits: |  | The terms "corporate limits" and "Village limits" shall mean the legal boundaries of the Village of Lee. |
| County and the county: |  | The terms "County" and "the County" shall mean DeKalb County or Lee County in the State of Illinois. |
| Delegation of authority: |  | Whenever a provision appears requiring the head of a department or some other Village officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate, and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise. |
| Gender: |  | A word importing the masculine gender may be applied to females.  **State Law References:** Similar provisions, 5 ILCS 70/1.04. |
| ILCS: |  | The abbreviation "ILCS" shall mean the Illinois Compiled Statutes, as now or hereafter amended. |
| In the village and within the village: |  | The terms "in the Village" and "within the Village" mean and include all territory over which the Village now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers. |
| Joint authority: |  | Terms purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.  **State Law References:** Similar provisions, 5 ILCS 70/1.09. |
| Misdemeanor: |  | The term "misdemeanor" shall mean any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.  **State Law References:** Similar provisions, 720 ILCS 5/2-11. |
| Month: |  | The term "month" shall mean a calendar month.  **State Law References:** Similar provisions, 5 ILCS 70/1.10 |
| Nontechnical and technical words: |  | Terms and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning. |
| Nuisance: |  | The term "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community. |
| Number: |  | Terms importing the singular number may extend and be applied to several persons or things, and terms importing the plural may include the singular.  **State Law References:** Similar provisions, 5 ILCS 70/1.03. |
| Oath: |  | The term "oath" shall be deemed to include an affirmation, and the term "sworn" shall be construed to include the word "affirmed."  **State Law References:** Similar provisions, 5 ILCS 70/1.12. |
| Occupant and tenant: |  | The terms "occupant" and "tenant," applied to a building or land, mean any person who holds a written or an oral lease of or who actually occupies the whole or a part of such building or land, either alone or with others. |
| Offense: |  | The term "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code. |
| Officers, departments, etc.: |  | Officers, departments, boards, commissions, committees, and employees referred to in this Code shall mean officers, departments, boards, commissions, committees, and employees of the Village, unless the context clearly indicates otherwise. |
| Operator: |  | The term "operator" shall mean the person who is in charge of any operation, business, or profession. |
| Or, and: |  | The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it. |
| Owner: |  | The term "owner," when applied to a building or land shall include any part owner, joint owner, tenant in common, tenant by the entirety, tenant in partnership, or joint tenant of the whole or a part of such building or land. |
| Person: |  | The term "person," as well as all words referring to or importing persons, may extend and be applied to bodies politic and corporate as well as individuals.  **State Law References:** Similar provisions, 5 ILCS 70/1.05. |
| Personal property: |  | The term "personal property" means and includes every species of property, except real property as defined by this section. |
| Preceding and following: |  | The terms "preceding" and "following" mean next before and next after, respectively. |
| Property: |  | The term "property" shall include real and personal property. |
| Real property: |  | The term "real property" shall include lands, tenements, and any other item of property and shall embrace all chattels real. |
| Shall, may: |  | The term "shall" is mandatory; the term "may" is permissive. |
| Sidewalk: |  | The term "sidewalk" means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. |
| Signature and subscription: |  | The terms "signature" and "subscription" include a mark when the person cannot write. |
| State: |  | The terms "State" and "the State" shall mean the State of Illinois. |
| Street: |  | The term "street" shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic. |
| Tenant: |  | The term "tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others. |
| Tense: |  | Terms in the present tense include the future.  **State Law References:** Similar provisions, 5 ILCS 70/1.02. |
| Village: |  | The term "Village" shall mean the Village of Lee, Illinois. |
| Village president and president: |  | The terms "Village President" and "President" shall mean the president of the Village. The president of the Village may also be referred to as "Mayor" or "President" of the Village.  **State Law References:** Authority to provide president may also be referred to as mayor, 65 ILCS 5/1-1-2.1. |
| Written and in writing: |  | The terms "written" and "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or if he is unable to write, by his proper mark. |
| Year: |  | The term "year" means a calendar year, unless otherwise expressed. |

1-3-4: **CATCHLINES**: The catchlines of the several sections and subsections, and the headings of titles, chapters, sections, divisions, and subdivisions are intended as mere catchwords to indicate the contents of the title, chapter, section, subsection, division, or subdivision, and shall not be deemed or taken to be titles of such titles, chapters, sections, subsections, divisions, or subdivisions, nor as any part of the title, chapter, section, subsection, division, or subdivision, nor, unless expressly so provided, shall they be so deemed when any of such titles, chapters, sections, subsections, divisions, or subdivisions, including the catchlines or other headings, are amended or reenacted.

CHAPTER 4

**GENERAL PENALTY**

SECTION:

1-4-1: General Penalty

1-4-2: Application of Provisions

1-4-3: Liability of Officers and Employees

1-4-4: Enforcement of Provisions

1-4-5: Collected Fines to Clerk

1-4-6: Civil Liability

1-4-1: **GENERAL PENALTY**: Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance shall be a misdemeanor and punishable by a fine not exceeding $750.00. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

1-4-2: **APPLICATION OF PROVISIONS**:

A. Application of Penalty: The penalty provided in this Chapter shall be applicable to every section of this Code the same as though it were a part of each and every separate section.

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

C. Breach of Provisions: Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

1-4-3: **LIABILTY OF OFFICERS AND EMPLOYEES**: No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the 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.

1-4-4: **ENFORCEMENT OF PROVISIONS**:

A. Enforcement: All actions brought to enforce any fine, imprisonment, penalty, or forfeiture under this Code or any ordinance of the Village shall be brought in the corporate name of the Village, as plaintiff. No prosecution, recovery, conviction, or acquittal for the violation of this Code or any ordinance shall constitute a defense to any other prosecution of the same party for any other violation of the same or any other ordinance, although the different causes of action existed at the same time and, if united, would not have exceeded the jurisdiction of the court.

B. Responsibility for Acts: Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

C. Jurisdiction: Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Village to regulate such particular acts outside the corporate limits.

1-4-5: **COLLECTED FINES TO CLERK**: All fines, forfeitures, and penalties, when collected, shall be paid to the Village Clerk within ten (10) days after the receipt thereof by the officer collecting the same.

1-4-6: **CIVIL LIABILITY**: The recovery and payment of any fine, penalty or forfeiture for the violation of this Code or any ordinance of this Village, shall not discharge the person who shall be guilty of such violation from liability to the Village, or any injured party in a private suit, for such damages as the Village or injured party may have sustained on account of such violation, and no such recovery or payment shall be construed to be a bar to any suit for the recovery of such damages, either by the Village or by the person injured.

CHAPTER 5

**MAYOR**

SECTION:

1-5-1: Election; Term of Office

1-5-2: Bond and Oath

1-5-3: Powers and Duties

1-5-4: Mayor Pro Tem

1-5-1: **ELECTION; TERM OF OFFICE**: The Mayor 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.

1-5-2: **BOND AND OATH**: Before entering upon the duties of his office, the Mayor shall give a bond, with sureties to be approved by the Village Board of Trustees, conditioned upon the faithful performance of his duties, in the sum of three thousand dollars ($3,000.00). He shall take the oath of office as prescribed by statute.

1-5-3: **POWERS AND DUTIES**:

A. Generally: The Mayor 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 the Village are duly enforced, respected, and observed; he shall preside at all meetings of the Village Board, but shall not vote except as set forth in 65 Illinois Compiled Statutes 5/3.1-4-3; he shall supervise over all the executive officers of the Village and all the employees of the Village.

B. Appointment of Officers; Filling Vacancies: The Mayor shall appoint, by and with the advice and consent of the Board of Trustees, all officers of the 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 (5) 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 such suitable person to discharge the function of such office.

C. Removal of Officers; Procedure: The Mayor shall have the power to remove an 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 (5) days nor more than ten (10) days after such removal; and if the Mayor 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.

D. Action on Ordinances: The Mayor 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 (10) days after their passage; and all ordinances passed as aforesaid, which do not meet his approval, shall be returned 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 (5) days after the passage 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 Mayor 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.

E. Signature Required; Ensure Compliance with Contracts; Assist Attorney in Suits: The Mayor 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 the 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 sites where the Village is a party, it shall be the duty of the Mayor to advise with and assist the Village Attorney in prosecuting or defending the same as the case may be.

F. Additional Duties: In addition to the duties set out in this Section, the Mayor 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 or the ordinances of the Village.

1-5-4: **MAYOR PRO TEM**: If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the Board of Trustees shall elect one of its number to act as Mayor *Pro Tem* who, during the absence or disability of the Mayor, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote as both the Mayor *Pro Tem* and as Trustee.

CHAPTER 6

**VILLAGE BOARD OF TRUSTEES**

SECTION:

1-6-1: Election and Term; Powers and Duties

1-6-2: Oath of Office

1-6-3: Meetings

1-6-4: Quorum

1-6-5: Order of Business

1-6-6: Committees

1-6-1: **ELECTION AND TERM; POWERS AND DUTIES**: 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. The 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.

1-6-2: **OATH OF OFFICE**: The members of the Board of Trustees shall take the oath of office as prescribed by statute.

1-6-3: **MEETINGS**:

A. Regular Meetings: The regular meeting dates for the Village of Lee’s Board of Trustees shall be on the second Monday of each month, at 7:00 p.m., at the Village fire station.

B. Adjourned Meetings: Adjourned meetings may be held for the purpose of completing the unfinished business of the regular Board meeting at such time or times that may be determined by the Board of Trustees.

C. Special Meetings: Special meetings may be called by the Mayor of the Village or any three (3) Trustees, whenever, in their discretion, they deem it necessary, in which event, such meeting shall be called in the following manner: the Mayor or the three (3) Trustees, as the case may be, shall file in the Village Clerk’s office a statement in writing setting forth the objective and purpose of such special meeting and directing the Clerk to give at least forty-eight (48) hours’ notice of the same. Upon the filing of such a statement, the Village Clerk shall cause to be served personally on each member of the Board of Trustees, or left at his usual place of business or his home, a notice of such special meeting, setting forth the objective and purpose thereof and the time of holding the same. No business other than that mentioned in the call shall be transacted at such special meeting.

D. Presiding Officer: The Mayor 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.

1-6-4: **QUORUM**: A majority of the Trustees 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.

1-6-5: **ORDER OF BUSINESS**: The order of business of the Village Board of Trustees shall be as follows:

1. Call to Order/Roll Call.

2. Visitors/Communication.

3. New Business.

4. Old Business.

5. Review and Correction/Approval of Minutes of Preceding Meeting.

6. Treasurer’s Report.

7. Approval of Bills.

8. Committee Reports.

9. Items from the Village Attorney.

10. Adjournment.

1-6-6: **COMMITTEES**:

A. Standing Committees: The following shall be the standing committees of the Board of Trustees:

Streets and Alleys

Water and Refuse

Finance and Ordinances

Public Safety

Zoning

B. Special Committees: Special committees shall be created from time to time as directed by the Board of Trustees.

C. Membership; Appointment: All standing and special committees shall consist of three (3) members each, including the chairperson, unless the Board shall direct that said committee shall consist of more than three (3) members. All committees shall be appointed by the Mayor.

CHAPTER 7

**VILLAGE OFFICERS AND EMPLOYEES**

SECTION:

1-7-1: Commencement of Terms

1-7-1: **COMMENCEMENT OF TERMS**: The terms of newly elected officers for the Village shall commence on the first regular or special meeting in the month of May following the proclamation of results of the regular municipal election at which such officers were elected.

CHAPTER 7

**ARTICLE A. VILLAGE CLERK**

SECTION:

1-7A-1: Bond

1-7A-2: Duties

1-7A-1: **BOND**: The Village Clerk, before entering upon the duties of his office, shall execute to the Village a bond in the penal sum established by resolution, which sum shall be at least one thousand dollars ($1,000.00), with sureties to be approved by the Board of Trustees as provided by law.

1-7A-2: **DUTIES**:

A. Generally:

1. The Village Clerk shall:

* Attend every meeting of the Board of Trustees and shall keep a correct record of all proceedings of the Board of Trustees;
* Safely keep the corporate seal and use it when appropriate;
* Notify all committees appointed by the Board of Trustees of their appointment and of the business referred to them;
* Prepare orders for special elections;
* Notify all judges of election of their appointment;
* Prepare bonds or scripts for loans;
* Perform all other duties which, by usage and custom, devolve upon clerks and secretaries of incorporated bodies; and
* Have charge, custody, and control of all deeds, leases, warrants, vouchers, books, and papers of any kind, the custody and control of which is not herein given to any other officer.

2. To facilitate the discharge of his duties, the Village Clerk may procure for the Village such blank forms as may be necessary.

B. Information to Mayor, Officers and Committees: The Village Clerk shall promptly deliver to the officers of the Village and to all committees of the Board of Trustees, all papers, documents, communications, and other matters referred to them respectively, and shall promptly deliver to the Mayor to be returned in due course of business, all matters requiring approval or action of the Mayor.

C. Ordinances: The Village Clerk shall index all ordinances by their number or title and shall attend to the proper and lawful publication of same.

D. Committees: The Village Clerk shall keep a list of all committees appointed by the Board of Trustees and of the business referred to them. He shall note when the committees report and the nature of their report.

E. Attest Documents; Signature and Seal Required; Additional Duties: The Village Clerk shall attest all deeds, contracts, and leases made by the Board of Trustees and, in conjunction with the Mayor, sign all ordinances, bonds, licenses, and orders on the Village Treasurer and affix the seal of the Village thereto, and perform such other duties as may be required of him by the Board of Trustees.

CHAPTER 7

**ARTICLE B. VILLAGE TREASURER**

SECTION:

1-7B-1: Bond

1-7B-2: Duties

1-7B-1: **BOND**: The Treasurer's bond shall be an amount of money that is not less than three (3) times the latest federal census population or any subsequent census figure used for motor fuel tax purposes. The Treasurer's bond shall be filed with the Village Clerk.

1-7B-2: **DUTIES**:

A. Generally: The Village Treasurer shall perform the duties required of him by law and ordinance.

B. Books and Records:

1. The Village Treasurer shall keep books in which shall be recorded and safely kept a record of all transactions of his office. In keeping books and records, it shall be his duty to do the work in such a manner so that said books and records will at all times contain and disclose in detail the accounts, transactions, business, and affairs of his office. He shall keep separate the transactions and affairs relating to the various funds, departments, offices, or divisions of the Village.

2. The Village Treasurer shall preserve and safely keep in his custody the books, records, and property under his control and shall not permit the same to leave his custody and control except by court order or order of the Board of Trustees. Upon the termination of his term of office, he shall promptly turn over all Village property under his control to his successor in office or to such person as the Board of Trustees may direct.

C. Reports: The Village Treasurer shall make such reports as are now required by law, and such other and further reports as may be required by the Board of Trustees.

D. Supervision over Finances: The Village Treasurer shall:

1. Exercise a general supervision over all officers of the Village responsible for the receipt, collection, or disbursement of corporation revenues, and the collection and return of such revenues into the Village Treasury.

3. On or before May 31 of each year and before the annual appropriation is made by the Board of Trustees, submit to the Board of Trustees a report of his estimate of monies necessary to defray the expenses of the Village during the current fiscal year. In the report, he shall class the different objects and branches of expenditures, giving as nearly as possible the amount required for each. For the purpose of making such report, he may require of all officers a statement of the condition and expenses of their respective offices or departments, with any proposed improvements and probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, and when due and payable. In such reports, he shall give such other information to the Board of Trustees as he may deem necessary in order that the Board of Trustees may fully understand the financial exigencies and demands upon the Village.

E. Accounts of Village Treasurer: The Village Treasurer shall keep a regular account of debtor and creditor between the Village and the Village Treasurer, by charging the latter with sums received by him as exhibited in his duplicate receipts, and credit him with the Village orders paid and returned to him. He shall keep a regular account of debtor and creditor when appropriations are made and expenditures are ordered and shall state in all orders drawn on the Village Treasurer for whom and when same is payable and also to what fund or appropriation the same is chargeable.

CHAPTER 7

**ARTICLE C. VILLAGE ATTORNEY**

SECTION:

1-7C-1: Office Established; Appointment

1-7C-1: **OFFICE ESTABLISHED; APPOINTMENT**: There is established the office of Village Attorney. The Village Attorney shall be appointed by the Mayor, by and with the advice and consent of the Board of Trustees.

CHAPTER 7

**ARTICLE D. VILLAGE ENGINEER**

SECTION:

1-7D-1: Office Created

1-7D-2: Appointment

1-7D-3: Duties

1-7D-1: **OFFICE CREATED**: There is hereby created the office of Village Engineer.

1-7D-2: **APPOINTMENT**: The Village Mayor, with the advice and consent of the Board of Trustees, does hereby reserve the right to appoint and terminate the Village Engineer for the Village who shall serve at the pleasure of the Village Board. Any Village Engineer or Village engineering consultant shall be selected in accordance with the provisions governing the selection of such professionals under the provisions of the Illinois Municipal Code and related statutes.

1-7D-3: **DUTIES**: The Village Engineer shall serve as general engineering consultant for the Village, as well as the design engineer and/or consultant on any project as the Village shall direct. The Village Engineer may also, if so directed by the Village, assist in the supervision of other engineers providing services in or for the Village, assist in the supervision of construction activities and development within the Village, provide engineering related services such as public utility or land surveying, and shall provide such other professional services as the Village shall require.

CHAPTER 8

**ETHICS**

SECTION:

1-8-1: Definitions

1-8-2: Prohibited Political Activities

1-8-3: Gift Ban

1-8-4: Ethics Advisor

1-8-5: Penalties

1-8-1: **DEFINITIONS**: For purposes of this Chapter, the following terms shall be given the following definitions:

|  |  |  |
| --- | --- | --- |
| Campaign for Elective Office: |  | 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: |  | 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 315/3). |
| Compensated Time: |  | 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 Chapter, 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 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. (10 ILCS 5/9-1.4). |
| Compensatory Time Off: |  | 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. |
| Employee: |  | A person employed by the Village of Lee, 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: |  | The Village of Lee. |
| Gift: |  | 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: |  | 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: |  | 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 official capacity. |
| Political Activity: |  | 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: |  | 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, but only with regard to those activities that require filing with the State Board of Elections or a county clerk. (10 ILCS 5/9-3). |
| Prohibited Political Activity: |  | A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event;  B. 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;  C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;  D. 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;  E. 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;  F. 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;  G. 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;  H. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of candidate for elective office or for or against any referendum question;  I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;  J. Preparing or reviewing responses to candidate questionnaires;  K. 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 or referendum question;  L. Campaigning for any elective office or for or against any referendum question;  M. Managing or working on a campaign for elective office or for or against any referendum question; or  N. Serving as a delegate, alternate, or proxy to a political party convention. |
| Prohibited Source: |  | Any person or entity who:  A. Is seeking official action:  1. by an officer; or  2. by an employee; or  3. by the officer or another employee directing that employee;  B. Does business or seeks to do business:  1. with the officer; or  2. with an employee; or  3. Conducts activities regulated;  C. Conducts activities regulated;  1. by the officer; or  2. by an employee; or  3. by the officer or another employee directing that employee; or  D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee. |

1-8-2: **PROHIBITED POLITICAL ACTIVITIES**:

* No officer or employee shall intentionally perform any prohibited political activity during any “compensated time,” as defined in Section 1-8-1 of this Chapter. No officer or employee shall intentionally use any property or resources of the Village in connection with any prohibited political activity.
* At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity:
* As part of that officer’s or employee’s duties;
* As a condition of employment; or
* During any compensated time off (such as holidays, vacation, or personal time off).
* No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
* Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this chapter.
* No person either:
* In a position that is subject to recognized merit principles of public employment; or
* 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. (Ord. 2004-05-10)

1-8-3: **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. (Ord. 2004-05-10)
* Subsection (A) is not applicable to the following:
* Opportunities, benefits, and services that are available on the same conditions as for the general public;
* Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value;
* 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;
* Educational materials and missions;
* Travel expenses for a meeting to discuss business;
* 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;
* 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;
* 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;
* 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;
* Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity;
* Bequests, inheritances, and other transfers at death; or
* 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. Section 10-3. 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(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. 2004-05-10)
* State Legislative Ethics Commission; Complaints: All complaints for violations of the Act and this Division shall be filed with the State Legislative Ethics Commission, created by 5 ILCS 430/25-5.
* Future Amendments to State Gift Ban Act: Any amendment to the State Gift Ban Act, 5 ILCS 425/1 *et seq*., that becomes effective after the passage of the ordinance from which this Division is derived shall be incorporated into this Division by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Division by reference without formal action by the corporate authorities of the Village.
* Future Declaration of Unconstitutionality of State Gift Ban Act:
* If the State Supreme Court declares the State Gift Ban Act, 5 ILCS 425/1 et seq., unconstitutional in its entirety, then this Division shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Division shall be deemed repealed without further action by the corporate authorities of the Village if the Act is found unconstitutional by the State Supreme Court.
* If the State Supreme Court declares part of the State Gift Ban Act, 5 ILCS 425/1 *et seq*., unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act, as adopted by this Division, shall remain in full force and effect; however, that part of this Division relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

1-8-4: **ETHICS ADVISOR**:

* The Village President, with the advice and consent of the Village Board shall designate an Ethics Advisor for the Village of Lee. The duties of the Ethics Advisor may be delegated to an officer or employee of the Village of Lee or the Village Attorney, unless the position has been created as an office by the Village of Lee. (Ord. 2004-05-10)
* The Ethics Advisor shall provide guidance to the officers and employees of the Village of Lee 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 delegated by the corporate authorities. (Ord. 2004-05-10)

1-8-5: **PENALTIES**:

* A person who intentionally violates any provision of Article 5 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 $2,500.00 (Ord. 2004-05-10)
* A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than $1,001.00 and not more than $5,000.00 (Ord. 2004-05-10)
* 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 may be fined in an amount not to exceed $2,500.00 (Ord. 2004-05-10)
* A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Lee by filing in the circuit court on 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 Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Village of Lee. (Ord. 2004-05-10)
* In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 1-8-2 or Section 1-8-3 of this Chapter is subject to discipline or discharge. (Ord. 2004-05-10)

CHAPTER 9

**VILLAGE FINANCES**

SECTION:

1-9-1: Local Improvements

1-9-2: Returned Checks; Fee and Procedure

1-9-3: Budget Process

1-9-4: Travel, Meal and Lodging Expenses

1-9-5: Emergency Purchases

1-9-1: **LOCAL IMPROVEMENTS**: The provisions of Article 9, Division 2 of the Illinois Municipal Code are adopted.

1-9-2: **RETURNED CHECKS; FEE AND PROCEDURE**: A twenty-five dollar ($25.00) fee shall be assessed for any check that is returned to the Village for any reason. Upon receipt of a returned check, the Village shall notify the customer, and such customer shall have forty-eight (48) hours after such notification to make the required payment, including the returned check fee, by certified funds or cash. If the customer fails to make the payment as required, the bill shall be considered late or delinquent as the case may be and additional late fees may be assessed.

1-9-3: **BUDGET PROCESS**:

* Adoption of Budget Process: The Village of Lee has adopted the budget process contemplated by 65 Illinois Compiled Statutes 5/8-2-9.1 through 5/8-2-9.10, by a two-thirds (2/3) majority vote of the corporate authorities then holding office. This Section is adopted to codify the requirements of the Village's budget process, in compliance with the above-referenced sections of the Illinois Municipal Code. This Section may only be repealed by a two-thirds (2/3) vote of the corporate authorities of the Village holding office at the time of vote.
* Budget Officer: The Village Mayor shall appoint a Budget Officer, subject to the approval of the corporate authorities of the Village, and the Budget Officer shall serve at the pleasure of the Mayor. The Budget Officer may hold another municipal office, either elected or appointed, and shall not receive additional compensation for service as Budget Officer. The Budget Officer shall take an oath and post a bond as required under the provisions of 65 Illinois Compiled Statutes 5/3.1-10-25; in the event the Budget Officer holds another municipal office, either elected or appointed, which requires a similar bond, a single bond may satisfy the obligation relative to both offices. The Budget Officer shall have the following powers and duties:
* Encourage efficient use of planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all Village departments, committees, and boards;
* Compile an annual budget in accordance with the provisions of Subsection C of this Section;
* Examine all books and records of the Village which relate to monies received or paid out by the Village and its departments, officers, employees, committees, boards, and other similar groups, or which relate to accounts receivable, accounts owed by or to the Village, and debts of the Village;
* Obtain information from department heads, officers, committees, boards, and other similar groups of the Village in accordance with Subsection D of this Section. Any such entity which refuses to make information requested by the Budget Officer available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the Village until such information is provided to the satisfaction of the Budget Officer; and
* Establish and maintain policies and procedures, in cooperation with the Village President and Village Clerk, to ensure that no expenditures are made by or on behalf of the Village except as authorized by the budget, to ensure proper record keeping as may be necessary to comply with the requirements of the budget, and otherwise to ensure sound financial planning for the Village. Such policies and procedures shall be in writing, to the extent practicable. Any such policy or procedure established by the Budget Officer may be repealed by a two-thirds (2/3) majority vote of the corporate authorities of the Village then holding office.
* Budget: The Budget Officer shall compile a budget containing estimates of revenues and expenditures of the Village available for the fiscal year for which the budget is drafted.
* Recommended Expenditures: The budget shall also contain recommended expenditures for the Village and all departments, committees, and subsets thereof.
* Presentation of Budget Information: All budget information shall be presented in a manner in conformity with good fiscal management practices, and in substantial conformity with the requirements of 65 Illinois Compiled Statutes 5/8-2-9.3.
* Actual Or Estimated Revenues: The budget shall also contain actual or estimated revenues for the two (2) years immediately preceding the fiscal year for the budget, itemized in conformity with the proposed estimates for the year of adoption of the budget.
* Specific Funds: The budget shall show the specific fund from which each anticipated expenditure is to be made.
* Passage; Submittal: The budget shall be passed in lieu of an appropriation ordinance for the Village and shall in all events be adopted prior to the start of the fiscal year to which it applies. A proposed budget shall be submitted to the corporate authorities of the Village not less than three (3) months prior to the start of the fiscal year to which it applies.
* Public Inspection; Public Hearing: Not less than ten (10) days prior to passage, the budget shall be made conveniently available to the public for inspection at the Village Hall, during normal business hours of the Village Hall. A public hearing shall be held on the budget not less than one (1) week after being made available for public inspection, with notice of the hearing published at least one (1) week in advance of the hearing in a newspaper of general circulation in the Village. After the hearing, the budget may be revised and passed without further hearing or inspection.
* Budget Amendments: After passage, the budget may be amended at any time by a two-thirds (2/3) vote of the corporate authorities then holding office. No such revision shall be made to increase the budget unless funds are available to effect the revision.
* Fund Specific Requirements:
* The budget may contain an amount not to exceed three percent (3%) of the equalized assessed value of the Village subject to taxation in a separate fund for the purpose of specific capital improvements, repairs, or replacements of specific types of municipal equipment or other tangible property, real or personal, in a fund designated as the "capital improvement, repair, or replacement fund." Expenditures from this fund shall be budgeted in the fiscal year in which the improvement, repair, or replacement shall occur. Should any surplus monies remain in such fund following the completion or abandonment of any project contemplated to be funded from this fund, such surplus monies shall, in the next budget following the completion or abandonment, be transferred into the general corporate fund of the Village.
* The budget may contain an amount of funding set aside for contingencies, to be expended upon a majority vote of the corporate authorities then holding office in the event of a contingency. Such amount set aside for contingencies shall not exceed ten percent (10%) of the total budget, less the amount set aside for contingencies.
* Budget Submittals: Each department head, committee, board, and organization of the Village, other than the Board of Trustees, shall submit to the Budget Officer not less than six (6) months prior to the start of a new fiscal year, a proposed budget for their respective department, committee, or board, listing those items as are necessary to be included in the budget of the Village (including proposed revenue and expenditures, revenue and expenditures for the past two (2) years, and such other information as may be requested by the Budget Officer). Each entity so submitting information shall be responsible for coordinating their proposed budget with the budget being prepared by the Budget Officer, and each proposed budget shall be subject to revision by the Budget Officer. At any point in time, should any such entity require a revision to the budget, either before or after its adoption, such entity shall submit a written explanation of the amendment to the Budget Officer. The Budget Officer shall thereafter have forty-five (45) days to present the request for amendment to the corporate authorities of the Village, along with a recommendation as to whether such amendment should be adopted, and an analysis as to whether the amendment may lawfully be adopted. Each such entity shall further be responsible for documenting all revenue and expenditures undertaken by or on behalf of the Village in a fashion acceptable to the Budget Officer, and in compliance with the requirements of the then current Village budget.

1-9-4: **TRAVEL, MEAL, AND LODGING EXPENSES**:

A. Definitions.

* “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.
* “Public Business” means expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.
* “Travel” means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

B. The Village may reimburse travel, meal, and lodging expenses incurred by its employees and officers. The maximum allowable rate for reimbursement of travel expenses for employees shall be as prescribed in the adapted Government Services Administration (GSA) rates ([www.gsa.gov](http://www.gsa.gov/)) as incorporated herein, as from time to time amended. The Village reserves the unfettered right to approve, on a case-by-case basis, expenses that exceed the maximum allowable travel, meal, or lodging expenses because of extraordinary circumstances pursuant to 50 ILCS 150/10 with said approval recorded by roll call vote at an open meeting of the Village Board at a duly convened public meeting in accordance with 50 ILCS 150/15.

C. No reimbursement of travel, meal, or lodging expenses incurred by a Village employee or officer shall be authorized unless the “Travel, Meal, and Lodging Expense Reimbursement Request Form, attached hereto and made a part hereof, has been submitted and approved.

D. Expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under Paragraph A of this Section, or (2) any member of the corporate authorities of the Village may only be approved by roll call vote at an open meeting of the corporate authorities of the Village. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

E. The Village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Section.

F. Travel, Meal, and Lodging Expense Reimbursement Request Form attached to next page.

TRAVEL, MEAL, AND LODGING EXPENSE REIMBURSEMENT REQUEST FORM

Before an expense for travel, meals, or lodging may be approved under Village Ordinance No. 2017-01-09, the following minimum documentation must first be submitted, in writing, to the corporate authorities of the Village:

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Employee or Officer

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Job Title/Office

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Event or Program Date(s) of Event or Program

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location of Event or Program Purpose of Event or Program

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

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee/Officer Signature Date

(Ord. 2017-01-09)

1-9-5: **EMERGENCY PURCHASES**:

A. Village authority and intent:

(a) The Village is authorized under state law to enter into contracts with vendors and suppliers to carry out various village functions and powers. The Village’s powers to contract in this regard are limited when the contract is for a public works project and no contract may be entered into that is in excess of what the Village appropriated for the most current fiscal year for the particular function or power to be facilitated or exercised by the contract. In addition, no contract may be entered into that exceeds one year in duration unless specifically authorized by state law.

(b) Notwithstanding this authority, the Village President and Board desire to establish the following procedures limiting the powers of elected officials to make expenditures in emergency situations and establishing ratification procedures when such expenditures are made.

B. General expenditure power: Except as otherwise provided, no expenditure of Village funds may be made by or authorized by any member of the Village Board of Trustees on any equipment or supplies without any such member first obtaining approval for the expenditure from the Board of Trustees.

C. Emergency and prohibited expenditures defined:

(a) As used in this article, an “emergency expenditure” is any expenditure of Village funds on equipment or supplies made by or authorized by a member of the Village Board of Trustees that is not in excess of $10,000.00 pursuant to a request by a Village employee to address an immediate need and where it is impracticable, given the immediate circumstances, for any such member to obtain approval from the Board of Trustees under a properly convened open meeting of the board of trustees.

(b) In no event may any expenditure of Village funds be made by or authorized by a member of the Village Board of Trustees that is in excess of $10,000.00 without any such member first obtaining approval for the expenditure from the Board of Trustees under a properly convened open meeting of the Board of Trustees. In addition, no emergency expenditure may be made or authorized where the emergency expenditure exceeds the appropriation for the supplies or equipment in the most current fiscal year annual appropriation ordinance.

D. Procedure to make or authorize emergency expenditure; ratification:

(a) Authorization to make emergency expenditure: A member of the Village Board of Trustees may make or authorize an emergency expenditure upon request by a Village employee; provided that upon receiving such a request, the member of the Village Board of Trustees immediately contacts a Trustee who is a member of the Board of Trustees’ Finance Committee and reports the request. In the event that the request is made to a Trustee who is a member of the Board of Trustees’ Finance Committee, that person must immediately contact the Village President and report the request.

(b) Required number of signatures on checks: Any check issued to pay for a properly authorized emergency expenditure must be signed by the Village President and the Treasurer.

(c) Personal expenditures prohibited: In no event may a Trustee who receives a request to make or authorize an emergency expenditure use his own, or authorize or direct the requesting Village employee to use his own personal funds, credit card, or charge card for such an emergency expenditure.

(d) Ratification of emergency expenditure: The Board of Trustees will convene a meeting in accordance with the state law as soon as practicable after an emergency expenditure is authorized and made to ratify the emergency expenditure. In the event that the regularly scheduled Board of Trustees meeting is not more than 48-hours after the emergency expenditure is authorized and paid, the Board of Trustees will ratify the emergency expenditure at this meeting.

(e) Ratification of emergency expenditure agenda item: Ratification of emergency expenditures will be a permanent agenda item on the regular Board of Trustees’ meeting agenda and will be listed under the Finance Committee as follows: “Ratification of Emergency Expenditures (permanent agenda item). (Ord. 22-01)

CHAPTER 10

**TAXATION**

SECTION:

1-10-1: Municipal Utility Tax

1-10-2: Municipal Simplified Telecommunications Tax

1-10-3: Municipal Service Occupation Tax

1-10-4: Municipal Retailers’ Occupation Tax

1-10-1: **MUNICIPAL UTILITY TAX**:

* Imposed: A tax is on all persons engaged in the following occupations or privileges: The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village not to exceed the maximum rates calculated on a monthly basis for each purchaser imposed in accordance with 65 ILCS 5/8-11-2, (as modified from time to time).
* Exceptions: None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and Statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this article for those transactions that are or may become subject to taxation under the provisions of the “Municipal Retailers' Occupation Tax Act” authorized by 65 ILCS 5/8-11-1; nor shall any tax authorized by this article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in a like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated, or exercising the same privilege within the municipality.
* Additional taxes: Such tax shall be in addition to other taxes levied upon the taxpayer or its business.
* Collection: The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and, if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this article, and any such tax collected by a person delivering electricity shall constitute a debt owed to the Village by such person delivering the electricity, provided that the person delivering the electricity, shall be allowed a credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. 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 three percent (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 Village in the manner prescribed by the Village. Persons delivering electricity who file returns pursuant to this section shall, at the time of filing such return, pay the Village the amount of the tax collected pursuant to this article.

1-10-2: **MUNICIPAL SIMPLIFIED TELECOMMUNCATIONS TAX**:

* Imposed: A simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating in the Village or receiving in the Village intrastate or interstate communications by a person under the provisions of the Simplified Municipal Telecommunications Tax Act, P.A. 92-0526, at a rate of five percent (5%) of the gross charges for such telecommunications purchased at retail from a retailer.
* Enforcement: The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this article.

1-10-3: **MUNICIPAL SERVICE OCCUPATION TAX:**

* Imposed: A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of three-quarters (3/4) of one percent (1%) of the cost price of all tangible personal property transferred by said serviceman either in the form of real estate as an incident to a sale of service, in accordance with the provision of Section 8-11-5 of the Illinois Municipal Code.
* Filing: Every supplier or serviceman required to account for Municipal Service Occupation Tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section 9 of the Service Occupation Tax Act.
* Payment Due: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.

1-10-4: **MUNICIPAL RETAILERS’ OCCUPATION TAX:**

* Imposed: A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this Village at the rate of one-half (1/2) of one percent (1%) of the gross receipts from such sales made in the course of such business while this article is in effect, in accordance with the provisions of Section 23-111 of the Revised Cities and Villages Act.
* Filing: Every such person engaged in such business in the Village shall file on or before the fifteenth day of each calendar month, the report to the State Department of Revenue required by Section (3) of “An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption” approved June 28, 1933, as amended, and shall file a duplicate of such report with the Village Clerk.
* Payment: At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

**TITLE 2**

**BOARDS AND COMMISSIONS**

Subject Chapter

Reserved

**TITLE 3**

**BUSINESS AND LICENSES**

Subject Chapter

Liquor Control 1

Retail Establishments 2

Retail Establishments Generally 2A

Licenses 2B

Video Gaming 3

CHAPTER 1

**LIQUOR CONTROL**

SECTION:

3-1-1: Definitions

3-1-2: Public Possession or Transportation

3-1-3: Minors Misrepresenting Age

3-1-1: **DEFINITIONS**: The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

|  |  |  |
| --- | --- | --- |
| ALCOHOLIC LIQUOR: |  | 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 Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half (1/2) of one (1) percent or less of alcohol by volume.  **State Law References:** Similar provisions, 235 ILCS 5/1-3.05. |
| CLUB: |  | A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; provided that such club files with the local Liquor Control Commissioner at the time of its application for a license under this Chapter, two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting, and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members, beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its Board of Directors or other governing body out of the general revenue of the club.  **State Law References:** Similar Provisions, 235 ILCS 5/1-3.24. |
| RESTAURANT: |  | Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.  **State Law References:** Similar Provisions, 235 ILCS 5/1-3.23. |
| RETAIL SALE: |  | The sale for use or consumption and not for resale.  **State Law References:** Similar Provisions, 235 ILCS 5/1-3.18. |

3-1-2: **PUBLIC POSSESSION OR TRANSPORTATION**:

A. Except as provided in Subsection (C), no driver may transport, carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway except in the original container and with the seal unbroken. It shall be unlawful for any person to consume any beer, wine, whiskey, or other intoxicating liquor upon the public streets, sidewalks, alleys, swimming pools, public parking lots, or private parking lots whose owners have entered into a contract with the Village granting the Village the right to regulate traffic thereon, parks, except as otherwise provided in this Section, or other public areas.

B. Except as provided in Subsection (C), no passenger may carry, possess, or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this state except in the original container and with the seal unbroken. Upon prior written consent of the Liquor Commissioner, it shall be lawful for family groups, social groups, or lodge groups to consume beer only in the park areas of the Village.

C. This Section shall not apply to the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini-motor home as defined in Section 1-145.01 of the Illinois Vehicle Code (Ill. Rev. Stat. Ch. 95-1/2, Sec. 1-145.01). However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver’s area. Any evidence of alcoholic consumption by the driver shall be *prima facie* evidence of such driver’s failure to obey Subsection (A). (Ord. 05-07-01)

D. The exemption applicable to chartered buses under Subsection (C) does not apply to any chartered bus being used for school purposes. (Ord. 05-07-01)

E. In this Subsection, “public place” includes any restaurant, parking lot, street, or other place in which the general public is allowed. “Public place” does not include any premises for which a license authorizing on premises consumption of alcoholic liquor has been issued by the Village. (Ord. 05-07-01)

3-1-3: **MINORS MISREPRESENTING AGE**: No person shall represent that he is of age for the purpose of buying, accepting, or receiving alcoholic liquor from a license under this Chapter. (Ord. 05-07-01)

CHAPTER 2

**ARTICLE A: RETAIL ESTABLISHMENTS GENERALLY**

SECTION

3-2A-1: Local Liquor Control Commissioner

3-2A-2: Sanitation

3-2A-3: Employees

3-2A-4: Operating Hours, Etc.

3-2A-5: View From Street

3-2A-6: Sale To Minors, Minors on Premises, Etc.

3-2A-7: Outdoor Seating Area Liquor Sales

3-2A-1: **LOCAL LIQUOR CONTROL COMMISSIONER**: The President of the Board of Trustees is the local Liquor Control Commissioner. (Ord. 05-07-01)

3-2A-2: **SANITATION**: All premises used for the retail sale of alcoholic liquor for such sale, shall be kept in a clean and sanitary condition and be kept in full compliance with the provisions of this Code regulating the condition of premises for the storage or sale of food for human consumption. (Ord. 05-07-01)

3-2A-3: **EMPLOYEES**: It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease. It shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about the premises or to engage in any way in the handling, preparation or distribution of such liquor. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, or employ any person in the conducting of business of retail sale of alcoholic liquor, who is under the age of twenty-one (21) years, except persons under twenty-one (21) years of age may be employed in such premises, but only for the purpose of serving or preparing meals or for cleanup work related thereto. (Ord. 05-07-01)

3-2A-4: **OPERATING HOURS, ETC.**:

A. No person operating under a Class A or B license as set forth under this Article, or his agents or employees, shall permit any of the following, at any time or times, except as permitted under this Section:

* Keep their premises open for business;
* Admit the public to or permit the public to remain in, at, or upon their premises;
* Offer for sale at retail.

B. All persons operating under a Class A license issued under this Article may open their premises to the public only between 6:00 A.M. and 12:00 midnight Monday through Thursday; may open their premises to the public only between 6:00 A.M. and 1:30 A.M. on Friday and Saturday; and may open their premises to the public at 6:00 A.M. on Sunday but may only sell or serve alcoholic liquor between 9:00 A.M. and 10:00 P.M. on Sunday. (Ord. 2015-04-13).

C. All persons operating under a Class B license issued under this Article may open their premises for the sale of alcoholic liquor to the public only between 8:00 A.M. and 10:00 P.M. Monday through Saturday; and between 12:00 noon and 9:00 P.M. Sunday.

D. In all cases where, in the opinion of the President, the public peace is likely to be endangered by the keeping open of premises licensed hereunder, the Mayor may issue his proclamation, under the seal of the Village, commanding and enjoining all persons licensed by the Village to sell alcoholic liquor, and their servants and agents to close their shops and places of business for such time as the Mayor deems necessary, and neither to sell, give away, or suffer to be drawn, any alcoholic liquors in or about their premises during the times mentioned in the proclamation. (Ord. 05-07-01)

3-2A-5: **VIEW FROM STREET**: In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than a restaurant) no screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the exterior doors of such licensed premises which shall prevent a clear view into the interior of such licensed premises from the exterior at all times. The premises shall be so located that there shall be a full view of the interior of such premises from the exterior. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises shall be willfully obscured or in any manner obstructed, then such license shall be subject to revocation. In order to enforce the provisions of this Section, the local Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings, and photographs showing the clearance of the view as above required. No window display of liquor shall be permitted. (Ord. 05-07-01)

3-2A-6: **SALE TO MINORS, MINORS ON PREMISES, ETC.**:

A. No licensee under this Article shall permit, or permit to be sold, through his employees or agents, any alcoholic liquor at retail to any person under the age of twenty-one (21) years.

B. It shall be unlawful for any licensee, or his agents or employees to give, sell, or deliver alcoholic liquor before demanding presentation of an alcoholic liquor purchase identification card, or some other form of positive identification with the purchaser’s picture printed on it, containing proof of age, and issued by some public officer in the performance of his official duties, where such licensee, his agents or employees, believes or had reason to believe, that a sale, or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient.

C. Any person under the age of twenty-one (21) years shall not be given or permitted to drink any alcoholic liquor in or upon the premises licensed for the retail sale of alcoholic liquor.

D. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or accept a gift of alcoholic liquor from any licensee, or his employees, or agents. (Ord. 05-07-01)

3-2A-7: **OUTDOOR SEATING AREA LIQUOR SALES**:

A. Permit required: Subject to the approval of the Liquor Commissioner, the sale, service, and consumption of alcoholic liquor in an outdoor seating area, as defined in Subsection 3-2A-7(B) of this Code, may be permitted subject to the following conditions:

1. The outdoor seating area must be enclosed with a permanent fence. Fence requirements shall be established on a case-by-case basis as specified by the Board of Trustees. Fence requirements shall be based on the location of the establishment, adjoining land use, and proximity to residential properties and streets;

2. The outdoor seating area must be owned or leased by the licensee of the premises licensed for the consumption of alcoholic liquors on the premises;

3. The outdoor seating area must be included as part of the regular food service business located on the licensed premises; however, alcoholic beverages may be served without food;

4. The hours of operation for the outdoor seating area will terminate one (1) hour prior to permitted hours of sales for the licensed premises;

5. Access to the outdoor seating area must be limited to the ingress and egress through the licensed premises only, or if not practicable, through monitored entrances that are controlled by employees and/or reasonable fencing of the licensed premises during all operating hours and/or while alcohol is being served;

6. Any noise coming from the outdoor seating area shall not violate the regulations of the Village of Lee Ordinances or other regulations pertaining to noise. Noise from the outside seating area shall not interfere with the neighbors’ enjoyment of their property.

B. Definition: An outdoor seating area is defined as a privately owned open air, roofed or unroofed, area adjacent to a premises licensed for the consumption of alcoholic liquors on the premises, where liquor may be sold and consumed subject to the provisions governing outdoor seating area liquor sales established herein. (Ord. 2014-12-08(b)).

CHAPTER 2

**ARTICLE B: LICENSES**

SECTION

3-2B-1: Required

3-2B-2: Applications; Contents

3-2B-3: Classifications

3-2B-4: Persons Ineligible

3-2B-5: Retail Sales Near Churches, Schools, Etc.

3-2B-6: Stores Selling School Supplies, Lunches, Etc.

3-2B-7: Requirements For Restaurant And Club Licenses

3-2B-8: Ground Level Location

3-2B-9: License Term; Prorating Fee; License Renewal

3-2B-10: Disposition Of Fees

3-2B-11: Consumption On Premises

3-2B-12: Record Of Licenses

3-2B-13: Transfers

3-2B-14: Revocation

3-2B-1: **REQUIRED**: It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having a retail liquor dealer’s license, or in violation of the terms of such license. (Ord. 05-07-01)

3-2B-2: **APPLICATIONS; CONTENTS**: Applications for a retail dealer’s license shall be made in writing to the Local Liquor Control commissioner. The application shall be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

* 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, of a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, and if a majority in interest of the stock of such corporation is owned by one (1) person or his nominees, the name and address of such person;
* The citizenship of the applicant, his place of birth and, if a naturalized citizen, the time and place of his naturalization;
* The character of business of the applicant, and in case of a corporation, the objects for which it was formed;
* The length of time that said applicant has been in business of that character, or in the case of a corporation, the date on which its charter was issued;
* The amount of goods, wares, and merchandise on hand at the time the application was made;
* The location and description of the premises of place of business that is to be operated under such license;
* A statement whether the applicant has made similar application for a similar other license on the premises other than described in this application and disposition of such application;
* A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Code or the laws of this State;
* Whether a previous license by any State or subdivision thereof, or by the federal government has been revoked, and the reasons therefore;
* A statement that the applicant will not violate any of the laws of the State or of the United States, or any Ordinance of the Village in the conduct of his place of business. (Ord. 05-07-01)

3-2B-3: **CLASSIFICATIONS**:

A. Retail alcoholic liquor dealers’ licenses shall be divided into the following classes:

1. Class A Licenses shall authorize the retail sale of specified alcoholic liquor for consumption on the premises, as well as, other retail sale of such liquor. The fee for such license shall be eight hundred dollars ($800.00) in and one thousand dollars ($1,000.00) in each year thereafter for the first annual license issued to the licensee and eight hundred dollars ($800.00) in 2002 and one thousand dollars ($1,000.00) in each year thereafter for each year thereafter that the license is reissued in the name of such licensee.

2. Class B Licenses

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

* Convenience food stores are business establishments that:
* Derives fifty (50) percent or more of its gross income from the sale of petroleum products, goods, merchandise, or other articles of value in their original containers; and
* Offers a limited quantity and variety of food, household, and sundry items; and
* Does not sell or have for sale prescription drug items.
* 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.

b. Class B Licenses shall authorize the retail sale on the premises specified as a convenience food store of beer containing not more than four (4) percent of alcohol by weight, and for wine as defined above, provided that no liquor shall be consumed on the premises, and provided that the premises shall have no entrances from or into any other business premises. Any such business having a Class B license shall have a minimum of one (1) full-time supervisor, at least twenty-one (21) years of age, on duty at all times while the premises is open for business. The fee for such license shall be three hundred dollars ($300.00) for the first annual license and three hundred dollars ($300.00) for each year thereafter that the license is reissued in the name of such licensee.

B. The license fees shall be paid up on the issuance of the license.

C. Notwithstanding anything herein contained to the contrary, the total number of liquor licenses issued by the Village, of all classes, shall not exceed two (2) per four hundred (400) in population in the Village at any time.

* No person may own more than one (1) license of any kind or class, nor may any corporation or partnership own any license if any shareholder, partner, or other person interested in said corporation, partnership, or other entity already owns or has an interest in any license issued by the Village. (Ord. 05-07-01)

3-2B-4: **PERSONS INELIGIBE**: No retail liquor dealer’s license shall be issued to:

* A person who is not a resident of the Village;
* A person who is not of good character and reputation in the community in which he resides;
* An individual person who is not a legal resident of the United States;
* A person who has been convicted of a felony under any federal or state law, if the local Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant public trust;
* An individual person who has been convicted of being the keeper or is keeping a house of ill fame;
* A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
* A person who has been convicted whose license under this Chapter or the Liquor Control Act of 1934 has been revoked for cause;
* A person who, at the time of application for renewal of any license issued under this Chapter, would not be eligible for such license upon a first application;
* A co-partnership, if any general partnership thereof of any limited partnership thereof, owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;
* A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;
* A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in this State;
* A person whose place of business is conducted by a manager or agent is not a resident of the Village of Lee;
* A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited a bond to appear in court to answer charges for any such violation;
* A person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is issued;
* Any law enforcing public official, including members of the local Liquor Control Commission, any mayor, alderman, or member of the City Council or commission, any president of the Village Board of Trustees, any member of the Village Board of Trustees, or any president or member of the County Board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the local Liquor Control Commissioner and the state Liquor Control Commission;
* Any person who is not the beneficial owner of the business to be operated by the licensee;
* A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of, or as proscribed by Section 28-3 of the Criminal Code of 1961, approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
* A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;
* A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;
* A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a federal wagering stamp for the current tax period;
* Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. (Ord. 05-07-01)

3-2B-5: **RETAIL SALES NEAR CHURCHES, SCHOOLS, ETC.**:

A. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church; school other than an institution of higher learning; hospital; home for aged or indigent persons or for veterans, their spouses, or children, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred (100) feet shall be measured to the nearest part of any building used for worship service or educational programs, and not to property boundaries.

B. Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. (Ord. 05-07-01)

3-2B-6: **STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.**: No alcoholic liquor license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. (Ord. 05-07-01)

3-2B-7: **REQUIREMENTS FOR RESTAURANT AND CLUB LICENSES**: No person shall receive a license to sell alcoholic liquor upon any premises as a restaurant nor as a club unless it has the qualifications respectively described in the definitions of club and restaurant. No restaurant, licensed as such, shall sell alcoholic liquor except with meals. (Ord. 05-07-01)

3-2B-8: **GROUND LEVEL LOCATION**: No license shall issue for the sale at retail of any alcoholic liquor in the basement of any premises, nor on the second or higher floors of any premises. All licenses issued shall be for sale at retail of alcoholic liquor only on the first and main floor of the premises licensed. This Section shall not apply to clubs. (Ord. 05-07-01)

3-2B-9: **LICENSE TERM; PRORATING FEE; LICENSE RENEWAL**:

A. Each retail alcoholic liquor dealer’s license shall terminate on December 31 next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license.

B. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought is suitable for such purpose; and, provided further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prohibit the Village from decreasing the number of licenses to be issued. (Ord. 05-07-01)

3-2B-10: **DISPOSITION OF FEES**: All alcoholic liquor license fees shall be paid to the local Liquor Control Commissioner at the time of application is made, and shall be forthwith turned over to the Village Clerk. In the 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 fund or in such other fund as shall have been designated by the Board of Trustees. (Ord. 05-07-01)

3-2B-11: **CONSUMPTION ON PREMISES**: It shall be unlawful for anyone not having a Class A liquor license to offer for sale any alcoholic liquor for consumption on the premises where sold. (Ord. 05-07-01)

3-2B-12: **RECORD OF LICENSES**: The local Liquor Control   
Commissioner shall keep a complete record of all licenses issued by him and shall furnish the Clerk, Treasurer, and Chief of Police each with a copy thereof. Upon the issuance of a new license, or the revocation of any old license, the local Liquor Control Commissioner shall give written notice of such action to each of these officers within forty-eight (48) hours of such action. (Ord. 05-07-01)

3-2B-13: **TRANSFERS**:

A. A license issued under this Title shall be purely a personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by law of testate or intestate devolution, but it shall cease upon the death of the licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of an alcoholic liquor license, may continue the business of the sale or manufacture of alcoholic liquor, under order of appropriate court, and 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 (6) months after the death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prohibited from operating under such license in accordance with the provisions of this Subsection.

B. A retail liquor dealer’s license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the ordinances of the Village. (Ord. 05-07-01)

3-2B-14: **REVOCATION**: The local Liquor Control Commissioner may revoke any retail liquor dealer’s license for any violation of this chapter or for any violation of any State law pertaining to the sale of alcoholic liquor. (Ord. 05-07-01)

CHAPTER 3

**VIDEO GAMING**

SECTION

3-3-1: Definitions

3-3-2: Permitted

3-3-3: License Required; Application

3-3-4: Fees

3-3-5: Privilege

3-3-6: Regulations

3-3-7: Compliance

3-3-1: **DEFINITIONS**: The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

BUSINESS: Business means all kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of organizations which are in the business of providing entertainment or recreation, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit or benefit, either directly or indirectly, within the boundaries of this village.

LICENSE AND LICENSEE: License and licensee include, respectively, the words "permit" or "permittee," or the holder for any use or period of time or any similar privilege, wherever relevant to any provision of this chapter or other law or ordinance.

PREMISES: Premises means all lands, structures, places, and also equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

3-3-2: **PERMITTED**: Video gaming, as defined by the Illinois Video Gaming Act, 230 Illinois Compiled Statutes 40/1 et seq., is permitted in the Village subject to the provisions of this Article.

3-3-3: **LICENSE REQUIRED; APPLICATION**: Each person operating a video gaming terminal must obtain license from the village president for each terminal to be operated in the village. Information about the location and operation of the video gaming terminals must be submitted with the application, along with a copy of the applicant's state video gaming license issued by the Illinois Gaming Board, and payment of the video gaming terminal fee required by this article.

3-3-4: **FEES**: An annual fee of $250.00 is hereby imposed on each video gaming terminal operated within the village. The annual fee must be paid at the time of application for a video gaming terminal license, and annually thereafter.

3-3-5: **PRIVILEGE**: A video gaming terminal license is purely a personal privilege and does not constitute property nor is it transferable.

3-3-6: **REGULATIONS**: The following regulations apply to all premises operating video gaming terminals:

* A valid state video gaming license must be clearly displayed at all times.
* A valid village license covering each video gaming terminal on the premises must be clearly displayed at all times.
* No more video gaming terminals may be located on the premises than allowed under the Video Gaming Act.
* All video gaming terminals must be located in an area restricted to persons over 21 years of age. The entrance to the restricted area must be within the view of at least one employee of the establishment who is over 21 years of age. Any premises that allows persons under 21 years of age to enter the establishment must isolate video gaming terminals in a separate area inaccessible to minors, and comply with Illinois Gaming Board rules regarding placement of terminals.
* No village video gaming terminal licensee may cause or permit any person under the age of 21 years to use, play, or operate a video gaming terminal.
* Signage must be posted at the entrance to, and inside of, the designated gaming area in accordance with the regulations adopted by the Illinois Gaming Board.
* The village video gaming terminal licensee must fully comply with all applicable village ordinances, including the village's liquor control regulations, as well as any applicable federal and state laws and regulations.
* The village video gaming terminal licensee must fully comply with the Illinois Video Gaming Act, as amended, and all rules, regulations, and restrictions imposed by the Illinois Gaming Board.
* Village video gaming terminal licensees must immediately notify the village clerk in the event the Illinois Gaming Board revokes or suspends the licensee's state video gaming license. The revocation, loss, or suspension of a valid state video gaming license shall automatically result in the revocation, loss, or suspension of the licensee’s village video gaming terminal license for all terminals without any refund of any fee.
* An owner, manager, or employee over the age of 21 must be present during all hours of operation when video gaming terminals are available for use by the public.

3-3-7: **COMPLIANCE**: The Village and its agents must be allowed unrestricted access to enter the licensed establishment to determine compliance with this article and the Illinois Video Gaming Act. (Ord. 21-27)

**TITLE 4**

**PUBLIC HEALTH AND SAFETY**

Subject Chapter

General Offices 1

Offenses Involving Morals and Decency 1A

Offences Involving Public Peace and Safety 1B

Animal Control 2

Firearms 3

Nuisances 4

Weeds 5

Inoperable Vehicles 6

CHAPTER 1

**GENERAL OFFENSES**

SECTION:

4-1-1: Illinois Criminal Code Adopted

4-1-2: Advertisements

4-1-3: Combustible Refuse; Storing, Throwing Refuse

4-1-4 Penalty

4-1-1: **ILLINOIS CRIMINAL CODE ADOPTED**: Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes of penalty provided, all of the definitions, requirements, regulations, prohibitions, provisions, and sections of the Illinois Criminal Code, 720 Illinois Compiled Statutes 5/1-1 *et seq.*, as amended, are hereby adopted by the Village. Any and all violations thereof shall be considered violations of this Chapter, and each such violation shall subject the violator thereof to penalty provisions of Section 1-4-1 of this Code.

4-1-2: **ADVERTISEMENTS**:

A. Unlawful Advertisements; Damaging Lawful Advertisements: 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.

B. Posting Bills: It shall be unlawful to post any bills or advertisements on any public property without the authority of the Mayor 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. Any such posting shall include the name of the person who posted the same.

C. Samples: 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 residences therein, or within any dwelling or building in the Village, any samples of merchandise or medicinal preparations for the purpose of 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.

4-1-3: **COMBUSTIBLE REFUSE; STORING, THROWING 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 any refuse of any kind on any street, alley, or other public place.

4-1-4: **PENALTY**: Any person, firm, or corporation violating any provision of this Chapter shall be fined as provided in Section 1-4-1 of this Code for each offense.

CHAPTER 1

**ARTICLE A. OFFENSES INVOLVING MORALS AND DECENCY**

SECTION:

4-1A-1: Gambling

4-1A-2: Prostitution

4-1A-3: Nude Bathing

4-1A-4: Indecent Publications

4-1A-1: **GAMBLING**:

A. Prohibited: Except as provided by Illinois Statutes, 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, or device.

B. 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 County Sheriff’s Department.

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

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

4-1A-2: **PROSTITUTION**:

A. Prohibited: It shall be unlawful for any person to practice prostitution in the Village.

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

C. House of Prostitution: It shall be unlawful to maintain, frequent, or patronize any house of ill fame or house of prostitution in the Village.

4-1A-3: **NUDE 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.

4-1A-4: **INDECENT PUBLICATIONS**:

A. 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 or 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 representation.

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

CHAPTER 1

**ARTICLE B. OFFENSES INVOLVING PUBLIC PEACE AND SAFETY**

SECTION:

4-1B-1: Assault, Battery, Fighting

4-1B-2: Disorderly Conduct

4-1B-3: Assemblies

4-1B-4: False Fire Alarms

4-1B-5: Throwing Missiles, Dangerous Materials On Public Ways

4-1B-6: Fires Near Buildings, On Public Ways

4-1B-7: Discharge Of Firearms, Air Guns

4-1B-8: Scaffolds

4-1B-9: Articles On Windowsills

4-1B-10: Whistles

4-1B-11: Obstructing Stairways Or Exits

4-1B-12: Vagrancy

4-1B-1: **ASSAULT, BATTERY, FIGHTING**: It shall be unlawful for any person to commit any assault or battery or to fight in any public place in the Village.

4-1B-2: **DISORDERLY CONDUCT**: It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise and shouting or yelling shall be considered disorderly conduct.

4-1B-3: **ASSEMBLIES**:

A. Unlawful Assemblies: It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose.

B. Disturbing Assemblies: It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.

4-1B-4: **FALSE FIRE ALARMS**: It shall be unlawful for any person to knowingly start or spread any false alarm or fire in the Village.

4-1B-5: **THROWING MISSILES, DANGEROUS MATERIALS ON PUBLIC WAYS**: 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, sidewalk, or other public place in the Village.

4-1B-6: **FIRES NEAR BUILDINGS, ON PUBLIC WAYS**: It shall be unlawful to build or light any bonfire so close to any building or structure as to endanger such building or structure, or on any public street or sidewalk pavement.

4-1B-7: **DISCHARGE OF FIREARMS, AIR GUNS**: It shall be unlawful to discharge any firearm or air gun in the Village; 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 from discharging a firearm when lawfully defending his person or property.

4-1B-8: **SCAFFOLDS**: Any scaffold or ladder placed in such a position that it overhangs 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 article on any such scaffold or ladder in such a manner that the same can fall into any such street, sidewalk, alley, or other public way from a greater height than four feet (4’).

4-1B-9: **ARTICLES ON WINDOWSILLS**: 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 (4’) 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.

4-1B-10: **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.

4-1B-11: **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 (2) or more tenants or families in such a manner that said obstruction interferes with the free use of such stairway, aisle, corridor, or exit.

4-1B-12: **VAGRANCY**: It shall be unlawful for any mendicant or vagrant to frequent any depot, store, theater, street, alley, sidewalk, park, or other public place or any 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 a vagrant.

CHAPTER 2

**ANIMAL CONTROL**

SECTION:

4-2-1: Definitions

4-2-2: Restraint

4-2-3: Impoundment

4-2-4: Vicious Dogs

4-2-5: Barking Dogs

4-2-6: Dangerous Animals

4-2-7: Killing Dangerous Animals

4-2-8: Animals And Fowl At Large

4-2-9: Abusing Animals

4-2-10: Keeping Certain Animals Prohibited

4-2-11: Penalty For Violation Of This Chapter

4-2-1: **DEFINITIONS**:

|  |  |  |
| --- | --- | --- |
| ANIMAL: |  | Any animal other than a dog which may be affected by rabies. |
| BITING: |  | Has been seized with the teeth or jaws, so that the person or thing seized has been nipped or gripped or has been wounded or pierced, and includes contact of saliva with any break or abrasion of skin. |
| DOG: |  | All animals of the canine species, both male and female. |
| OWNER: |  | Any person having any right or property of a dog or other animal, or who keeps or harbors a dog or who has a dog in his care, or acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him. |

4-2-2: **RESTRAINT**: Any dog owner shall not permit a dog to run at large within the limits of the Village of Lee. Dogs at all times shall be kept on a leash or tied, except when confined within or on the premises of the owner or possessor thereof.

4-2-3: **IMPOUNDMENT**:

A. Dogs found not under restraint, or abandoned, may be seized and impounded by any police or any other person authorized to enforce these Sections.

B. Before any dog shall be released from being impounded, the owner thereof shall pay to the Village of Lee the per diem fee established by the Village from time to time for care, keep, and food, and also a five dollar ($5.00) pick up fee.

C. All stray dogs and unclaimed dogs shall be held for a period of five (5) days, and at the end of the said period, if not claimed, shall be held for a reasonable period, not to exceed three (3) days, during which time they shall be made available to the public for adoption and, if not so adopted, shall then be destroyed.

4-2-4: **VICIOUS DOGS**: No person owning or having in his possession or under his control any dog which shall have attacked any person in any street or public place either by chasing, biting, or attempting to bite any person shall, after notice or having knowledge of such attack, or of the vicious propensity of such a dog, suffer such dog to go or be upon any street or public place.

4-2-5: **BARKING DOGS**: Any person who shall own or keep upon his property any dog and permit the same to bark, growl, howl, or whine in a loud manner, disturbing the quiet and peace and peaceful enjoyment of others of the adjoining property or vicinity shall be deemed to be unlawfully creating, maintaining, and suffering to exist a public nuisance.

4-2-6: **DANGEROUS ANIMALS**: It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the Village. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Village Board.

4-2-7: **KILLING DANGEROUS ANIMALS**: The members of the Village Board or any other person that may be authorized by said Village Board may kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

4-2-8: **ANIMALS AND FOWL AT LARGE**: It shall be unlawful for any owner or person in custody of any duck or other domestic animal or fowl to suffer or permit the same to be at large, or to fail to keep the same so confined as to prevent its trespassing upon the premises of others.

4-2-9: **ABUSING ANIMALS**: No person shall inhumanely, unnecessarily, or cruelly beat any dumb animal, or fail to provide any animal in his charge or custody with proper and necessary food, drink, or shelter.

**State Law Reference:** Authority to prevent cruelty to animals, 65 ILCS 5/11-5-6.

4-2-10: **KEEPING CERTAIN ANIMALS PROHIBITED**: It is unlawful to keep and/or kill any horses, ponies, sheep, goats, swine, cattle, fowl, pigeons, or any animal which is dangerous to mankind within the Village limits, except on land specifically zoned for manufacturing and agriculture.

4-2-11: **PENALTY FOR VIOLATION OF THIS CHAPTER**: Failure to perform any act required, or the performance of any act prohibited by this Chapter is designated a Village ordinance violation; and any person found to have committed the violation shall be assessed a monetary penalty of not less than twenty-five dollars ($25.00) and not more than five hundred dollars ($500.00). Each day during which a violation continues shall be deemed a separate offense, and separate penalties may be assessed for each separate offense.

CHAPTER 3

**FIREARMS**

SECTION:

4-3-1: Discharge Firearms Prohibited

4-3-2: Penalty

4-3-1: **DISCHARGE FIREARMS PROHIBITED**: No person shall fire off or discharge either at any object, animal, or person, or otherwise fire any rifle, shotgun, revolver, or similar instrument or weapon within the Village of Lee. Provided this Section shall not apply to the discharge of any firearms by an police officer or other Village official in the discharge of his duty in the enforcement of the ordinances of said Village or the statutes of the State of Illinois.

4-3-2: **PENALTY**: Failure to perform any act required, or the performance of any act prohibited by this Chapter is designated a Village ordinance violation. Any person found to have committed a Village ordinance violation shall be subject to a punishment as provided in Section 4-2-11.

CHAPTER 4

**NUISANCES**

SECTION:

4-4-1: Nuisance Declared

4-4-2: Abatement Of Nuisances

4-4-3: Penalties

4-4-4: Citations

4-4-5: Injunctive Relief

4-4-6: Hazardous Materials

4-4-1: **NUISANCE DECLARED**: The following are hereby declared to be public nuisances if committed by any person within the limits of the Village of Lee:

A. Offensive Odors. To so negligently conduct any business or use any premises as to create such an offensive smell as to taint the air and render it unwholesome or disagreeable to the neighborhood.

B. Encroaching Upon Highways. To obstruct or encroach upon public highways, private ways, streets, alleys, or commons.

C. Offensive or Unwholesome Business. To establish, maintain, and carry on any offensive or unwholesome business.

D. Railroad Cars; Stockyards. To own, keep, or use any railroad car, yard, or place of premises in or upon which cattle, or swine, or sheep shall be confined or kept.

E. Renderies; Tanneries. To locate or carry on, without having obtained permission of the Council so to do, any packing house, renderies, tallow chandleries, glue or bone factories, soap factory, or tannery.

F. House of Prostitution. To conduct or carry on any house of ill fame or assignation where men and women resort for purposes of prostitution or lewdness.

G. Slaughterhouses. To slaughter or kill any meat, cattle, hogs, or sheep, or keep, maintain, or use therein any house or place in which the business of slaughtering any of said animals may be carried on in the Village without a permit to do so from the Council.

H. Storage of Junk. To deposit or store junk, trash, and refuse on private or public property within the Village where such storage is not specifically authorized under the provisions of the zoning regulations of the Village. Junk, trash, and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health, safety, or to the aesthetics of the neighborhood, and is specifically intended to include, but not be limited to paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials, old iceboxes, refrigerators, stoves, tractors, machinery of any kind, any parts thereof, worn out, wrecked, or inoperable motor vehicles or motor vehicles not currently licensed by the State of Illinois or other state or country (regardless of the age of the vehicle) exposed to the view of the general public and not either enclosed in a building or structure, or located on the sales lot of a licensed automobile dealer.

I. Smoke. To allow or permit any dense smoke to come or be emitted from any chimney or engine within the Village.

J. Foul Substance. To cause or suffer the carcass of any animal or any animal or vegetable matter, slop, swill, suds, garbage, filth, stable drippings, or offal or noisome substances of any kind to be collected, deposited, or to remain in any place in the Village to the prejudice of others.

K. Offensive Matter in Water Courses. To throw or deposit, or cause to be thrown or deposited, any offal or any offensive matter, or the carcass of any animal, in any water course, pond, spring or well, or on any land.

L. Filth in Streets. To deposit any night soil, dead animal, or other filthy or offensive or noisome substance upon any lot, street, alley, highway, park, or other place.

M. Polluting Water Supply. To corrupt or render unwholesome or impure the water of any drinking hydrant, spring, stream, pond, or lake, to the injury or prejudice of others.

N. Offensive Premises. To keep, or suffer to be kept, in a foul, offensive, nauseous, or filthy condition any chicken coop, stable, cellar, drain, pool, toilet, sewer, or sink upon any premises belonging or occupied by him, or any railroad car, building, yard, grounds, and premises belonging to or occupied by him.

O. Cellars, Sewers, and Drains. To suffer or permit any cellar, vault, private drain, pool, sewer, or sink upon premises belonging to or occupied by him to become nauseous, foul, offensive, or injurious to the public health.

P. General. To cause or maintain any other act or condition which is injurious or dangerous to the public health, or which causes injury, annoyance, or inconvenience to the public.

4-4-2: **ABATEMENT OF NUISANCES**: It is hereby made the duty of the Board of Trustees, or their designee, to serve a notice in writing upon the owner, agent, occupant, or person in possession, charge, or control of any lot, building, or premises in or upon which any nuisance may be found requiring them or either of them to abate the same within a time specified in such a manner as the Board of Trustees shall prescribe, but in no event shall such specified time be less than seven (7) days. It shall not be necessary in any case to specify in such notice the manner in which the nuisance shall be abated. If the person so notified shall refuse or neglect to comply with such order within the time and manner specified, the Board of Trustees shall cause the summary abatement of such nuisance at the expense of the person responsible for the same. When the owner fails to abate the nuisance when the same is an inoperable motor vehicle within the time prescribed, it shall be lawful for the Village or any authorized representative thereof to cause such vehicle to be towed from the premises at the expense of the owner and further to enter upon private property for the purpose of towing the vehicle and thereby abating the nuisance.

4-4-3: **PENALTIES**: Failure to perform any act required, or the performance of any act prohibited by this Chapter is designated a Village ordinance violation. Any person found to have committed a Village ordinance violation shall be subject to punishment as provided in Section 4-2-11.

4-4-4: **CITATIONS**: The Board of Trustees, or their designees, are hereby authorized to establish and enforce a system of citations for specified violations of Codes and Ordinances of the Village. The use of citations shall be solely at the discretion of the Board of Trustees or their designee, and shall not preclude the use of other enforcement methods.

A. Applicability. This citations system shall apply to all properties within the Village and enforcement of specific provisions enumerated herein.

B. Enforcement and Responsibility.

1. Citations may be issued by any member of the Board of Trustees or any police officer, or the Village Attorney.

2. Owners or tenants are subject to citations based on apparent culpability. Managers and agents are subject to citations as the owner’s representative.

3. For informational purposes, a copy of each citation issued shall be posted on the premises where the violation occurred for a period of seven (7) days.

C. Appearance in Court. Upon receipt of a citation for a violation, the cited party shall appear in court on the date specified in the citation.

D. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any provisions of this Chapter, shall be deemed to have committed a misdemeanor and shall, upon conviction thereof, be fined not less than the corresponding amounts enumerated herein and may be incarcerated in the County Jail for a term not to exceed six (6) months. These penalties are not deemed to be exclusive of any other remedy or penalty.

4-4-5: **INJUNCTIVE RELIEF**: The Village may also bring suit for injunctive relief in the Circuit Court against any person violating any provision of this Chapter, and by such suit may seek a court order enjoining violation of, in requiring compliance with, any provision herein.

4-4-6: **HAZARDOUS MATERIALS**:

A. Definitions. When used in this Section the following words and phrases shall have the meanings ascribed to them in this Section: This citations system shall apply to all properties within the Village and enforcement of specific provisions enumerated herein:

|  |  |  |
| --- | --- | --- |
| ABATEMENT: |  | Reducing the intensity of or putting an end to an existing incident involving the release of a hazardous material. |
| CLEANUP: |  | The process of neutralizing a released material and recovering it for disposal, removing the effects of or ordering a private recovery company to provide this service. |
| COSTS: |  | All expenses incurred by the Village as a result of any clean-up, removal, or remedial action. |
| FIRE CHIEF:  FIRE DEPARTMENT:  HAZARDOUS MATERIALS:  RELEASE:  REMEDIAL ACTION:  REMOVAL:  RESPONSE: |  | The then acting Chief of the Lee County Fire Department.  The Lee Community Fire Department.  Any material, substance, or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radioactive in such quantity and form which, as determined by the Fire Chief or his authorized representative, may pose a substantial, unreasonable and imminent risk to the health, life or safety of persons or property or to the ecological balance of the environment. Hazardous materials shall include, but not be limited to, substances such as radioactive materials, petroleum products, gases, poisons, pesticides and corrosives and those listed as follows:   * Any substance or materials which may be found in the consolidated list of covered substances. Such list may be amended, from time to time, and include the following: * Extremely Hazardous Substance List, issued by EPA, November 17, 1986 * OSHA Hazardous Communication Standard Base Lists * Senate Committee Print 99-169; Senate Committee on Environment and Public Works, 99th Congress, 2nd Session, August, 1986 * Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Notification List * In addition to those listed substances, hazardous materials may include those substances which may be released in such quantity or form which, as determined by the Fire Chief or his authorized representative, poses an unreasonable risk to the health, life or safety of persons or property or to the ecological balance of the environment.   Any spilling leaking, pumping, pouring, emitting, escaping, discharging, injecting, leaching, dumping or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous material or any constituents thereof may enter the environment.  Any action consistent with permanent remedy, taken instead of or in addition to, removal actions in event of a release or a threatened release of hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of release as storage, confinement, perimeter production using dikes, trenches, or ditches, clay cover, neutralization, clean-up of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive waste, repair or replacement of leaking containers, collection of leachate and run-offs, on-site treatment or incineration, provision of alternate water supplies, and any monitory reasonably required to assure that such actions protect the public health, welfare and the environment.  The clean-up or removal of released hazardous materials from the environment, including such actions as may be necessary or appropriate to monitor, assess and evaluate the release or threat of release of hazardous materials, the disposal or removed material or the taking of such action as be necessary to prevent, minimize or mitigate damage to the public health or welfare of the environment. The term includes, but is not limited to, security sensing, provision of alternative water supplies, and temporary evacuation of threatened individuals.  Any clean-up, removal or remedial action. |

B. Report of Release. Any release of hazardous materials shall be immediately reported to the Fire Department by the property owner where said release occurs and by the person causing the release. Said report shall be by telephone or in person. The report shall include the nature of the releases, the physical state of the chemical, the name of the product(s) involved, estimates of the amount of product(s) released and the location of the release site, if known.

C. Cleanup of Hazardous Spills.

1. Right of Entry: The Fire Chief or his authorized representative shall have the authority to respond to the release or threatened release of hazardous material and enter any premises whereupon a release has been reported or occurred.

2. Authority to Abate: The Fire Chief or his authorized representative shall have the authority to clean-up, remove, take remedial action, and/or abate the hazardous materials or their effects released or spoiled in the Village. This authority shall include, but not be limited to, utilizing various Village personnel and equipment, securing necessary materials or ordering cleanup by a private recovery firm.

D. Liability for Costs.

1. Any person who intentionally or unintentionally causes a hazardous material to be released within the corporate limits of the Village shall be liable for payment of all costs incurred by the Village and/or the Fire Department as a result of the clean-up, removal, remedial action and/or abatement. These costs shall include, but not be limited to, labor and equipment costs incurred by the Village and/or the Fire Department, materials obtained by the Village and/or the Fire Department, contract labor and materials and extended use of specially trained Fire Department hazardous material response team personnel.

2. The remedy provided in this Section shall be in addition to any other remedies provided by law and the penalties otherwise provided for in Ordinances of the Village of Lee.

3. Following the resolution of a hazardous material incident, the Fire Chief will assemble a report of costs incurred by the Village and/or the Fire Department and forward said report to the Village Clerk for billing purposes.

E. Defenses. There shall be no liability hereof for a person otherwise liable who can establish by a preponderance of the evidence that the release or the substantial threat of a release of a hazardous material and the damages resulting therefrom were caused solely by:

1. An act of nature of which he or she had no control;

2. An act of war; or

3. Any combination of the foregoing. (Ord. 02-09-04).

CHAPTER 5

**WEEDS**

SECTION:

4-5-1: Weeds Prohibited On Premises

4-5-2: Duty To Maintain

4-5-3: Village Authority To Cut Weeds

4-5-4: Penalty

4-5-1: **WEEDS PROHIBITED ON PREMISES**: It shall be unlawful for any owner, lessee, occupant, or any agent, servant, representative, or employee of any such owner, lessee, or occupant having control of any lot or ground, or any part of a lot or ground situated in the Village of Lee, to allow or maintain on any such lot or ground, any growth of weeds to a height of over ten inches (10”), or any burdocks, thistles, weeds, or uncultivated shrubbery to mature or go to seed.

4-5-2: **DUTY TO MAINTAIN**: It shall be the duty of any owner, manager, lessee, and occupant of any property within the Village of Lee to keep the weeds cut down on such property and to prevent the growing of any burdocks, thistles, weeds, or uncultivated shrubbery to mature or go to seed.

4-5-3: **VILLAGE AUTHORITY TO CUT WEEDS**: If any person or corporation shall fail to comply with the provisions of this ordinance, within five (5) days after being notified so, the Village of Lee, in addition to the criminal action specified in Section 4-5-4 below, shall have the right to cut said weeds, thistles, burdocks, or uncultivated shrubbery of any debt in the name of the Village.

4-5-4: **PENALTY**: Failure to perform any act required, or the performance of any act prohibited by this Chapter is designated a Village ordinance violation. Any person found to have committed a Village ordinance violation shall be subject to punishment as provided in Section 4-2-11.

CHAPTER 6

**INOPERABLE VEHICLES**

SECTION:

4-6-1: Definitions

4-6-2: Declared A Nuisance

4-6-3: Notice

4-6-4: Appeal

4-6-5: Penalty

4-6-1: **DEFINITIONS**: For the purposes of this Chapter, the following words shall have the following meanings ascribed to them as follows:

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| --- | --- | --- |
| INOPERABLE VEHICLE: |  | Any motor vehicle from which, for a period of at least fourteen (14) days, the engine, wheels, or other parts have been removed, altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power regardless of whether said vehicle has current license plates or not. However, the term “inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, nor to any motor vehicles that are kept within a building when not in use or to historic vehicles over twenty-five (25) years of age. |
| NUISANCE VEHICLE: |  | Any motor vehicle that is not street legal (cannot be licensed), which is not covered by a fitted cover, shall be prohibited from public view on public and/or private property. The term “Nuisance Vehicle” shall not include a motor vehicle that is kept within a building when it is not in use. |
| NUISANCE TRAILER: |  | A trailer of any kind that can be licensed through the State of Illinois must have current licensing on said vehicle; if it does not have current licensing, said trailer will be considered a “Nuisance Trailer.” The term “Nuisance Trailer” shall not include a trailer that is kept within a building when not in use. |
| NUISANCE VEHICLE PARTS: |  | Any parts of vehicles that are no longer housed in or on the appropriate part of the vehicle itself shall be prohibited from public view on public and/or private property. The term “Nuisance Vehicle Parts” shall not include parts that are kept within a building when not in use. |

(Ord. 2014-07-14(A)).

4-6-2: **DECLARED A NUISANCE**: All inoperable vehicles, nuisance vehicles, nuisance trailers, and/or nuisance vehicle parts, whether on public or private property, are hereby declared to be a nuisance and shall be subject to the provisions of this Code. (Ord. 2014-07-14(A)).

4-6-3: **NOTICE**: The owner of an inoperable vehicle, nuisance vehicle, nuisance trailer, or nuisance vehicle parts shall receive a written notice of the violation of this Code by a Board authorized person or firm. Said notice shall be given to the owner of the vehicle, if known, or to the person in whose control the vehicle is, if known. If such a person cannot be located, it shall be sufficient notice to affix the notice to the windshield of the inoperable or nuisance vehicle or affix the notice directly on the inoperable vehicle, nuisance vehicle, nuisance trailer, and/or nuisance vehicle parts. All persons are required to comply with this Code within seven (7) days of the date on the notice and failure to do so will subject persons to punishment as provided in Section 4-6-5 of this Code. (Ord. 2014-07-14(A)).

4-6-4: **APPEAL**: Any person having received a notice pursuant to this Code may request, in writing, a hearing before the Village Board. Any such request for hearing shall be mailed to the Village President c/o Village of Lee, Lee, Illinois 60530. (Ord. 2014-07-14(A)).

4-6-5: **PENALTY**: The violation of any such provision of this Code shall be a misdemeanor and punishable by a fine not less than twenty-five dollars ($25.00) nor exceeding seven hundred and fifty dollars ($750.00) for each violation. Each day such violation is committed, or permitted to continue, shall constitute a separate offense, and shall be punishable hereunder as such. (Ord. 2014-07-14(A)).

**TITLE 5**

**MOTOR VEHICLES AND TRAFFIC**

Subject Chapter

Traffic Code and General Provisions 1

Parking Regulations 2

Animals or Bicycles 3

Pedestrians 4

Exemptions 5

Motor Vehicles 6

Administration and Enforcement 7

CHAPTER 1

**TRAFFIC CODE AND GENERAL PROVISIONS**

SECTION:

5-1-1: Illinois Vehicle Code Adopted

5-1-2: Definitions

5-1-3: Signs And Signals

5-1-4: Unauthorized Signs

5-1-5: Interference With Signs

5-1-6: Method For Approaching For Left Turn

5-1-7: Method For Approaching Right Turn

5-1-8: Driver’s Signal

5-1-9: Driving From Alleys, Driveways, Or Garages

5-1-10: Vehicles Not To Be Driven On Sidewalks

5-1-11: Reckless Driving

5-1-12: Right Of Way

5-1-13: Speed Restrictions

5-1-14: Traffic Not To Be Obstructed

5-1-15: Unnecessary Noise

5-1-16: Lights

5-1-17: Trucks

5-1-18: Weight Limitations

5-1-1: **ILLINOIS VEHICLE CODE ADOPTED**: Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, and sections of the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*, as amended, are hereby adopted by the Village. Any and all violations thereof shall be considered violations of this Title, and each such violation shall subject the violator thereof to penalty provisions of Section 1-4-1 of this Code. (2017 Code)

5-1-2: **DEFINITIONS**: Whenever in this Title the following terms are used, they shall have the meanings 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. |
| DRIVER: |  | Any person who is in actual physical control a vehicle. |
| EMERGENCY VEHICLE: |  | Vehicles of the police or fire department, ambulances, or any vehicle conveying a Village Official or employee in response to an emergency official call. |
| FARM TRACTOR: |  | Every motor vehicle designed and used primarily as a farm implement for drawing farm machinery and other implements of husbandry. |
| IMPROVED HIGHWAY: |  | A roadway of concrete, brick, asphalt, macadam, or gravel. |
| INTERSECTION: |  | The area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not such streets cross. |
| MOTOR VEHICLE: |  | Every vehicle which is self-propelled. |
| MOTORCYCLE: |  | Every motor vehicle having a saddle for the use of a rider and is designed to travel on not more than three wheels in contact with the ground, but excluding a tractor. |
| 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. |
| PEDESTRIAN: |  | Any person on foot. |
| PROPERTY LINE: |  | The line marking the boundary between any street and the lots or property abutting thereon. |
| ROAD TRACTOR: |  | Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight or load so drawn. |
| ROADWAY: |  | That portion of a street designed or ordinarily used for vehicular traffic. |
| RESIDENCE DISTRICT: |  | The closely built up residence portion of the Village. |
| SEMI-TRAILER: |  | Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. |
| STREET: |  | Every way set aside for public travel except foot paths and sidewalks designed for use by pedestrians. |
| TRAFFIC: |  | Vehicles using any street for traffic. |
| TRAILER: |  | Every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. |
| TRUCK TRACTOR: |  | Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed to carry a load other than a party of the weight of the vehicle and load so drawn. |
| VEHICLE: |  | Every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, including bicycles and motor scooters, but not including perambulators or toy vehicles. |

5-1-3: **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 the authority of the Village Board or in accordance with the laws of the State of Illinois. (2017 Code)

5-1-4: **UNAUTHORIZED SIGNS**: It shall be unlawful for any person to place, maintain, or display any device, other than the official warning or direction sign or signal authorized by statute or ordinance, upon or in view of any street, if such device purports to be, or is in imitation of, an official warning or direction sign or signal, or directs or purports to direct the movement of traffic. Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any authorized representative of the Village.

5-1-5: **INTERFERENCE WITH SIGNS**: It shall be unlawful for any person to deface, injure, move, or interfere with any official traffic sign or signal.

5-1-6: **METHOD FOR APPROACHING FOR LEFT TURN**: The driver of any vehicle intending to turn to the left at an intersection or into any alley or driveway shall approach the point of turning in the traffic lane nearest the center of the roadway.

5-1-7: **METHOD FOR APPROACHING RIGHT TURN**: The driver of a vehicle intending to turn to the right at an intersection or into any alley or driveway shall approach the point of turning in the traffic lane nearest the right hand edge or curb of the roadway.

5-1-8: **DRIVER’S SIGNAL**: No driver of a vehicle shall suddenly start, slow down, stop, or attempt to turn without first giving a suitable signal, in such a manner as to apprise others who might be affected by his action. The signals herein required shall be given either by means of the hand or arm or by signal lamp or signal device, but when a vehicle is so constructed or loaded that a hand or arm signal would not be visible both to the front and rear of such vehicle, then such signals must be given by such a lamp or device. All arm and hand signals given shall be made in compliance with the Motor Vehicle Act of the State of Illinois.

5-1-9: **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 or across such line.

5-1-10: **VEHICLES NOT TO BE DRIVEN ON SIDEWALKS**: No driver of a vehicle shall drive upon or across any sidewalk, except where such sidewalk is intersected by an alley, permanent driveway, or temporary driveway.

5-1-11: **RECKLESS DRIVING**: It shall be unlawful to operate any vehicle in the Village in a reckless or wanton manner or so as to unnecessarily endanger life or property.

5-1-12: **RIGHT OF WAY**: Except at intersections which have stop signs or signals, the driver of a vehicle shall give the right of way to any vehicle approaching along an intersecting street from the right, and shall have the right of way over such vehicles approaching along an intersecting street from the left.

5-1-13: **SPEED RESTRICTIONS**:

A. No person shall drive a vehicle upon any public street within the Village at a speed that is greater than is reasonable and proper, having regard to the traffic and the use of the highway or so as to endanger the life or limb or injure the property of any person. If the rate of speed of any motor vehicle through the business district of the Village exceeds twenty (20) miles per hour, or if the rate of speed of any such motor vehicle operated on any street or highway through the residence district of the Village exceeds thirty (30) miles per hour, such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle is running at a rate of speed greater than is reasonable and proper, having regard to the traffic and the use of the highway or so as to endanger the life or limb or injure the property of any person.

B. The fact that the speed of a vehicle is slower than the foregoing *prima facie* limits does not relieve the driver of the duty to decrease speeds when approaching and crossing an intersection, when approaching and going around a curve, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle or on entering the highway with legal requirements and the duty of all persons to use due care.

5-1-14: **TRAFFIC NOT TO BE OBSTRUCTED**: No vehicle shall be operated or allowed to remain upon any street in such a manner as to form an unreasonable obstruction to the traffic thereon.

5-1-15: **UNNECESSARY NOISE**: It shall be unlawful to operate a vehicle on the streets which makes unusually loud or unnecessary noise. No vehicle shall be operated on any street, unless such vehicle is provided with a muffler in efficient, actual working condition; and the use of a cut-out is prohibited.

5-1-16: **LIGHTS**: It shall be unlawful to operate or park on any street within the Village any vehicle not equipped with adequate lights conforming to the requirements of the Statutes of the State of Illinois.

5-1-17: **TRUCKS**:

A. No truck shall be driven upon, parked, or left standing upon the streets, roadways, alleys, or shoulders or upon private property located within the Village of Lee, except during the time of loading or unloading, and except as otherwise provided herein.

B. This Section does not apply to three-quarter (¾) ton trucks or those which are smaller.

C. Any truck lighter than eight (8) tons may be driven upon, parked, or left standing as stated above for purposes other than loading or unloading, provided they do not encroach upon any driving lane, obstruct the vision of passing motorists, or emit odors either from themselves or from any load which they are carrying which are noxious or which may be offensive to the essential character of the neighborhood.

D. Any truck lighter than fifteen (15) tons and not having dimensions in excess of those hereinafter specified, may be driven upon, parked, or left standing as stated above on Viking Vie, Kirke Gate, and Hardanger Gate west of Viking View for purposes other than loading or unloading provided they do not encroach upon any driving lane, obstruct the vision of passing motorists, or emit odors either from themselves or from any load which they are carrying which are noxious or which may be offensive to the essential character of the neighborhood.

E. MAXIMUM DIMENSIONS

Length of Tractor 48’

Length of Tractor and Trailer 55’

Width of Truck 9’6’’

5-1-18: **WEIGHT LIMITATIONS**:

A. Gross weight limit. It shall be unlawful to drive on any street within the Village any motor vehicle, which, together with towed trailers, wagons, or implements, if any, has a gross weight exceeding twenty thousand (20,000) pounds.

B. Streets excepted. Exceptions to this Section will be allowed on Nisson Stigen from Skole Gate to Korn Gate, Kirke Gate from Viking Vie to Korn Gate, and Korn Gate from Hardanger Gate to Nisson Stigen.

C. Penalty. Any person violating the provisions of this Section shall be subject to a fine of one hundred dollars ($100.00), or two cents ($0.02) per pound of gross weight in excess of twenty thousand (20,000) pounds, whichever is greater, for overweight violation.

D. Certain vehicles accepted. Fire and municipal vehicles, garbage trucks, school vehicles, vehicles delivering merchandise to residents on an occasional basis, and farm vehicles entering upon a Village street directly from field or farmstead shall be and are excepted from the provisions of this Section.

E. Truck parking restrictions. It shall be unlawful to allow the engine of any vehicle which is parked within the Village to run more than thirty (30) minutes. In addition, no trailer may be parked within the Village with a refrigeration unit running. Any person violating this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). (Ord. 2007-10-8).

CHAPTER 2

**PARKING REGULATIONS**

SECTIONS:

5-2-1: General Parking Restrictions

5-2-2: Truck Parking

5-2-3: Loading Zones

5-2-1: **GENERAL PARKING RESTRICTIONS**:

A. Vehicles for Sale: It shall be unlawful to park any vehicle upon any business street from which vehicle merchandise is peddled.

B. Alleys: No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within such position as to block the driveway entrance to any abutting property.

5-2-2: **TRUCK PARKING**:

A. Prohibitions: No truck, other than those hereinafter excepted, shall be parked upon any residential street, except during the time of loading and unloading.

B. Exceptions:

1. This Section does not apply to pickup trucks weighing up to one ton.

2. One ton trucks may be parked in residential districts for purposes other than loading or unloading, provided they do not encroach upon any driving lane, obstruct the vision of passing motorists, or carry contents which may emit noxious odors or which may be offensive to the essential character of the residential neighborhood.

5-2-3: **LOADING ZONES**: During the time specified herein, it shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three (3) 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 thirty (30) minutes, at any of the following places:

A. In any public alley, during any hour of the day or night.

B. At any place not to exceed seventy-five (75) feet along the curb before the entrance to any public building between eight o’clock (8:00) A.M. and six o’clock (6:00) P.M., except on Sundays.

CHAPTER 3

**ANIMALS OR BICYCLES**

SECTIONS:

5-3-1: Animals Or Bicycles

5-3-1: **ANIMALS OR BICYCLES**: Every person riding a bicycle, motor scooter, or an animal, or driving any animal drawn vehicles shall be subject to the provisions of this Title applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle, motor scooter, or animal.

CHAPTER 4

**PEDESTRIANS**

SECTIONS:

5-4-1: Right of Way

5-4-2: Standing On Sidewalks And In Roadways

5-4-3: Crossing Roadways

5-4-4: Walking Along Roadways

5-4-1: **RIGHT OF WAY**:

A. 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.

B. It shall be unlawful to drive any vehicle into any crosswalk while there is in such crosswalk, upon the 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 path of such vehicle, or the pedestrian shall indicate his intention to cross.

C. The driver of a vehicle shall stop before entering any crosswalk when any other vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross.

5-4-2: **STANDING ON SIDEWALKS AND IN ROADWAYS**:

A. Sidewalks: It shall be unlawful for a pedestrian to stand upon any sidewalk, except as near as is reasonably possible to the building line or curb, if such standing interferes with the use of said sidewalk by other pedestrians.

B. Roadways:

1. Generally: No person shall stand or loiter in any roadway, other than in a safety zone if such act interferes with the lawful movement of traffic.

2. Soliciting Rides: It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

5-4-3: **CROSSING ROADWAYS**:

A. At no place shall a pedestrian cross a 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.

B. It shall be unlawful for the driver of any vehicle to drive into any crosswalk without the exercise of due and proper care in view of the special use made thereof by pedestrians.

C. At intersections where traffic is directed by a police officer or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

D. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

5-4-4: **WALKING ALONG ROADWAYS**:

A. When sidewalks are provided, it shall be unlawful for any pedestrian to walk along 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.

CHAPTER 5

**EXEMPTIONS**

SECTIONS:

5-5-1: Exemptions

5-5-1: **EXEMPTIONS**: The provisions of this Title regulating the movement of or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties. Nor shall the provisions regulating the parking of vehicles apply to persons actually engaged in or otherwise improving the streets under the authority of the Village Board or the State of Illinois.

CHAPTER 6

**MOTOR HOMES**

SECTIONS:

5-6-1: Definitions

5-6-2: Permit For Placing Mobile Home On Lot

5-6-3: Transients

5-6-4: Penalty

5-6-1: **DEFINITIONS**: Whenever in this Chapter the following terms are used, they shall have the meanings respectively ascribed to them in this Section:

|  |  |  |
| --- | --- | --- |
| RV: |  | Any structure for, or used for, living or sleeping purposes mounted upon wheels and capable of being transported from place to place. |
| MOBILE HOME: |  | A structure designed to be used for human habitation, carrying or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place. |
| TRAILER CAMP: |  | A plot of ground where two or more house-car trailers or mobile homes used as living or sleeping quarters may be located, regardless of whether or not a charge is made for such accommodations. |
| PERSONS: |  | Any person, persons, firm, or corporation. |
| TRANSIENTS: |  | Any person traveling through said Village of Lee or temporarily visiting the residents of the Village. |
| LOT: |  | A parcel of land occupied or suitable for occupancy by one main building use, with accessory buildings, including the open spaces required by this Chapter, and having its principal frontage upon a public street or highway. |
| ORIGINAL LOT: |  | Any lot within the Village of Lee which has been subdivided and platted and placed of record prior to the date of this Ordinance. |

5-6-2: **PERMIT FOR PLACING MOBILE HOME ON LOT**: Upon the showing by the owner applicant of the ownership of the original lot (not pertaining to portions thereof), the Board of Trustees of the Village of Lee may in its discretion grant a variation in the requirement of this Section pertaining to the necessity of five thousand (5,000) square feet.

5-6-3: **TRANSIENTS**: Nothing in this Chapter shall apply to transients who are passing through the Village of Lee. Said transients may occupy their RV in the Village of Lee for a period not to exceed seven (7) days provided they obtain consent from the real estate owner or tenant in possession of said real estate, and further provided that said real estate owner and tenant in possession of real estate furnishes toilet facilities to the occupants of the RV.

5-6-4: **PENALTY**: Any person violating any provision of this Chapter shall upon conviction be punished by a fine of not less than one hundred dollars ($100.00). Each day that a violation is permitted to exist shall constitute a separate offense.

CHAPTER 7

**ADMINISTRATION AND ENFORCEMENT**

SECTIONS:

5-7-1: Directing Traffic; Obedience Required

5-7-2: Tickets

5-7-3: Arrests; Bail Posted

5-7-4: Penalty

5-7-1: **DIRECTING TRAFFIC; OBEDIENCE REQUIRED**:

A. Authority to Direct Traffic; Unauthorized Directing: Peace officers are hereby authorized to direct all traffic in accordance with the provisions of this title, 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 peace officer. Except in case of emergency, it shall be unlawful for any person not authorized by the Village Board to direct or attempt to direct traffic.

B. Directing Traffic at Fires: The officer in command at any fire, or any firefighter designated by him, may exercise the power and authority of a police officer in directing traffic at the scene of any fire or whether there has been response to any emergency call for so long as fire equipment is on the scene, in the absence of or in assisting the police.

5-7-2: **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 issuance of a warrant if the offender does not appear at the time and place so specified.

5-7-3: **ARRESTS; BAIL POSTED**: Any person arrested for violation of this Title shall be released upon proper bail being furnished as required by statute. The officer in command at the County Sherriff’s Department may, in the absence of a proper judge, 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 proper judge as provided by statute.

5-7-4: **PENALTY**: Any person, firm, or corporation violating any provision of this Title shall be fined not less than one dollar ($1.00) or more than one hundred dollars ($100.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**TITLE 6**

**PUBLIC WAYS AND PROPERTY**

Subject Chapter

Sidewalks and Public Ways 1

Trees and Shrubs 2

**CHAPTER 1**

SIDEWALKS, AND PUBLIC WAYS

SECTION:

6-1-1: Purpose

6-1-2: Scope

6-1-3: Specifications

6-1-4: Playing On The Public Ways

6-1-1: **PURPOSE**: This Chapter has been created to establish and identify the jurisdictions and responsibilities of the Village of Lee and the property owners in the Village of Lee regarding the disposition of sidewalks within the Limits of the Village of Lee.

6-1-2: **SCOPE**:

A. This Chapter defines that all sidewalks within the right of way of the Village limits of the Village of Lee, DeKalb and Lee counties, Illinois are under the jurisdiction and control of the Board of Trustees of the Village of Lee, DeKalb and Lee counties, Illinois and that all determinations regarding the disposition of said sidewalks are the sole responsibilities of the Board of Trustees of the Village of Lee, DeKalb and Lee counties, Illinois.

B. This Chapter defines that property owners with Village of Lee sidewalks in the Village rights of way adjacent to their property are to maintain the original condition of Village of Lee sidewalks and to defer all questions as to the condition, due to normal wear and tear, accidental and/or deliberate damage of sidewalks to the Board of Trustees of the Village of Lee.

C. This Chapter defines that property owners with Village of Lee sidewalks in the right of way adjacent to their property who want to make alterations to the sidewalks are to present their plans of the alterations and reasons for the alterations to the Board of Trustees of the Village of Lee for approval before any work may proceed.

* Property owners may petition the Board of Trustees of the Village of Lee regarding the sharing of the costs, by the Village of Lee, of the alterations planned and must receive approval from the Board of Trustees before any work may proceed.

D. This Chapter defines that property owners with Village of Lee sidewalks in the Village rights of way adjacent to their property who create damage or destruction to the sidewalks that are under the jurisdiction and control of the Village of Lee will be requested by the Board of Trustees to present the property owner’s plans and intentions of bringing the sidewalks back to their original condition. Approval of the Board of Trustees of the Village of Lee must be obtained before any work may proceed.

E. This Chapter defines that property owners with Village of Lee sidewalks in the Village right of way adjacent to their property will be notified by the Board of Trustees as to the intention of the Village of Lee to make alterations to or to replace said sidewalks.

* A property owner may petition the Board of Trustees for changes to the sidewalk plans of the Village of Lee and for the sharing of the cost by the property owner, for the deviations from the original plans of the Village of Lee and for the approval of the Board of Trustees of the Village of Lee before any work may proceed.

F. This Chapter defines that all work performed and materials used on sidewalks will be subject to inspection by a representative of the Village Board of Trustees who will report to the Village Board for final approval by the Village Board of Trustees of work performed.

* Payment of bills covering work performed will be after a full discussion and proper vote by the Board of Trustees of the Village of Lee.

G. This Chapter defines that property owners without Village of Lee sidewalks adjacent to their property may petition the Village of Lee Board of Trustees with proposals and plans, including cost, to have sidewalks considered for their property. Village of Lee Board of Trustees’ approval will be required prior to any work being performed.

* Any sidewalk work proposed and performed by the property owner and/or their agent will require a building permit as issued by the Village of Lee building inspector or Board of Trustees before any work can proceed.

6-1-3: **SPECIFICATIONS**:

A. Procedures:

* Any planned work will be submitted to the Board of Trustees of the Village of Lee for consideration and approval by the Village Board of Trustees.
* Any and all contractors must present a certificate of insurance and a Tax I.D. Number at time of bid submittal.
* All work performed and materials used on sidewalks will be subject to inspection by a representative of the Village Board of Trustees who will report to the Village Board for final approval of work performed by the Village Board of Trustees.

a. Payment of bills covering work performed will be after a full discussion and proper vote by the Board of Trustees and the Village of Lee.

* Physical layout:
* Sidewalks will be at least four (4) feet wide and four (4) inches thick for normal pedestrian traffic.
* Sidewalks will be at least four (4) feet wide and six (6) inches thick where driveways intersect sidewalks.
* Sidewalks will meet streets at a street grade, as such transition is required at street intersections for handicap access.
* Proper fill material will be used, as necessary, to maintain a level grade along any portion of sidewalk length.
* Proper back fill will be used, as necessary, to maintain a level grade transition between sidewalk and adjacent lawn.
* Any disturbed lawn adjacent to sidewalk will be returned, by the party performing work, to original condition as existed prior to work being performed.

6-1-4: **PLAYING ON THE PUBLIC WAYS**: No person shall play any game of ball or engage in any amusement, practice, or sport upon any public street or way in the Village. (Ord. 2007-6-11).

**CHAPTER 2**

TREES AND SHRUBS

SECTION

6-2-1: Property Owners Authorized To Plant

6-2-2: To Be Trimmed

6-2-3: Obstructing Streetlights Or Injuring Sidewalks

6-2-4: Removal Or Injury

6-2-1: **PROPERTY OWNERS AUTHORIZED TO PLANT**: Any person who may own or have any interest in any lot or parcel of land in said Village, is hereby authorized to set out and plant shade or ornamental trees on such lot or parcel of land in an area adjacent to Village streets, on the line between the sidewalks and roadway of said streets, or in such places as the Village Board of Trustees or its authorized representatives may designate or permit. Such person may take all proper ways and means (except the use of barbed wire) to promote the growth of said trees and protect the same, which shall not obstruct the passage of travel along the streets and sidewalks, and which the Village Board of Trustees or its authorized representatives may allow.

6-2-2: **TO BE TRIMMED**: All shade trees now standing in the streets or parking lots of said Village, or which shall be hereafter set out or planted therein, and all shade and other trees standing upon private property, the branches of which extend over the line of the streets, shall be pruned and trimmed so that no branch thereof shall grow or hang over the street or sidewalk less than nine feet (9’) above the level of the sidewalk, and in case the owner of any such tree, or of property in front of which such tree stands, shall fail or refuse to trim or prune the same, in accordance with the foregoing provisions within twenty-four (24) hours after notice to do so from the Village Board of Trustees or its authorized representative, such tree shall be pruned and trimmed by the Village of Lee and the cost and expense of such a pruning and trimming may be recovered from such owner by action of debt in the name of the Village.

6-2-3: **OBSTRUCTING STREETLIGHTS OR INJURING SIDEWALKS**: In case any tree standing upon or overhanging any street in said Village, shall obscure or prevent any street lamp from properly lighting such street, or from any cause shall injure the sidewalk or such street under or near such tree, the Village Board of Trustees shall have the right, by notice in writing, to require the owner or occupant of the lot or parcel of land, upon or adjacent to which such tree is standing or growing, to prune the same in such manner as the necessities of the case may require, and, in case such tree is standing or growing upon the streets, to remove the same, if, in the judgment of the Village Board of Trustees, such removal is expedient or necessary. If such owner or occupant shall fail or neglect to so prune or remove such tree in the manner provided in such notice within five (5) days after the service of such notice, the Village of Lee may prune or remove such tree, and the expense thereof may be recovered by the Village from such owner or occupant by suit in any court of competent jurisdiction.

6-2-4: **REMOVAL OR INJURY**: No person shall cut down, destroy, break, or in any manner injure or interfere with any tree or shrub standing in any street or public place, except by permission of the Village Board of Trustees.

**TITLE 7**

**PUBLIC UTILITIES**

Subject Chapter

Water Use Service 1

Sewer Use Service 2

Cross Connection 3

Garbage and Refuse 4

CHAPTER 1

**WATER USE SERVICE**

SECTION:

7-1-1: Rules And Regulations

7-1-2: Meters

7-1-3: When Required

7-1-4: Outside Meter Reading Devices

7-1-5: Right to Inspect

7-1-6: Persons Desiring To Discontinue

7-1-7: Rates

7-1-8: Bills – Delinquent – Shutting Off

7-1-9: Lien Notice Of Delinquency

7-1-10: Priority Of Application Of Any Partial Payments Received

7-1-11: Flat Rate Charges

7-1-12: Shutoffs

7-1-13: Public Hydrants

7-1-14: Minimum Water Rates For N.I.C.E. Center, Churches, & Fire Districts

7-1-15: Due Date Of Bi-Monthly Water Bill

7-1-16: Violations

7-1-1: **RULES AND REGULATIONS**: Persons requesting water service must get a special permit from the Committee on Water, who will in all cases tap the water main and insert the corporation cock, and put in service pipes to the lot line where there will be a stop valve and cut-off box attached. There will be a fee of seven hundred and fifty dollars ($750.00) required to hook up to the Village water main. This fee will include water meter, touch pad, ECR register, check valve, buffalo box and valve, and Village labor. This fee will be payable at the time of purchase of a building permit. The property owner is required to install copper line from the buffalo box to the meter. Persons outside of Village limits requesting Village water services shall be required to annex into the Village before services are granted.

7-1-2: **METERS**:

A. All water used or consumed from the Village water mains shall be measured in the following manner and under the following regulations: Each property owner of the Village shall, at his own expense, attach a water meter of a kind to be specified by the Board of Trustees to each service pipe leading to and supplying the premises of such a consumer, and it shall be the duty of the property owner to keep said water meter in working condition. Such meter shall be so placed that the Committee on Water, or such inspector as may hereinafter be designated or appointed by the Board of Trustees for said purpose can at all reasonable times, inspect and take the reading of, and the Board of Trustees shall have the right to designate the place where such meter shall be attached.

B. Each owner of any apartment, flat, place of business or family residence serviced by or through the Village of Lee’s water system shall be responsible for the costs of any and all necessary plumbing, piping and fittings necessary to accommodate the installation or replacement of water meters. (Ord. 2011-10-10).

7-1-3: **WHEN REQUIRED**:

A. All premises using water from the Village of Lee water supply must be equipped with an adequate water meter furnished by the property owner; provided that such water service may be supplied by the Village of Lee at a flat rate of charge until such meter can be installed. All water meters must be approved by the Village of Lee. Before any premises are occupied, either (1) a water meter shall be installed therein, as herein required, or (2) an application shall be made for water service at the flat rate of charge until the meter can be installed, or no water shall be furnished to such premises.

B. All new installations or remodeling of properties shall have remote readers and a backflow valve. The water meter shall be installed at a location protected from freezing or heat and other hazards, and the outside reading device (remote reader) shall be installed at a point that is visible from the front or side street. It shall be the customer’s responsibility to keep the meter from being damaged or frozen.

C. All meter installations and maintenance are the responsibility of the owner and must be inspected and approved by the Village of Lee after installation.

D. Customers served with two (2) inch service or larger shall include in the meter installation a proper by-pass, approved by the Village of Lee, which allows continued use of water when a meter is removed for maintenance or testing. Lock valves provided by the owner shall also be included on such by-passes.

E. Residential property is not required to have backflow prevention valves installed. (Ord. 2011-09-12).

7-1-4: **OUTSIDE METER READING DEVICES**: All water meters installed in any new construction and/or in buildings which are moved or remodeled so as to change the location of the meter shall be provided with an outside dial or gauge of a type approved by the Village of Lee which is connected with the meter proper and which will give an accurate reading of the amount of water passing through said meter. The location of the outside meter reading box shall be approved by the Village of Lee. This shall be in such a location as to make it readily available for a meter reader to determine the amount of water used during any designated period of time. The cost of said gauge or dial is to be borne by the property owner.

7-1-5: **RIGHT TO INSPECT**: The Committee on Water and Garbage, or the inspector who may be hereinafter designated and appointed for that purpose by the Board of Trustees, and their assistant or assistants, shall be authorized to enter and have free access at all reasonable times to the premises of any person using Village water for the purpose of ascertaining the location and conditions of all pipes and fixtures connected with the Village water mains, and to take the proper reading of meters, and to inspect or replace the same. It shall be the duty of the inspector who may be designated for that purpose by the Board of Trustees, upon discovering any violations of any section of this Chapter, to shut off said Village water immediately and refuse to reconnect the same until said violation shall have ceased. Any meter discovered to be in non-working condition shall be repaired at owner’s expense and be billed by the Village accordingly. All such billing not paid within three (3) billings, one (1) initial and two (2) follow-up (90 days) shall be deemed delinquent and water service to said premises shall be shut off, and the supply shall not again be turned on except upon payment of such a bill in full and a fifty dollar ($50.00) reconnect fee.

7-1-6: **PERSONS DESIRING TO DISCONTINUE**: Persons desiring to discontinue the use of Village water must give written notice of their intention at the office of the Village Clerk previous to the expiration of the quarter.

7-1-7: **RATES**: Water bills shall be payable to the Village Treasurer on the twenty-third (23rd) day of the months of February, April, June, August, October, and December. Within village limits, water use shall be billed at a rate of twenty-six dollars and fifty cents ($26.50) per one thousand (1,000) gallons of water used with a minimum charge of two thousand (2,000) gallons and a minimum bill for water will be forty-five dollars and no cents ($45.00). Outside of Village limits, water use shall be billed at a rate of thirty-four dollars and forty-five cents ($34.45) per one thousand (1,000) gallons of water used with a minimum charge of two thousand (2,000) gallons and a minimum bill for water will be fifty-eight dollars and fifty cents ($58.50). There shall be an additional bi-monthly surcharge of eighteen dollars and no cents ($18.00). For multiple family dwellings, total gallons used will be divided by the number of units to arrive at the usage per unit, with the forty-five dollars and no cents ($45.00) minimum applied per unit. Beginning January 1, 2024, the water rates stated herein shall be increased on the first of each year by two percent (2%).

7-1-8: **BILLS – DELINQUENT – SHUTTING OFF**: The Village Treasurer shall, on the twenty-third (23rd) day of the months of January, March, May, July, September, and November, prepare bills for all water used as shown by water meters in use in the Village, and mail the same to the respective addresses of the various owners. All such bills not paid by the twenty-third (23rd) day of the following month shall be deemed delinquent. A late fee of ten percent (10%) shall be charged on all delinquent accounts on the twenty-third (23rd) day of the months of February, April, June, August, October and December. The water supply at the premises for which no payment is received for two (2) or more billing cycles shall be shut off, and the supply shall not again be turned on except upon payment of such bill or bills in full, together with a fifty dollar ($50.00) reconnection fee. Any person who pays any such bill by check, and such check is returned for insufficient funds, shall be assessed a thirty-six ($36.00) charge for each returned check, and all future payments shall be made with a certified cashier's check, money order, or cash.

7-1-9: **LIEN NOTICE OF DELINQUENCY**: Whenever a bill for sewer service or water service remains unpaid for thirty (30) days for quarterly service after it has been rendered, the Village Treasurer may file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. The amount due on the lien shall be inclusive of the amount for unpaid charges, late fees or interest, penalties, disconnection and/or reconnection fees, an administrative fee of two hundred fifty dollars ($250.00), and recording fees incurred.

* If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his or her address be known to the Treasurer, whenever such bill remains unpaid for a period of sixty (60) days for a quarterly bill after it has been rendered.
* The failure of the Village Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section. (Ord. 2009-06-08).

7-1-10: **PRIORITY OF APPLICATION OF ANY PARTIAL PAYMENTS RECEIVED**: If less than the full amount is received for Water/Garbage bills, the partial payment is first applied to the Garbage bill portion of the bill. If water service is provided, a bill for garbage removal is mandatory. (Ord. 2010-10-11).

7-1-11: **FLAT RATE CHARGES**: Any premises which contains operating water facilities without a working meter shall be charged at the flat rate of fifty thousand (50,000) gallons for the applicable billing cycle. Furthermore, any residential apartment building or duplex in existence as of August 2, 2002, without a working meter shall be charged at the flat rate of fifty thousand (50,000) gallons for each individual apartment contained in said building or duplex as set forth herein.

* Any premises which contains operating water facilities that does not have all of Village water appropriately passing through the water meter shall be charged at the flat rate minimum of fifty thousand (50,000) gallons for each applicable billing cycle. (Ord. 2010-10-11)

7-1-12: **SHUT-OFFS**:

**A. Notice of delinquency—Shut-off.**

1. Delinquency. In the event a bill is not paid in accordance with Section 7-1-8 of this Code will be deemed and is hereby declared to be delinquent.

2. Delinquency notice; payment plan. The Village will issue, or cause to be issued, a delinquency notice to the registered residential, commercial or industrial user. This notice will provide that the user has 14 days from the date of the bill becoming delinquent to either:

a. Pay in full the outstanding bill plus any applicable penalties;

b. Request an opportunity to be heard by the Village Treasurer or the Village Treasurer’s designee regarding all objections the user may have to the rates, charges, or services described in the bill; or

c. Request a payment plan with the village. An account that becomes delinquent may enter into an agreement with the village for repayment. The delinquent amount must be paid, in equal installments, over a period not to exceed six months. The agreement is available from the Village Treasurer. All accounts subject to a payment plan must pay current charges and the delinquent portion every month, or risk having their water service shut off, after notice and an opportunity to be heard provided in this subsection.

3. Waterworks system shut-off procedures. Any bill that the Village Treasurer or Village Treasurer's designee determines to be correct, and remains delinquent 14 days after notice has been delivered, will be subject to the following:

a. The village will notify the Village employee that a notice of water service shut off needs to be posted at the property.

b. The village will issue, or cause to be issued, a “Water Shutoff Notice”. To be posted at the property. In addition, a “Water Shut-Off Notice” will be sent via first class mail.

c. The Village Treasurer may file a lien against the property in the amount of the delinquency, a lien filing fee, an administrative fee of $30.00 plus legal costs, in the office of the recorder of deeds in the County of the subject property.

4. Waterworks shut-off. Five days after the “Water Shut-Off Notice" has been posted, at the property, and deposited with the U.S. Postal Service, the water service will be shut off, unless the outstanding water service bill, including late fees and costs, is paid in full, within that five-day period.

B. Service restoration.

1. Payment of all fees, charges, and penalties. Any unit having waterworks system service shut off will be subject to water shut-off fee of $50.00, a non-refundable reconnection fee, of $50.00, and a $50.00 deposit, all of which must be paid prior to the water service being restored, as well as legal and administrative costs. The deposit, without interest and less any amounts still due the village, shall be refunded to the owner when service to the owner is permanently discontinued, and shall not be used toward any balance due prior to permanently discontinued service.

2. Release of lien. Within seven business days after receipt of payment in full of all service charges, delinquent fees, administrative and legal costs, the Village Treasurer will file a release of lien with the office of the recorder of deeds in the County of the subject property.

7-1-13: **PUBLIC HYDRANTS**: Use Restricted: No person except members of the fire district in the line of their official duties or Village staff or elected representatives shall take any water from any public hydrant, fireplug, or other public fixture connected with the water system or plant, and as to those excepted, such water shall only be taken or used by them for public or corporate purposes. All water taken from public hydrants or faucets shall only be taken therefrom for immediate use and consumption at such public hydrants and shall not otherwise be used for private purposes in any way. (Ord. 2010-10-11).

7-1-14: **MINIMUM WATER RATES FOR N.I.C.E. CENTER, CHURCHES, & FIRE DISTRICTS**: The minimum bi-monthly billing for these organizations is two thousand (2,000) gallons. Additional gallons will be billed at the approved billing rate for residents. If water meters have not yet been installed to measure the water used by these organizations, they will be billed with the minimum bill until their water use is metered. (Ord. 2010-10-11).

7-1-15: **DUE DATE OF BI-MONTHLY WATER BILL**: The due date of the water bill (hereinafter referred to as “the bill”) shall be printed on the bill and will be approximately thirty (30) days after the mailing date of the bill. (Ord. 2012-10-08).

7-1-16: **LIABILITY FOR PAYMENT**: The owner of the premises, the occupant thereof, and the user of the water service shall be jointly and severally liable to pay for such service to such premises, and such service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant, and user of such service are jointly and severally liable therefor to the Village. (Ord. 2014-01-13)

7-1-17: **VIOLATIONS**:

A. Illegal use of water shall result in criminal prosecution.

B. Any person violating any provision of this Section shall be fined not less than five dollars ($5.00) nor more than two hundred dollars ($200.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 2

**SEWER USE SERVICE**

SECTION:

7-2-1: Distance From Water Supply

7-2-2: Disposal

7-2-3: Location

7-2-4: Penalty

7-2-1: **DISTANCE FROM WATER SUPPLY**: For the purpose of protecting the health and safety of the public, the location of cesspools, privies, septic tanks, tile leaching fields, and sewers shall provide separation from wells, water supply facilities in accordance with the following:

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | MINIMUM | DISTANCE |
|  |  | Private Wells | Public Wells |
| Leaching Sewage Disposal Pits |  | 100 feet | 150 feet |
| Septic Tank |  | 50 feet | 75 feet |
| Subsurface Septic Tank  Effluent Disposal Tile |  | 75 feet | 100 feet |

The foregoing minimum distances shall be increased in more pervious soil formation.

7-2-2: **DISPOSAL**:

* No cesspool or privy vault shall be connected directly to any drain or drain tile.
* All premises shall be equipped with an adequate septic tank and subsurface tile seepage field having a capacity of not less than five hundred (500) gallons for each seven (7) or less persons living or working in such place, and an additional seventy-five (75) gallons for each person in excess of seven (7).
* Areas of subsurface tile seepage field shall be determined by percolation tests made in accordance with procedures outlined in the Manual of Septic Tank Practice published by the U.S. Department of Health, Education, and Welfare, Public Health Service, or with procedures outlined in Circular No. N815 of the State of Illinois Department of Public Health.
* Any other method of disposal of septic tank effluent shall be subject to specific approval.

7-2-3: **LOCATION**:

A. Each tank shall be located at least twenty (20) feet from any building. Septic tanks shall be constructed of monolithic concrete, or of brick or concrete blocks adequately coated inside so as to be impervious to water. Baffle shall be located from six (6) inches to nine (9) inches away from the inlet and outlet and must extend twelve (12) inches beneath the sewer level in the tank. Each tank must be equipped with a manhole or similar covered opening to permit inspection and cleaning.

B. The feeder sewer from the tank to the laterals of the disposal field shall be constructed of vitrified bell-and-spigot tile with cemented joints or preformed resilient joints and shall be laid with a grade of one (1) foot per one hundred (100) feet; disposal field tile shall be located at least ten (10) feet distance from the tank, and thirty (30) feet from any building used for human habitation. No lateral shall be closer than five (5) feet to any lot line. Disposal tiles shall be laid to a depth of not more than two (2) feet on a slope not to exceed six (6) inches per one hundred (100) feet.

C. Backfill in the trench under the tile shall be at least ten (10) inches of coarse gravel or crushed stone, three-fourths (3/4) of an inch to one and one-half (1 ½) inches in size. Earth backfill shall be well tamped. Gravel shall be placed around and above tiles to a point not less than six (6) inches or more than twelve (12) inches from finished grade. Gravel over tiles shall be at least two (2) inches thick.

D. No septic tank or any pipes leading to or from the same shall be covered unless and until such tank and pipes have been inspected and found to be in compliance with the ordinances of the Village and with the state laws pertaining thereto.

7-2-4: **PENALTY**: Any person, firm, or corporation violating any provision of this Chapter shall be fined not less than fifty dollars ($50.00) nor more than seven hundred and fifty dollars ($750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 3

**CROSS CONNECTION**

SECTION

7-3-1: Definitions

7-3-2: Compliance With Existing Laws

7-3-3: Cross-Connections Prohibited

7-3-4: Local Cross-Connection Control Program

7-3-5: Corrections And Protective Devices

7-3-6: Piping Identification

7-3-7: Private Water Storage Tanks

7-3-8: Elimination Of Existing Cross-Connections

7-3-9: Inspection

7-3-10: Discontinuance Of Water Service

7-3-11: Cost Of Clean-Up

7-3-1: **DEFINITIONS**:

|  |  |  |
| --- | --- | --- |
| BACKFLOW: |  | Water of questionable quality, waste, or other contaminants entering a public water supply system due to reversal of flow. |
| CROSS-CONNECTION: |  | A connection or arrangement of piping or appurtenance in which a backflow could occur. |
| SAFE AIR GAP: |  | The minimum distance of a water inlet or opening above the maximum high level or overflow rim of a fixture, device, or container to which public water is furnished which shall be at least two (2) times the inside diameter of the water inlet pipe, but shall not be less than one (1) inch and need not be more than twelve (12) inches. |
| SECONDARY WATER SUPPLY: |  | A water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended being Section 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public contaminant or stored in other than an approved storage facility. |
| SUBMERGED INLET: |  | A water pipe or extension thereto from a public water supply terminating in a tank, vessel, fixture, or appliance which may contain water of questionable quality, waste, or other contaminant and which is unprotected against backflow. |
| WATER UTILITY: |  | The Village of Lee Water Department. |

7-3-2: **COMPLIANCE WITH EXISTING LAWS**: A connection with a public water supply system shall comply with the existing laws and rules and the Code of the Village of Lee.

7-3-3: **CROSS-CONNECTIONS PROHIBITED**: Cross-connections of the public water supply system and any other water supply system or source, including but not limited to the following are prohibited:

A. Between a public water supply system and a secondary water supply.

B. By submerged inlet.

C. Between a lawn sprinkling system and the public water supply system.

D. Between a public water supply and piping which may contain sanitary waste or a chemical contaminant.

E. Between a public water supply system and piping immersed in a tank or vessel which may contain a contaminant.

7-3-4: **LOCAL CROSS-CONNECTION CONTROL PROGRAM**: The Village of Lee shall develop a comprehensive control program for the elimination and prevention of all cross-connections, and removal of all existing cross-connections and prevention of all future cross-connections.

7-3-5: **CORRECTIONS AND PROTECTIVE DEVICES**: Any user of Lee water shall obtain written approval from the Water Department of any proposed corrective action or protective device before using or installing it. The total time allowed for completion of necessary corrections shall be contingent upon the degree of hazard involved and include the time required to obtain and install equipment. If the cross-connection has not been removed within the time as hereinafter specified, the Village shall physically separate the Lee water supply from the on-site piping system in such a manner that the two systems cannot be connected by any unauthorized person.

7-3-6: **PIPING IDENTIFICATION**: When a secondary water source is used in addition to the Lee water supply, exposed Lee water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety. It will be necessary to protect the Lee water supply and the service acceptable to the Water Department.

7-3-7: **PRIVATE WATER STORAGE TANKS**: A private water storage tank supplied from the Lee water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water use.

7-3-8: **ELIMINATION OF EXISTING CROSS-CONNECTIONS**: Within one (1) year from the effective date of this Article, all existing cross-connections of the Lee water supply systems shall be eliminated. The expense shall be that of the owner of the property on which such cross-connection exists.

7-3-9: **INSPECTION**: The Water Department of the Village or any representative thereof shall have the authority to inspect any premises to determine the presence of existing cross-connections and to order the elimination of such cross-connection.

7-3-10: **DISCONTINUANCE OF WATER SERVICE**: The Water Department is hereby authorized to discontinue water service after a reasonable notice to any person owning any property where a cross-connection in violation of this Code exists. The Water Department may take such other precautionary measures as necessary to eliminate any danger of the contamination or pollution of the public water supply. Neither the Public Water Supply, the Superintendent of Water, or its agents, or assigns shall be liable to any customer for any injury, damages, or lost revenues which may result from termination of said customer’s water supply in accordance with the terms of this Article, whether or not said termination was with or without notice.

7-3-11: **COST OF CLEAN-UP**: The customer responsible for the back-siphoned material or contamination through backflow must bear the cost of clean-up of the potable water supply system.

CHAPTER 4

**GARBAGE AND REFUSE**

SECTION:

7-4-1: Residential Participation

7-4-2: Recycling

7-4-3: Businesses

7-4-4: Expense

7-4-5: Order Of Payment

7-4-6: Fee

7-4-7: Landlord Responsibilities

7-4-8: Village Authority To Place Lien

7-4-9: Garbage, Recycling, and Yard Waste Containers; Location

7-4-1: **RESIDENTIAL PARTICIPATION**: All residential water customers shall participate in the garbage program provided by the Village’s garbage hauler.

7-4-2: **RECYCLING**: All residential water and garbage customers shall participate in the recycling program provided by the Village’s garbage hauler.

7-4-3: **BUSINESSES**: Businesses are permitted to contract directly with the Village’s garbage hauler for service. Proof of service will be provided to the Village Board of Trustees upon request. If a business does not contract directly with the Village’s garbage hauler, then it must sign up for garbage collection with the Village.

7-4-4: **EXPENSE**: The cost of garbage collection and recycling shall be included on the water/garbage/recycling bill mailed by the Village to the customer. The Village will charge the customer only what the garbage hauler charges the Village.

The Village Board of Trustees shall have the authority to enter into future contracts with the Village garbage hauler and to change the rates charged to the customer when the costs to the Village change.

7-4-5: **ORDER OF PAYMENT**: All payments paid by a water customer shall first be applied toward the garbage and recycling portion of the water/garbage/recycling bill. Only after the garbage and recycling portions of the bill are paid will any money go toward the unpaid water bill.

7-4-6: **FEE**: A fee of ten percent (10%) of the unpaid balance of the water/garbage/recycling bill shall be charged and added to the bill each month.

7-4-7: **LANDLORD RESPONSIBILITIES**: The landlord or owner of rental property shall be responsible for all unpaid balances for water and garbage on his/her rental property.

7-4-8: **VILLAGE AUTHORITY TO PLACE LIEN**: The Village Board of Trustees shall have the authority to place liens upon any property that has an unpaid water/garbage/recycling bill.

7-4-9: **GARBAGE, RECYCLING, AND YARD WASTE CONTAINERS; LOCATION**:

A. Containers: All single family or two family (duplex) dwelling residential garbage customers shall only use the garbage and recycling containers (“toters”) provided by the Village’s garbage company. All multi-family dwelling consisting of three or more residential garbage customers shall, have the option to choose whether each unit is to utilize separate waste and recycling toters per unit or obtain a small dumpster through the Village’s garbage company. All multi-family dwelling consisting of three or more residential garbage customers shall, within 30 days of the passing of the Ordinance or within 30 days of obtaining ownership of said property, notify the Village in writing if each unit is to receive separate waste and recycling toters per unit or if the owner will be obtaining a small dumpster through the Village’s garbage company. (Ord. 22-04)

B. Location: Waste toters, landscape waste toters, and recycling toers are to be stored next to the residence, except from 12:00 p.m. the day prior to collection until 12:00 p.m. the day after collection, when the waste toters, landscape waste toters, and recycling toters may be placed at the curb. Waste toters shall be placed at the curb on the day of collection by 6:00 a.m. (Ord. 22-02)

**TITLE 8**

**BUILDING REGULATIONS**

Subject Chapter

Buildings and Building Regulations 1

Dangerous Buildings 2

Building Permit and plan Review Fees 3

**CHAPTER 1**

BUILDINGS AND BUILDING REGULATIONS

SECTION:

8-1-1: Technical Codes Adopted

8-1-2: Technical Codes - Amendments

8-1-3: Fees

8-1-4: Relationship Of Buildings To Roads

8-1-1: **TECHNICAL CODES ADOPTED**: The following building codes are adopted by references:

* The International Building Code, 2006 Edition
* The ICC Electrical Code, 2006 Edition
* The National Electrical Code, 2006 Edition
* The International Mechanical Code, 2006 Edition
* The State of Illinois Plumbing Code, 2006 Edition
* The International Plumbing Code, 2006 Edition
* The International Fuel Gas Code, 2006 Edition
* The International Fire Code, 2006 Edition
* The International Residential One and Two-Family Dwelling Code, 2006 Edition
* The International Property Maintenance Code, 2006 Edition.

(**State law reference:** Adoption by reference, 65 ILCS 5/1-3-1 *et seq.*)

8-1-2: **TECHNICAL CODES – AMENDMENTS**:

A. The International Building Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: These regulations shall be known as the *[Building Code]* of the Village of Lee, DeKalb and Lee Counties, Illinois, hereinafter referred to as “this Code.”
* Section 101.4.1 Electrical: The Provisions of the ICC Electrical Code and the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.
* Section 101.4.4 Plumbing: The Provisions of the International Plumbing Code and the Illinois State Plumbing Code shall apply to the installation, alterations, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.
* Section 105.2 Work Exempt from Permit: Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

a. Building:

1. Oil Derricks.

2. Retaining walls that are not over four feet (4’) (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.

3. Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons (18,925L) and the ratio of the height to diameter or width does not exceed 2:1.

4. Sidewalks and driveways not more than thirty inches (30”) (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and not in the parkway area.

5. Painting, papering, tiling, carpeting, cabinets, countertops, and similar finish work.

6. Temporary motion picture, television, and theater stage sets and scenery.

7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are capable of having a maximum water depth of twenty-four inches (24”) (610 mm) and/or inflatable, temporary swimming pools of any water depth, do not exceed five thousand (5,000) gallons (18,925 L), and are installed entirely above ground.

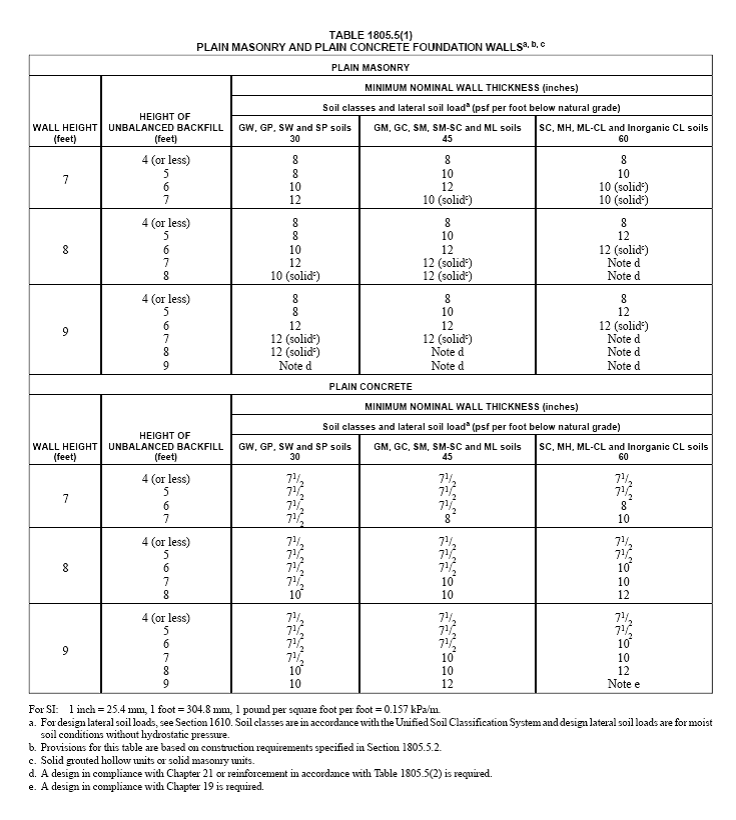
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service system.

9. Swings and other playground equipment accessory to detached one-family and two-family dwellings.

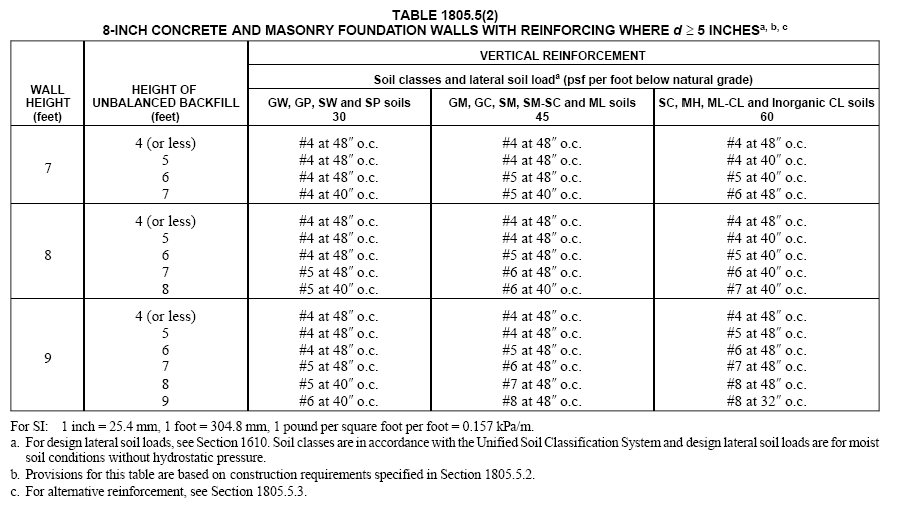
10. Window awnings supported by an exterior wall that do not project more than fifty-four inches (54”) (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

11. Non-fixed and moveable fixtures, cases, racks, counters, and partitions not over five feet, nine inches (5’ 9”) (1753 mm) in height.

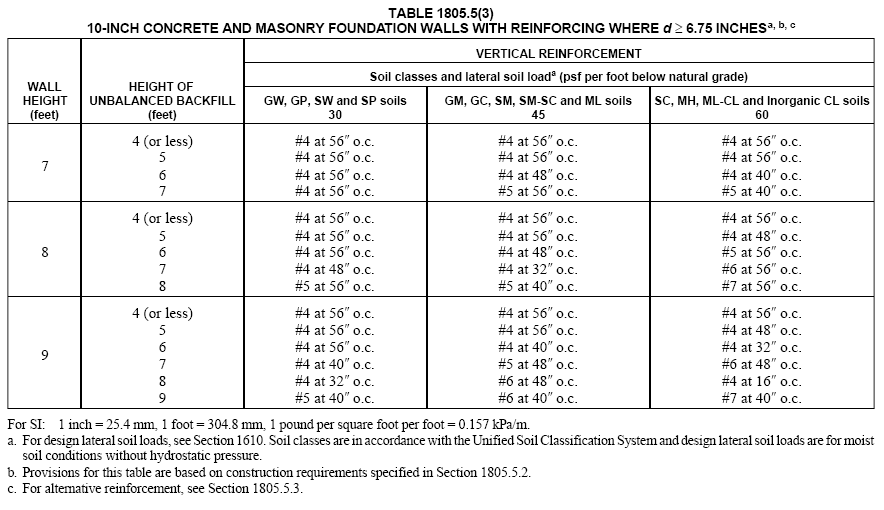
* Section 109.2 Schedule of Permit Fees: Insert at the end of the paragraph, “This schedule of Building Permit Fees is stated in Ordinance 2008-02-11(a) BUILDING PERMIT AND PLAN REVIEW FEES, as it may be amended from time to time.
* Section 108.4 Work Commencing Before Permit Issuance: Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to one hundred percent (100%) of the usual permit fee in addition to the required permit fee.
* In the event that any building is undertaken without compliance with the above-referenced fee schedule after thirty (30) days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall be liable for a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00) and one hundred percent (100%) of the usual permit fee in addition to the required permit fee. Each day a violation continues shall be deemed a separate offense.
* Section 108.6 Refunds: The Code official shall authorize the refunding of fees as follows:
* The full amount of any fee paid hereunder which was erroneously paid or collected.
* Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
* No part of the plan review fee shall be refunded when the plan review has been completed and the application for permit is withdrawn.
* The Code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.
* Section 112.1 General: In order to hear and decide appeals of order, decisions, or determinations made by the building official relative to the application and interpretation of this Code, the Village Board of Trustees shall be the Board of Appeals. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. The building official shall be an ex officio member of said Board, but shall have no vote on any matter before the Board. When a quorum is present, the Board shall modify, reverse, or uphold the decision of the Code official by a concurring vote of the majority of members present at the meeting.
* The Board of Appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The building official shall take immediate action in accordance with the decision of the Board.
* Section 112.3 Qualifications: Deleted in its entirety.
* Section 113.4 Violation Penalties: Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues shall be deemed a separate offense.
* Section 113.4.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 114.3 Unlawful Continuance: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues shall be deemed a separate offense.
* Section 114.3.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 903.4 Sprinkler System Monitoring and Alarms: All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures, and water-flow switches on all sprinkler systems shall be electrically supervised.
* Exception: Automatic sprinkler systems protecting one and two-family dwelling.
* Section 904.3.5 Monitoring: All automatic fire-extinguishing systems in every use group shall be monitored with an approved fire alarm system with supervision in accordance with NFPA 72 and Section 907.14.
* Section 1612.3 Establishment of Flood Hazard Areas: To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled: “The Flood Insurance Study for Incorporated and Unincorporated DeKalb and Lee Counties,” latest published edition and as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.
* Section 1801.2.1 Foundation Design for Seismic Overturning: Where the foundation is proportioned using the strength design load combinations of Section 1605.2, the seismic overturning moment need not exceed seventy-five percent (75%) of the value computed from Section 9.5.5.6 of ASCE7 for the equivalent lateral force method, or Section 1618 for the modal analysis method.
* Section 1805.5 Foundation Walls: Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.5.
* Section 1805.5.1 Foundation Wall Thickness: The minimum thickness of concrete and masonry foundation walls shall comply with Sections 1805.5.1.1 through 1805.5.1.3.
* TABLE 1805.5(1) Delete in its entirety and replace with:



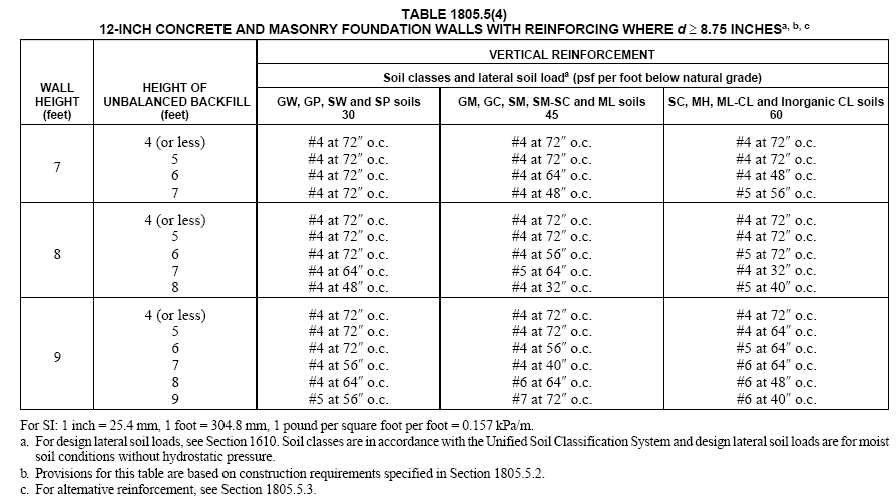
* Section 1805.5.1.1 Thickness Based on Walls Supported: The thickness of foundation walls shall not be less than the thickness of the wall supported, except that foundation walls of at least 8 inch (203 mm) nominal width are permitted to support brick-veneered frame walls and 10-inch-wide (254 mm) cavity walls provided the requirements of Section 1805.5.1.2 are met. Corbelling of masonry shall be in accordance with Section 2104.2. Where an 8-inch (203 mm) wall is corbelled, the top corbel shall be a full course of headers at least 6 inches (152 mm) in length, extending not higher than the bottom of the floor framing.
* Section 1805.5.2 Foundation Wall Materials: Foundation walls constructed in accordance with Table 1805.5(1), 1805.5(2), 1805.5(3) or 1805.5(4) shall comply with the following:
* Vertical reinforcement shall have a minimum yield strength of sixty thousand (60,000) psi (414 MPa).
* The specified location of the reinforcement shall equal or exceed the effective depth distance, “d”, as noted in Tables 1805.5(2), 1805.5(3), and 1805.5(4) and shall be measured from the face of the soil side of the wall to the center of vertical reinforcement. The reinforcement shall be placed within the tolerances specified in ACI 530.1/ASCE 6/TMS 402, Article 3.4 B7 of the specified location.
* Concrete shall have a specified compressive strength of not less than two thousand five hundred (2,500) psi (17.2 MPa) at twenty-eight (28) days.
* Grout shall have a specified compressive strength of not less than two thousand (2,000) psi (13.8 MPa) at twenty-eight (28) days.
* Hollow masonry units shall comply with ASTM C 90 and be installed with Type M or S mortar.
* TABLE 1805.5(2): Delete in its entirety and replace with:



* TABLE 1805.5(3): Delete in its entirety and replace with:



* TABLE 1805.5(4): Delete in its entirety and replace with:



* TABLE 1805.5(5): Delete in its entirety.
* Section 2701.1 Scope: This chapter governs the electrical components, equipment, and systems used in buildings and structures covered by this Code. All electrical components, equipment, and systems, in addition to those in this chapter, shall be designed and constructed in accordance with the provisions of the *ICC Electrical Code—Administrative Provisions* and the *National Electrical Code* (NFPA 70).
* Section 3410.2 Applicability: Structures existing prior to February 11, 2008, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S, and U. These provisions shall not apply to buildings with occupancies in Group H or I.
* Chapter 35 Reference Standards, NFPA: Change as follows:
* 11-02 to 11-05 19. 211-03 to 211-06
* 12-00 to 12-05 20. 253-00 to 253-06
* 12A-00 to 12A-04 21. 257-00 to 257-07
* 13-02 to 13-07 22. 259-04 to 259-03
* 13D-02 to 13D-07 23. 265-02 to 265-07
* 13R-02 to 13R-07 24. 268-01 to 268-07
* 14-03 to 14-07 25. 285-98 to 285-06
* 16-03 to 16-07 26. 286-00 to 286-06
* 31-01 to 31-06 27. 288-01 to 288-07
* 32-00 to 32-07 28. 303-00 to 303-06
* 40-01 to 40-07 29. 409-01 to 409-04
* 61-99 to 61-02 30. 418-01 to 418-06
* 72-96 to 72-07 31. 654-00 to 654-06
* 80-99 to 80-07 32. 655-01 to 655-07
* 85-04 to 85-07 33. 664-02 to 664-07
* 101-03 to 101-06 34. 701-99 to 701-04
* 105-03 to 105-07 35. 704-01 to 704-07
* 120-99 to 120-04 36. 1124-03 to1124-06

(Ord. 2008-02-11(b))

B. The International Code Council Electrical Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: These regulations shall be known as the *Electrical Code—Administrative Provisions* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be referred to herein as “this Code.”
* Section 404.2 Schedule of Permit Fees: Change last sentence to read: “The fees for electrical work shall be as stated in Ordinance 2008-02-11(a) [BUILDING PERMIT AND PLAN REVIEW FEES], as may be amended from time to time.”
* Section 404.3 Work Commencing Before Permit Issuance: Any person who commences any work before obtaining the necessary permits shall be subject to one hundred percent (100%) of the usual permit fee in addition to the required permit fee.
* In the event that any building is undertaken without compliance with the above-referenced fee schedule after thirty (30) days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall be liable for a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00) and one hundred percent (100%) of the usual permit fee in addition to the required permit fee. Each day a violation continues shall be deemed a separate offense.
* Section 404.5 Refunds: The Code official shall authorize the refunding of fees as follows:
* The full amount of any fee paid hereunder which was erroneously paid or collected.
* Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
* No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The Code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

* Section 1003.1 Penalties: Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, certificate shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues shall be deemed a separate offense.
* Section 1003.1.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 1004.3 Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues shall be deemed a separate offense.
* Section 1004.3.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 1101.1 Board of Appeals Established: In order to hear and decide appeals of orders, decisions or determinations made by the Code official relative to the application and interpretation of this Code, the Village Board of Trustees shall be the Board of Appeals. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. The Code official shall be an ex-officio member of said Board, but shall have no vote on any matter before the Board. The Board of Appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Code official.
* Section 1102.1 Membership Board: Delete in its entirety.
* Section 1102.2 Qualifications: Delete in its entirety.
* Section 1102.3 Alternate Members: Delete in its entirety.
* Section 1102.4 Chairman: Delete in its entirety.
* Section 1102.5 Secretary: Delete in its entirety.
* Section 1102.7 Compensation of Members: Delete in its entirety.
* Section 1103.5 Postponed Hearing: When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
* Section 1103.6 Decisions: The Board shall uphold, modify, or reverse the decision of the Code official by a concurring vote of the majority of members present at the meeting. (Ord. 2008-02-11(b))

C. The International Mechanical Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: These regulations shall be known as the *Mechanical Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be referred to hereinafter as “this Code.”
* Section 106.5.2 Fee Schedule: The fees for mechanical work shall be as stated in Ordinance 2008-02-11(a) BUILDING PERMIT AND PLAN REVIEW FEES, as may be amended from time to time.
* Section 106.5.3 Fee Refunds: The Code official shall authorize the refunding of fees as follows;
* The full amount of any fee paid hereunder which was erroneously paid or collected.
* Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
* No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The Code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

* Section 108.4 Violation Penalties: Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the Code official, or of a permit or certificate issued under the provisions of this Code, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues after due notice has been served shall be deemed a separate offense.
* Section 108.4.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 108.5 Stop Work Orders: Last sentence to read: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.
* Section 108.5.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 109.1 Application for Appeal: A person shall have the right to appeal a decision of the Code official to the Village Board of Trustees. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. An application for appeal shall be based on a claim that the true intent of this Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code official within twenty (20) days after the notice was served.
* Section 109.2 Membership of Board: The Board of Appeals shall be the Village Board of Trustees.
* Section 109.2.1 Qualifications: Delete in its entirety.
* Section 109.2.2 Alternate Members: Delete in its entirety.
* Section 109.2.3 Chairman: Delete in its entirety.
* Section 109.2.5 Secretary: Delete in its entirety.
* Section 109.2.6 Compensation for Members: Delete in its entirety.
* Section 109.5 Postponed Hearing: When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
* Section 109.6 Board Decision: The Board shall modify, reverse, or uphold the decision of the Code official by a concurring vote of the majority of members present at the meeting. (Ord. 2008-02-11(b))

D. The International Plumbing Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: These regulations shall be known as the *Plumbing Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be referred to hereinafter as “this Code.”
* Section 106.6 Fees: The fees for all plumbing work shall be as stated in Ordinance 2008-02-11(a) BUILDING PERMIT AND PLAN REVIEW FEES, as may be amended from time to time.
* Section 106.6.3 Fee Refunds: The Code official shall authorize the refunding of fees as follows:
* The full amount of any fee paid hereunder which was erroneously paid or collected.
* Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
* No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The Code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

* Section 108.4 Violation Penalties: Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair plumbing work in violation of the approved construction documents or directive of the Code official, or of a permit or certificate issued under the provisions of this Code, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues after due notice has been served shall be deemed a separate offense.
* Section 108.4.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 108.5 Stop Work Orders: The last sentences shall read as follows:   
  “Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day unauthorized work continues after due notification shall be deemed a separate offense.”
* Section 180.5.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 109.1 Application for Appeal: Any person shall have the right to appeal a decision of the Code official to the Village Board of Trustees. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code official within twenty (20) days after the notice was served.
* Section 109.2 Membership of Board: The Board of Appeals shall be the Village Board of Trustees.
* Section 109.2.1 Qualification: Delete in its entirety.
* Section 109.2.2 Alternate Members: Delete in its entirety.
* Section 109.2.3 Chairman: Delete in its entirety.
* Section 109.2.5 Secretary: Delete in its entirety.
* Section 109.2.6 Compensation for Members: Delete in its entirety.
* Section 109.5 Postponed Hearing: When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
* Section 109.6 Board Decision: The Board shall reverse, modify, or uphold the decision of the Code official by a concurring vote of the majority of members present at the meeting.
* Section 305.6.1 Sewer Depth: Building Sewers that connect to a private sewage disposal system shall be a minimum of forty-two inches (42”) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-two inches (42”) below grade.
* Section 904.1 Roof Extension: All open vent pipes that extend through a roof shall be terminated above the roof in accordance with the Illinois State Plumbing Code, latest edition, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7’) (2134 mm) above the roof. (Ord. 2008-02-11(b))

E. The International Energy Conservation Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: This code shall be known as the *Energy Conservation Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be referred to hereinafter as “this Code.” (Ord. 2008-02-11(b))

F. The International Fuel Gas Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: These regulations shall be known as the *Fuel Gas Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be referred to hereinafter as “this Code.”
* Section 106.5.2 Fee Schedule: The fees for work shall be as stated in Ordinance 2008-02-11(a) BUILDING PERMIT AND PLAN REVIEW FEES, as may be amended from time to time.
* Section 106.5.3 Fee Refunds: The Code official shall authorize the refunding of fees as follows:
* The full amount of any fee paid hereunder which was erroneously paid or collected.
* Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit in accordance with this Code.
* No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The Code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

* Section 108.4 Violation Penalties: Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, or repair work in violation of the approved construction documents or directive of the Code official, or of a permit or certificate issued under the provisions of this code, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues after due notice has been served shall be deemed a separate offense.
* Section 108.4.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 108.5 Stop Work Orders: Change last sentence to read: Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day work continues after due notice has been served shall be deemed a separate offense.
* Section 108.5.1 Court Costs and Legal Fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 109.1 Application for Appeal: A person shall have the right to appeal a decision of the Code official to the Village Board of Trustees. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code official within twenty (20) days after the notice was served.
* Section 109.2 Membership of Board: The Board of Appeals shall be the Village Board of Trustees.
* Section 109.2.1 Qualifications: Delete in its entirety.
* Section 109.2.2 Alternate members: Delete in its entirety.
* Section 109.2.3 Chairman: Delete in its entirety.
* Section 109.2.5 Secretary: Delete in its entirety.
* Section 109.2.6 Compensation for members: Delete in its entirety.
* Section 109.5 Postponed hearing: When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
* Section 109.6 Board decision: The Board shall reverse, modify, or uphold the decision of the Code official by a concurring vote of the majority of members present at the meeting. (Ord. 2008-02-11(b))

G. The International Fire Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title: These regulations shall be known as the *Fire Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and shall hereinafter be referred to as “this Code.”
* Section 108.1 Board of Appeals established: In order to hear and decide appeals of orders, decisions, or determinations made by the Code official relative to the application and interpretation of this Code, the Village Board of Trustees shall be the Board of Appeals. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. The Code official shall be an ex-officio member of said Board but shall have no vote on any matter before the Board. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Code official.
* Section 108.3 Qualifications: Delete in its entirety.
* Section 109.3 Violation penalties: Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Code official, or of a permit or certificate used under provisions of this Code, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues after due notice has been served shall be deemed a separate offense.
* Section 109.3.1 Court costs and legal fees: In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 111.4. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.
* Section 111.4.1 Court costs and legal fees. In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised.

Exception: Automatic sprinkler systems protecting One and Two-Family Dwellings.

* Section 904.3.5 Monitoring. All automatic fire-extinguishing systems in every use groups shall be monitored with an approved fire alarm system with supervision in accordance with NFPA 72 and Section 907.14.
* Chapter 45, Referenced Standards, NFPA. Change as follows:
* 10-02 to 10-07 29. 110-02 to 110-05
* 11-02 to 11-05 30. 111-01 to 111-05
* 12-00 to 12-05 31. 120-99 to 120-04
* 13-02 to 13-07 32. 160-01 to 160-06
* 13D-02 to 13D-07 33. 211-03 to 211-06
* 13R-02 to 13R-07 34. 241-00 to 241-04
* 14-03 to 14-07 35. 265-02 to 265-07
* 15-01 to 15-07 36. 286-00 to 286-06
* 16-03 to 16-07 37. 303-00 to 303-06
* 20-03 to 20-07 38. 385-00 to 385-07
* 24-02 to 24-07 39. 407-01 to 407-07
* 30B-02 to 30B-07 40. 409-01 to 409-04
* 31-01 to 31-06 41. 430-00 to 430-04
* 32-00 to 32-07 42. 484-02 to 484-06
* 33-03 to 33-07 43. 495-01 to 495-06
* 34-03 to 34-07 44. 498-01 to 498-06
* 35-99 to 35-05 45. 505-02 to 505-06
* 40-01 to 40-07 46. 654-00 to 654-06
* 51-02 to 51-07 47. 655-01 to 655-07
* 51A-02 to 51A-06 48. 664-02 to 664-07
* 52-02 to 52-06 49. 701-99 to 701-04
* 59A-01 to 59A-06 50. 703-00 to 703-06
* 72-96 to 72-07 51. 704-01 to 704-07
* 80-99 to 80-07 52. 750-03 to 750-06
* 85-04 to 85-07 53. 1123-03 to 1123-06
* 86-03 to 86-07 54. 1124-03 to 1124-06
* 99-02 to 99-05 55. 1125-01 to 1125-07
* 101-03 to 101-06 56. 1126-01 to 1126-06
* The limits referred to in certain sections of the *International Fire Code™,* 2006 edition, are hereby established as follows:
* Section 3204.3.1.1 Location. (Paragraph 2) Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in all zoning districts except Industrial.
* Section 3404.2.9.5.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except Industrial.
* Section 3406.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning districts except Industrial.
* Section 3804.2 Maximum capacity within established limits. Within all zoning districts except Industrial, the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Exception remains the same. (Ord. 2008-02-11(b))

H. The International Residential Code for One and Two-Family Dwelling, 2006 Edition is amended in the following respects:

* Section R101.1 Title. These provisions shall be known as the *Residential Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be referred to hereinafter as “this Code.”
* Section R105.2 Work exempt from permit.

Building: Delete number 2, then renumber to read:

* One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 m2).
* Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
* Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.
* Service sidewalks, patio slabs, and that portion of the driveway on private property.
* Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
* Prefabricated swimming pools that are capable of having a maximum water depth of 24 inches (610 mm) and inflatable, temporary swimming pools of any water depth.
* Swings and other playground equipment.
* Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
* Replacement of siding.
* The installation of second layer asphalt shingles for roof or minor repair of roof shingles.
* Section R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Ordinance 2008-02-11(a) BUILDING PERMIT AND PLAN REVIEW FEES, as may be amended from time to time.
* Section R108.2.1 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to one hundred percent (100%) of the usual permit fee in addition to the required permit fee.

In the event that any building is undertaken without compliance with the above-referenced fee schedule after 30 days when notified of noncompliance, then and in that event, the responsible owner, contractor, or both, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00) and one hundred percent (100%) of the usual permit fee in addition to the required permit fee. Each day a violation continues shall be deemed a separate offense.

* Section 108.5 Refunds. The Code official shall authorize the refunding of fees as follows:
* The full amount of any fee paid hereunder which was erroneously paid or collected.
* Not more than ninety percent (90%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
* No part of the plan review fee paid shall be refunded when the plan review has been completed and the application for permit is withdrawn.

The Code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

* Section R112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the Code official relative to the application and interpretation of this Code, the Village Board of Trustees shall be the Board of Appeals. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. The Code official shall be an ex-officio member of said Board, but shall have no vote on any matter before the Board. The Board of Appeals shall adopt rules of procedure for conducting its business. When a quorum is present, the Board shall uphold, modify, or reverse the decision of the Code official by a concurring vote of the majority of members present at the meeting; and, shall render all decisions and findings in writing to the appellant with a duplicate copy to the Code official.
* Section R112.3 Qualifications. Delete in its entirety.
* Section R113.4 Violation penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Code official, or a permit or certificate issued under the provisions of this Code, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues after due notice has been served shall be deemed a separate offense.
* Section R113.4.1 Court costs and legal fees. In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section R114.2 Unlawful continuance. Any person who shall continue any work in or about the structures after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day unauthorized work continues after due notice has been served shall be deemed a separate offense.
* Section R114.2.1 Court costs and legal fees. In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* TABLE R301.2(1) Insert the following data into table:

For Ground Snow Load: 30

For Wind Speed: 90

For Seismic Design Category: B

For Weathering: Severe

For Frost Line Depth: 42

For Termite: Moderate to Heavy

For Winter Design Temperature: -4◦ F

For Ice Barrier Underlayment Required: Yes

For Flood Hazards:

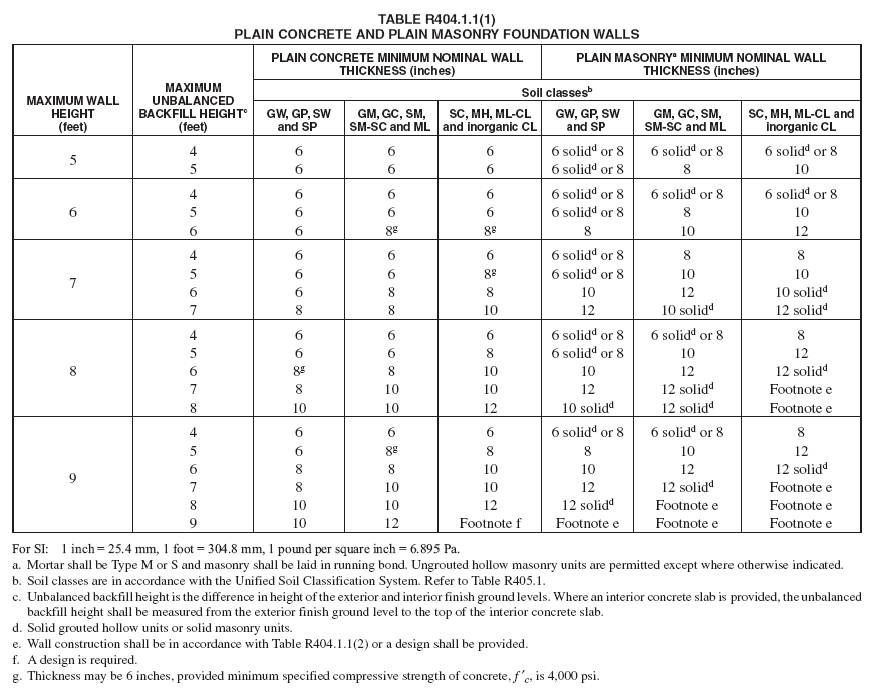
Not Applicable

Date of the currently effective FIRM and FBFM: Latest published edition.

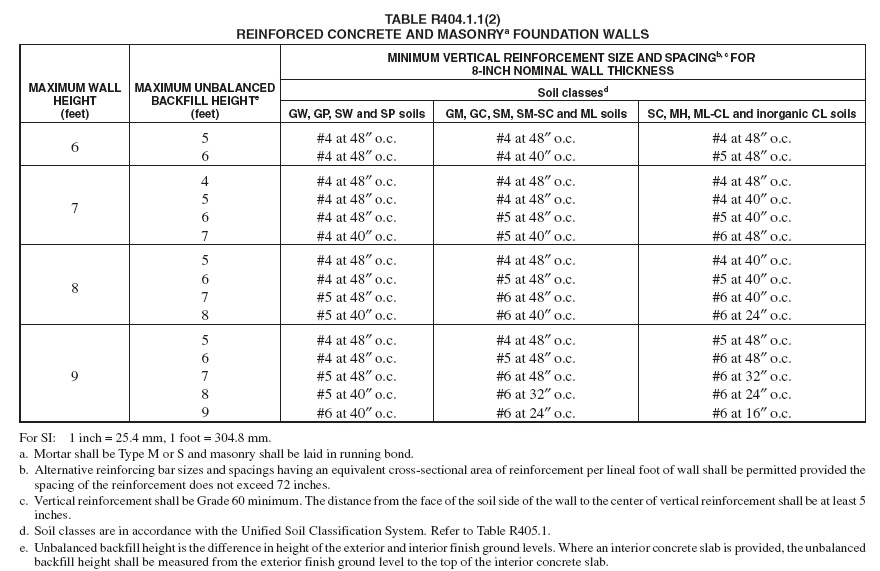
For Air Freezing Index: 2000

For Mean Annual Temperature: 47◦ F

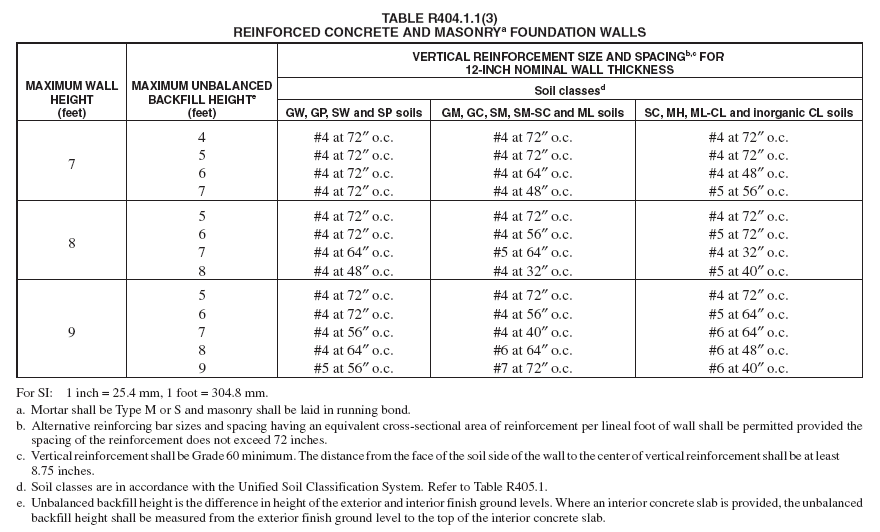
* Section R311.5.6 Handrails. Type I handrails shall be provided on at least one side of each continuous run of treads or flight with three or more risers.
* TABLE R404.1.1(1) Delete in its entirety and replace with:



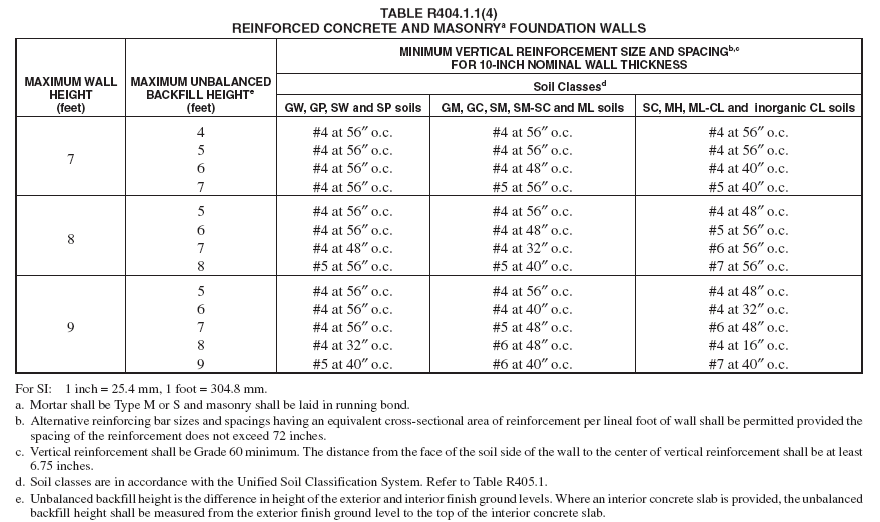
* TABLE R404.1.1(2) Delete in its entirety and replace with:



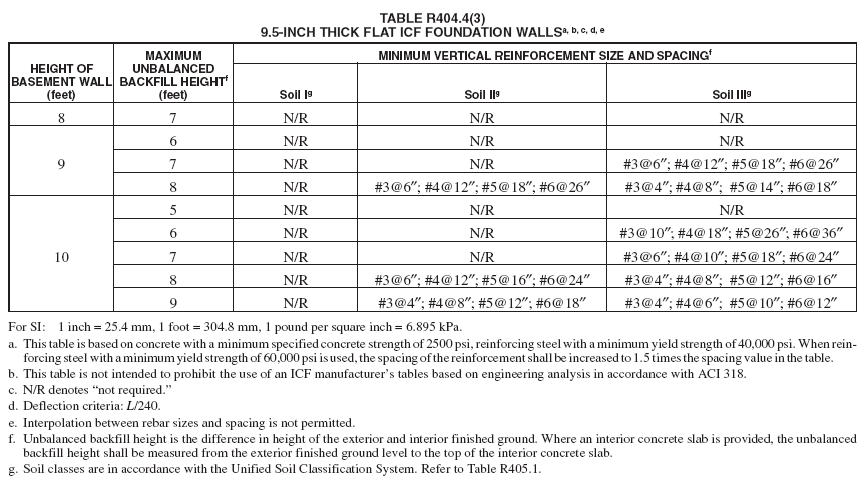
* TABLE R404.1.1(3) Delete in its entirety and replace with:



* TABLE R404.1.1(4) Delete in its entirety and replace with:



* Section R404.1.2 Concrete foundation walls. Concrete foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4), and shall also comply with the provisions of this section and the applicable provisions of Section R402.2. In Seismic Design Categories D0, D1, and D2, concrete foundation walls shall comply with Section R404.1.4.
* TABLE R404.4(3) Delete in its entirety and replace with:



* Section R404.4.1 Applicability limits. The provisions of this section shall apply to the construction of insulating concrete form foundation walls for buildings not greater than 60 feet (18288 mm) in plan dimensions, and floors not greater than 32 feet (9754 mm) or roofs not greater than 40 feet (12192 mm) in clear span. Buildings shall not exceed two stories in height above-grade with each story not greater than 10 feet (3048 mm) high. Foundation walls constructed in accordance with the provisions of this section shall be limited to buildings subjected to a maximum ground snow load of 70 psf (3.35 kN/m2) and located in Seismic Design Category A, B, or C. In Seismic Design Categories D0, D1, and D2, foundation walls shall comply with Section R404.1.4.
* Section R404.4.2 Flat insulating concrete form wall systems. Flat ICF wall systems shall comply with Figure R611.3, shall have a minimum concrete thickness of 5.5 inches (140 mm), and shall have reinforcement in accordance with Table R404.4(1), R404.4(2) or R404.4(3).
* Section P2603.6.1. Sewer Depth. Building sewers that connect to a private sewage disposal system shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade.
* Section P3103.1 Roof extension. All open vent pipes that extend through a roof shall be terminated above the roof in accordance with the Illinois State Plumbing Code, latest edition, except where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.
* AP101 Fire sprinklers. An approved automatic fire sprinkler system shall be installed in new multiple single (one) family dwellings (townhomes) and two-family (duplex) dwellings in accordance with NFPA 13D. (Ord. 2008-02-11(b))

I. The International Property Maintenance Code, 2006 Edition is amended in the following respects:

* Section 101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the Village of Lee, DeKalb and Lee Counties, Illinois, and shall be cited as such and will be hereinafter referred to as “this Code.”
* Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be in accordance with Ordinance 2008-02-11(a) BUILDING PERMIT AND PLAN REVIEW FEES, as may be amended from time to time.
* Section 106.4 Violation penalties. Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state and local laws; and, shall be subject to a fine of not less than seventy-five dollars ($75.00) nor more than seven hundred fifty dollars ($750.00). Each day a violation continues after due notice has been served shall be deemed a separate offense.
* Section 106.4.1 Court costs and legal fees. In the event noncompliance with this Code necessitates litigation, any person who violates a provision of this Code shall be liable for court costs and reasonable attorney’s fees incurred by the Village of Lee.
* Section 111.2 Membership of Board. The Board of Appeals shall be the Village Board of Trustees. Therefore, for the purposes of this Code, the Board of Appeals shall be construed to mean the Village Board of Trustees. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board.
* Section 111.2.1 Alternate members. Deleted in its entirety.
* Section 111.2.2 Chairman. Deleted in its entirety.
* Section 111.2.4 Secretary. Deleted in its entirety.
* Section 111.2.5 Compensation of members. Deleted in its entirety.
* Section 111.5 Postponed hearing. When a quorum is not present to hear an appeal, the matter shall be continued to another date convenient to all parties.
* Section 111.6 Board decision. The Board shall modify, reverse, or uphold the decision of the Code Official only by a concurring vote of the majority of members present at the meeting.
* Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches (8”).
* Section 304.14 Insect screens. During the period from March 31 to October 31, every door, window, and other opening required for ventilation of habitable rooms, food preparation areas, food service areas where products to be included or utilized for human consumption… (*Rest of paragraph remains the same).*
* Section 602.3 Heat supply. “...to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 65oF (18oC) in all habitable rooms, bathrooms, and toilet rooms.”
* Section 602.4 Occupiable spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65oF (18oC) during the period the spaces are occupied. (Ord. 2008-02-11(b))

8-1-3: **FEES**:

A. At any time that an inspection is required in the Village by the Village Building Inspector, the following fees shall be paid to the Village for such inspections:

|  |  |  |  |
| --- | --- | --- | --- |
| Subject of Inspection |  | Amount of Fee | Min. Number of Inspections |
| SINGLE-FAMILY RESIDENCE |  | $250.00 up to 2,000 sq. ft.; $50.00 per 1,000 sq. ft. or any portion thereof thereafter | 4 |
| ADDITIONS TO BUILDINGS |  | $50.00 plus $20.00 per 100 sq. ft. of addition | 4 |
| REBUILDING EXISTING PORCH/DECK |  | $35.00 | 1 |
| GARAGE ON RESIDENTIAL LOT |  | $50.00 | 1 |
| REMODELING THAT INVOLVES ELECTRICAL WIRING OR NEW OR ADDITIONAL PLUMBING |  | $50.00 per unit | 3 per unit |
| NON-MOVABLE (PERMANENT) STORAGE SHED |  | $20.00 | 1 |
| SOLID FENCE (ONE WHICH CANNOT BE SEEN THROUGH) |  | $20.00 | 1 |
| SIGNS |  | $20.00 | 2 |
| SWIMMING POOL |  | $25.00 | 1 |
| UNITS CONTAINING MORE THAN ONE RESIDENTIAL UNIT |  | $250.00 per first unit; $50.00 for each additional unit | 4 per unit |
| COMMERCIAL |  | $100.00 plus $5.00 per 100 sq. ft. plus all fees for outside inspectors retained by Village | 4 |
| INDUSTRIAL |  | $200.00 plus $5.00 per 100 sq. ft. plus all fees for outside inspectors retained by the Village | 4 |
| DEMOLITION |  | $15.00 for under 500 sq. ft.; $30.00 for anything 500 sq. ft. and over | 1 |

B. In the event any inspections are necessary in addition to the number set forth above, then the fee for each such re-inspection shall be fifteen dollars ($15.00) and shall be paid by the owner of the property.

C. All such fees shall be paid to the Village within seven (7) days after the day that the inspection is completed, and no occupancy permit shall be issued until all such fees have been paid.

8-1-4: **RELATIONSHIP OF BUILDINGS TO ROADS**: No building or structure shall be constructed or located or permitted on any land in or adjacent to the Village where such building would be so positioned or located that if any existing Village street, road, or alley were extended in a straight line, such building would impede or restrict the construction of such street, road, or alley.

**CHAPTER 2**

DANGEROUS BUILDINGS

SECTION:

8-2-1: Definitions

8-2-2: Nuisance

8-2-3: Owner Responsibility

8-2-4: Abatement

8-2-5: Fire Limits

8-2-6: Penalty

8-2-7: Unknown Owners

8-2-8: Alternative Action

8-2-1: **DEFINITIONS**: The term dangerous building as used in this Code 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 proper 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 proper repair, or any other cause, is liable to cause injury or damage by collapsing or by the collapse or fall of any part of such a structure;

D. Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

8-2-2: **NUISANCE**: Any such dangerous building in the Village is hereby declared to be a nuisance.

8-2-3: **OWNER RESPONSIBILITY**: 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.

8-2-4: **ABATEMENT**: Whenever the Fire Marshal, 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 to 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 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 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The causes for this decision are (insert 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 within ten (10) days from the time when this notice is served upon such person by personal service or by registered mail, the Village may proceed to remedy the condition or demolish the dangerous building.

8-2-5: **FIRE LIMITS**: Any building or structure within the fire limits of the Village as hereinbefore prescribed by ordinance which has or may be damaged by fire, decay, or other cause to the extent of fifty percent (50%) of its value, shall be torn down and removed.

Upon written notice by the Inspector, Health Commissioner, Fire Marshal, or any other Village employee filed with the Village Clerk, the Clerk shall notify the President of the Board of Trustees of the receipt of such notice. The President of the Board of Trustees shall then appoint three (3) persons to determine whether or not such building or structure has been damaged to the extent of fifty percent (50%) of its value. A copy of the notice filed by the Village officer, together with a notice of the appointment of the Board of three (3) persons to determine the damage, shall be served upon the owner of the premises by personal service or by registered mail to his last known address.

Such notice may be in substantially the following form:

To \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

You are hereby notified that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has determined that the building owned by you at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, located within the fire limits of the Village has been damaged by fire, decay, or otherwise to the extent of fifty percent (50%) of its value, and that a Board of three (3) members has been appointed to verify this finding, which Board will hold its first meeting in the Village Hall on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ at the hour of \_\_\_\_ o’clock, at which time it will determine whether this finding is correct.

If this finding is verified by the Board, you will be required to tear down and remove said building.

If the said Board of three (3) members determines that the building in question has been damaged to the extent of fifty percent (50%) of its value, it shall be the duty of the owner to tear down or remove said building within twenty (20) days after the finding of the Board, and it shall be unlawful to occupy or permit such building to be occupied after such finding.

8-2-6: **PENALTY**: Any person, firm, or corporation violating any provision of this ordinance, or permitting any dangerous building, or any building or structure to remain in a dangerous condition, or to remain in the fire limits after it has been damaged to the extent of fifty percent (50%) of its value, shall be fined no less than one dollar ($1.00) nor more than one hundred dollars ($100.00) for each offense. A separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

8-2-7: **UNKNOWN OWNERS**: If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this Code may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published with the municipality.

8-2-8: **ALTERNATIVE ACTION**: In addition to the actions authorized by other sections of this Code, 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 General Statutes, Chapter 127 ½, paragraphs 9-14. If such officer shall find that any building or structure 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 by appeal from the decision of such officer in the manner provided by law.

**CHAPTER 3**

BUILDING PERMIT AND PLAN REVIEW FEES

SECTION:

8-3-1: Building Permit Fees

8-3-2: Voided Permits

8-3-3: Hourly Rate

8-3-4: Plan Review Fees

8-3-1: **BUILDING PERMIT FEES**:

A. **ONE-FAMILY, TWO-FAMILY, AND MULTIPLE SINGLE FAMILY (TOWNHOUSES) RESIDENTIAL USE GROUPS**:

|  |  |
| --- | --- |
| New Construction (Per Unit for Two-Family and Multiple Single Family Dwellings) | $700.00 plus $0.20 per sq. ft. |
| Additions (Per Unit for Two-Family and Multiple Single Family Dwellings) | $350.00 plus $0.15 per sq. ft. |
| Remodeling (Per Unit) | $100.00 plus $0.10 per sq. ft. |
| Temporary to Start Construction | 10% of full permit fee, not to be applied to the full permit fee |
| Moving of Existing One or Two-Family Structure | $650.00 |
| In-Ground Swimming Pools | $350.00 |
| Detached Garage up to 750 sq. ft. with Electrical | $150.00 |
| Detached Garages Over 750 sq. ft. with Electrical | $300.00 |
| Demolition | $100.00 |
| Permanent Above-Ground Swimming Pools with Electric | $150.00 |
| Conditional Certificate of Occupancy when Requested by the Builder when Circumstances Do Not Warrant | $200.00 (non-refundable) |

B. **MULTIPLE-FAMILY RESIDENTIAL USE GROUPS**:

|  |  |
| --- | --- |
| New Construction | $400.00 per unit plus $0.20 per sq. ft. for total structure floor area |
| Additions | $325.00 per unit plus $0.20 per sq. ft. for total addition floor area |
| Remodeling | $200.00 (per unit or area remodeled) plus $0.10 per sq. ft. for remodeled floor area |
| Temporary to Start Construction | 25% of full permit fee, not to be applied to the full permit fee |
| Moving of Existing Multiple-Family Structure | $650.00 |
| In-Ground Swimming Pool | $350.00 plus $0.20 per sq. ft. |
| Demolition (of Entire Structure roof to Foundation; not a Routine Part of Remodel) | 25% of new construction fee (above) *minimum fee of $100.00* |
| Detached Garage up to 750 sq. ft. with Electrical | $150.00 |
| Detached Garages Over 750 sq. ft. with Electrical | $300.00 |
| Conditional Certificate of Occupancy when Requested by the Builder when Circumstances Do Not Warrant | $50.00 per unit (non-refundable) |

C. **ALL OTHER USE GROUPS**:

|  |  |
| --- | --- |
| New Construction | $850.00 plus $0.25 per sq. ft. |
| Additions | $700.00 plus $0.25 per sq. ft. |
| Remodeling | $400.00 plus $0.15 per sq. ft. |
| Temporary to Start Construction | 25% of full permit fee, not to be applied to full permit fee |
| Moving of Existing Primary Structure | $650.00 |
| In-Ground Swimming Pools | $350.00 plus $0.20 per sq. ft. |
| Demolition (of Entire or Part of Structure from Roof to Foundation; not a Routine Part of a Remodel) | 25% of new construction fee (above) *minimum fee of $100.00* |
| Conditional Certificate of Occupancy when Requested by the Builder when Circumstances Do Not Warrant | $200.00 (non-refundable) |

D. **MISCELLANEOUS PERMITS (INCLUDES PLAN REVIEW FEE)**:

Miscellaneous Permit\* $100.00

\* *Examples*: Decks, fences, gazebos, reroof of primary structure, detached garage without electric, sheds, new plumbing, new electrical and/or electrical service upgrades, electrical service to detached accessory structure, porches, moving accessory structures, enlargement of an existing exterior staircase, installation of new powered roof vents/attic fans/whole-house fans, sprinkler system for one or two-family dwelling, public sidewalks, driveway approaches, etc.

8-3-2: **VOIDED PERMITS**: In the event a permit holder requests to have a permit voided after payment and issuance of said permit, the permit holder shall pay twenty-five percent (25%) of the permit fee and the entirety of any plan review fee assessed when the permit was issued. This amount shall be withheld from the refund. In the event a request for permit is voided prior to payment for the permit, the permit applicant shall pay the entirety of any plan review fee assessed and a one hundred dollar ($100.00) administrative fee. (For plans approved under a master set of plans, the plan review fee for the original design model for the relinquished permit shall be paid, regardless of the number of structures built to that design, along with the $100.00 administrative fee).

8-3-3: **HOURLY RATE**: One hundred dollars ($100.00) per hour or any part thereof, per person for any meeting, reinspection, or property maintenance related item. *Minimum charge: one hundred dollars ($100.00) for meeting or reinspection; one hundred dollars ($100.00) for property maintenance/per day.*

8-3-4: **PLAN REVIEW FEES**:

A. ONE AND TWO-FAMILY RESIDENTIAL:

* New construction or additions: 10 percent (10%) of building permit fee. For developments utilizing a master set of building plans, this fee shall be assessed to the first structure built using an approved master plan and the first structure using each variation of the same approved master plan. Any deviation from the master plan or its approved variation will require a separate plan review.

*Minimum plan review fee: $125.00/dwelling unit*

* Remodeling: ten percent (10%) of the building permit fee.

*Minimum plan review fee: $50.00/dwelling unit*

* Demolition: $50.00
* In the event a permit application is withdrawn after completion of the plan review, the applicant shall pay the complete plan review fee.

B. MULTIPLE FAMILY RESIDENTIAL

* New construction: ten percent (10%) of building permit fee. For developments utilizing a master set of building plans, this fee shall be assessed to the first structure built using an approved master plan and the first structure using each variation of the same approved master plan. Any deviation from the master plan or its approved variation will require a separate plan review.

*Minimum plan review fee: $375.00*

* Additions: twenty percent (20%) of the building permit fee.

*Minimum plan review fee: $200.00*

* Remodeling: thirty percent (30%) of the building permit fee.

*Minimum plan review fee: $200.00*

* Electrical, energy, mechanical, and plumbing plan reviews for new construction or single item project, each: ten percent (10%) of building permit fee.

*Minimum fee: $100.00*

* Demolition (of entire unit/structure): twenty-five percent (25%) of new construction fee, above.

*Minimum plan review fee $75.00*

* In the event a permit application is withdrawn after completion of the plan review, the applicant shall pay the complete plan review fee.

C. ALL OTHER USE GROUPS: In the event a permit application is withdrawn after completion of the plan review, the applicant shall pay the plan review fees as follows:

* BUILDING CODE (WITH ACCESSIBILITY CODE) PLAN REVIEW FEES FOR NEW CONSTRUCTION:

|  |  |
| --- | --- |
| ***Building Size*** | ***Fee*** |
| 1 to 60,000 cubic feet | $375.00 |
| 60,001 to 80,000 cubic feet | $425.00 |
| 80,001 to 100,000 cubic feet | $525.00 |
| 100,001 to 150,000 cubic feet | $575.00 |
| 150,001 to 200,000 cubic feet | $675.00 |
| over 200,000 cubic feet | $675.00 + $6.75 per 10,000 cubic feet over 200,000 |

Refer to fire systems for additional fees for fire suppression/alarm systems.

* ELECTRICAL, MECHANICAL, AND PLUMBING PLAN REVIEW FEES FOR NEW CONSTRUCTION:

Each of the three (3) plan reviews is twenty-five percent (25%) of the Building Code Plan Review Fee for New Construction:

*Minimum plan review fee per type: $95.00*

* ENERGY CONSERVATION PLAN REVIEW FEES:

Each review is twenty-five percent (25%) of Building Code Plan Review Fee for New Construction:

*Minimum plan review fee: $95.00*

* BUILDING SHELL:

For any speculative structure with unfinished tenant areas, the plan review fees are calculated as for new construction, above.

* TENANT BUILD-OUT:

Fee calculations are the same as for “New Construction” for a new tenant area designed for placement in a building shell. Fees for tenant areas fully-designed and shown with the main building are included in the review fees for the main building.

*Minimum fees are as stated above.*

* TENANT REMODELS:

For reviews for tenant areas in existing areas to be remodeled, the “remodeling” fee calculations will apply.

*Minimum fees are stated above*.

* REMODELING PLAN REVIEW:

Fifty percent (50%) of the New Construction Plan Fees listed above.

*Minimum plan review (all Codes): $250.00*

*Minimum plan review for each type of Code remodel: $95.00*

* DEMOLITION PLAN REVIEW FEES:

Each review is twenty-five percent (25%) of Building Code Plan Review Fee for New Construction:

*Minimum plan review fee: $95.00*

**Note**: Fire detection/alarm systems and fire suppression systems are extra fees above the “new construction, addition or remodel” plan review fees.

D. FIRE DETECTION/ALARM SYSTEMS:

One hundred twenty-five dollars ($125.00) per ten thousand (10,000) square feet.

*Minimum fee: $125.00*

E. FIRE SPRINKLER SYSTEM PLAN REVIEW FEES:

|  |  |
| --- | --- |
| ***Number of Sprinklers*** | ***Scheduled or Calculated*** |
| 1 to 25 | $75.00 |
| 26 to 100 | $250.00 |
| 101-200 | $500.00 |
| 201-300 | $550.00 |
| 301-400 | $600.00 |
| 401-500 | $650.00 |
| Over 500 | $700.00 |
| *PLUS*, for each Sprinkler over 500: | $0.95/each |

F. ALTERNATIVE FIRE SUPPRESSION SYSTEMS:

* Standpipe (no charge with sprinkler review: $175.00 per standpipe riser.
* Specialized Extinguisher Agent (dry or other chemical agent): $125.00 per 50 pounds agent.
* Hood and Duct Cooking Extinguisher Agent: $150.00 flat rate per system.

G. GENERAL INFORMATION: Turnaround time for all plan reviews is fifteen (15) business days—if all necessary information is provided; however, normally they are done in five (5) to ten (10) business days, depending upon size of the structure. If special handling is required, such as rush reviews or a preliminary review, they will be charged at the hourly rate plus the applicable fee. Second reviews are included—no extra charge. Additional third or more reviews, and when hourly rates are applicable, are charged at the hourly rate of $100.00/hour. If a completely new design set of plans is submitted for a specific address after previous design plan has been reviewed, a new plan review fee will be charged. If any plan has to be sent to an outside consultant other than the inspection firm, the outside consultant’s fee(s) will be charged and that fee paid directly to the outside consultant.

**TITLE 9**

**ZONING REGULATIONS**

Subject Chapter

Title, Purpose, and Definitions 1

General Regulations and District Map 2

Provisions Governing Resident (R-1 and R-2) Districts 3

Provisions Governing Commercial Districts 4

Provisions Governing Industrial Districts 5

Exceptions and Modifications 6

Enforcement and Penalties 7

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Fences and Walls 10

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Legal Status Provisions 12

CHAPTER 1

**TITLE, PURPOSE, AND DEFINITIONS**

SECTION:

9-1-1: Short Title

9-1-2: Purpose

9-1-3: Definitions

9-1-1: **SHORT TITLE**: This Chapter shall be known as the “Zoning Ordinance of the Village of Lee, Illinois.” The zoning map herein referred to is identified by Title, “Zoning Districts, Lee, Illinois,” dated April 1, 1974. All explanatory matter thereon is hereby adopted and made part of this Chapter. (04-01-1974 Zoning Ord.)

9-1-2: **PURPOSE**: The zoning regulations and districts as herein have been made with objectives: The assuring that adequate light, air, and safety from fire and other dangers may be secured; that property values be conserved; that traffic congestion be lessened or avoided; and that public health, safety, comfort, morals, and welfare might otherwise be promoted. (04-01-1974 Zoning Ord.)

9-1-3: **DEFINITIONS**: For the purposes of this Chapter certain terms or words used herein shall be interpreted as follows. All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word “shall” is mandatory and not directory. The word “used” shall be deemed to include “designed, intended, or arranged to be used.”

|  |  |  |
| --- | --- | --- |
| ABUTTING: |  | Having a common lot line or district line. |
| ACCESSORY USE OR BUILDING: |  | A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use building. |
| AGRICULTURAL USES: |  | The non-commercial and limited growing of vegetables in the open, mushroom growing, flower gardening, nurseries and orchards. |
| ALLEY: |  | Any public or private way dedicated to public travel and less than thirty-one (31) feet in width. |
| BUILDING: |  | Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures whether stationary or movable. |
| BUILDING LINE: |  | A line on a plot between which line and street, alley, or private place, no building or structure may be erected. |
| DWELLING: |  | A permanent building used primarily for human habitation but not including facilities for the housing of transient residents nor to include mobile homes.   * Dwelling, Single-Family: A permanent building, separate and free-standing; in itself provides living accommodations for one family. * Dwelling, Two-Family: A permanent building exclusively for occupancy by two families. * Dwelling, Multiple Family: A permanent building or portion thereof providing separate living accommodations for three or more families. |
| HEIGHT OF BUILDING: |  | The vertical distance from the established average sidewalk grade, street grade, or finished grade, at the building line, whichever is the highest, to the highest point of the building. |
| HOME OCCUPATION: |  | Any use conducted entirely within a dwelling by the occupant of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes. Such a use shall employ not more than one person outside the family resident in the dwelling. |
| LOT: |  | A piece, parcel, or plot of land occupied by one principal building and its accessory buildings and including the open spaces required under this Chapter. |
| RV: |  | A structure designed to be used for human habitation, carrying, or storage of persons or property, not having a permanent foundation, being able to be easily equipped with wheels or other devices to be transported from place to place. |
| NON-CONFORMING USE: |  | A use of a building or land lawful at the time of enactment of this Chapter that does not conform with the “permitted use” provisions of this Chapter. |
| STREET: |  | Any public or private way dedicated to public travel thirty-one (31) feet or more in width. The word “street” shall include the words “road,” “highway,” and “thoroughfare.” |
| USE: |  | The purpose or activity for which a building, structure, or land is occupied or maintained. |
| YARD: |  | An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings except as otherwise provided in this Chapter.   * Front Yard: The yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces. * Rear Yard: The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building. * Side Yard: The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building. (04-01-1974 Zoning Ord.) |

CHAPTER 2

**GENERAL REGULATIONS AND DISTRICT MAP**

SECTION:

9-2-1: Establishment of Districts

9-2-2: Boundaries of Districts

9-2-3: Application Of Regulations

9-2-4: Continuance Of Non-Conforming Uses

9-2-5: Off-Street Parking

9-2-6: Off-Street Loading

9-2-7: Obstruction To Vision At Intersections Prohibited

9-2-8: Regulation of Wind Farms and Electric-Generating Wind Devices

9-2-1: **ESTABLISHMENT OF DISTRICTS**: For the purposes of this Article, all land within the Village of Lee is hereby designated on the Zoning Map as being in one of the following districts:

R-1 District: One and Two-Family Residential

R-2 District: Multiple-Family Residential

C-1 District: Central Business

C-2 District: General Retail

C-3 District: Service Retail

I-1 District: Light Industrial

I-2 District: Heavy Industrial (04-01-1974 Zoning Ord.)

9-2-2: **BOUNDARIES OF DISTRICTS**: Unless otherwise indicated on the Zoning Districts Map, the boundary lines of the districts follow lot lines, centerlines of streets, alleys, or railroad rights-of-way, or such centerlines extended, centerlines of creeks, or the corporate limit line as existing at the time of adoption of this Code.

A. In areas not subdivided into lots and blocks wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strip shall be two hundred and fifty (250) feet measured at right angles from the established centerline of the street.

B. Where a district boundary line divides a lot in a single ownership, the regulations for either portion of the lot may extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district. (04-01-1974 Zoning Ord.)

9-2-3: **APPLICATION OF REGULATIONS**: No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations for the district in which it is located.

All territory which may hereafter be annexed to the Village shall from the time of annexation be considered as being in the R-1 District until and unless otherwise designated by zoning ordinance amendment as specified in the procedure in the Amendment Articles of this Chapter. (04-01-1974 Zoning Ord.)

9-2-4: **CONTINUANCE OF NON-CONFORMING USES**: Any lawful use of land or structure existing at the time of adoption of this Article, or subsequent amendment of this Article, may be continued with the following limitations:

A. Non-Conforming Use Not To Expand: Any structure containing a non-conforming use may not be expanded nor substantially remodeled. The Board of Appeals may approve any remodeling and incidental repairs which do not tend to prolong the life of the non-conforming use.

B. Non-Conforming Use Not To Rebuild: Any structure containing a non-conforming use, which has been damaged to the extent of fifty percent (50%) of its current fair value, as estimated immediately prior to damage, shall not be repaired or reconstructed except in conformity with this Article.

C. Discontinued Non-Conforming Use Not To Reestablish After One Year: No non-conforming use shall be reestablished after having been discontinued for twelve (12) consecutive months. Vacating of premises or building or non-operative status shall be evidence of a discontinued use.

D. Non-Conforming Uses Not To Be Substituted: A non-conforming use may not be substituted for any other non-conforming use or any conforming use. (04-01-1974 Zoning Ord.)

9-2-5: **OFF-STREET PARKING**:

A. Off-street automobile parking shall be provided on any lot which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 250 square feet per parking space shall be used. The following are minimum requirements for specific uses:

* Dwellings: One space for each dwelling unit.
* Boarding and Rooming Houses: One space for each two rooms occupied by boarders and roomers.
* Tourist Accommodations: One space for each room offered for tourist accommodations.

4. Hospitals and Other Institutions for Care and Treatment: One space for each four beds, plus one space for each staff and visiting doctor, plus one space for each three employees.

5. Theater, Auditorium, Including School Auditoriums, Church, or Other Places of Public Assembly: One space for each eight seats available at maximum capacity.

6. Wholesale, Storage, and Manufacturing Establishments: One space for each five employees.

7. Retail Establishments: Except C-1 Central Business Districts, one space for each four hundred (400) square feet of gross floor space.

8. Office Uses: Except when located in C-1 Central Business Districts, one space for each three hundred (300) square feet of gross floor space.

B. If off-street parking space for non-residential uses as required above cannot be provided on the same lot on which the principal use is conducted, the Zoning Enforcement Officer may permit such space to be provided on other off-street property provided such space is within four hundred (400) feet of an entrance to such principal use. Such off-street parking space shall thereafter be deemed to be required open space associated with this permitted use and shall not be reduced or encroached in any manner.

C. Whenever there is a change in use, or an increase in floor area, or in the number of employees, and such change or increase creates a need for three (3) or more off-street parking spaces, then additional off-street parking spaces shall be provided on the basis of the requirements for the new use. (04-01-1974 Zoning Ord.)

9-2-6: **OFF-STREET LOADING**: Every building or structure used for other residential uses except those in the existing developed part of the Village which are adapted or constructed after the adoption of this Article shall provide adequate space for loading or unloading of vehicles off the street or alley. (04-01-1974 Zoning Ord.)

9-2-7: **OBSTRUCTION TO VISION AT INTERSECTIONS PROHIBITED**: On any corner lot in all districts except C-1 Central Business District, no fence, structure, or planting which interferes with traffic visibility across the corner shall be erected or maintained within thirty-five (35) feet of the point of intersection of the right-of-way lines. (04-01-1974 Zoning Ord.)

9-2-8: **REGULATION OF WIND FARMS AND ELECTRIC-GENERATING WIND DEVICES**: The development of wind farms and the installation of electric-generating wind devices within the Village’s zoning jurisdiction and within the 1.5 mile radius surrounding the Village’s zoning jurisdiction shall not be permitted. (Ord. 2011-11-14).

CHAPTER 3

**PROVISIONS GOVERNING RESIDENT (R-1 AND R-2) DISTRICTS**

SECTION:

9-3-1: Purpose

9-3-2: Uses Permitted In The R-1 District

9-3-3: Uses Permitted In The R-2 District

9-3-4: Special Uses In The R-1 And R-2 Districts

9-3-5: Required Lot Area And Lot Widths In Residence Districts In The R-1 District

9-3-6: Required Lot Area And Lot Widths In R-2 District

9-3-7: Building Height Regulation In Residence Districts

9-3-8: Yards Required In Residence Districts

9-3-9: Off-Street Parking

9-3-10: Regulation of Outbuildings and Garages

9-3-1: **PURPOSE**: The purpose of the Residence Districts is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve. (04-01-1974 Zoning Ord.)

9-3-2: **USES PERMITTED IN THE R-1 DISTRICT**:

A. Single-family and two-family residence dwellings, leasing of rooms to not more than two (2) families, and home occupations.

B. Home agriculture uses including nurseries and raising of farm products (not to include livestock or sale of products on premises).

C. Churches, schools, libraries, museums and art galleries, parks, playgrounds, community centers, cemeteries, public services, and utility buildings.

D. Accessory buildings and uses.

E. Unlighted real estate signs, non-conforming business use signs, and public building or church signs or bulletin boards pertaining to the property on which they are placed and not having over twelve (12) feet of sign area. (04-01-1974 Zoning Ord.)

9-3-3: **USES PERMITTED IN THE R-2 DISTRICT**:

A. Any use permitted in the R-1 District.

B. Multiple-family dwellings, tourist homes, and lodging uses with accommodations for not more than fifteen (15) persons.

C. Clubs, lodges, hospitals, sanitariums, medical and dental clinics, rest homes, and nursing homes.

D. Unlighted signs as outlined in the R-1 District. (04-01-1974 Zoning Ord.)

9-3-4: **SPECIAL USES IN THE R-1 AND R-2 DISTRICTS**: The following special uses are permitted as special uses in the R-1 and R-2 Districts when authorized by the Village Board after a public hearing and recommendations by the Planning Commission. Such special use shall be subjected to the following requirements and any other requirements the Planning Commission feels necessary to further the purpose of the Residence Districts as stated in Section 9-3-1.

A. Planned residence development under single ownership providing such development is of ten (10) acres or more. Such planned developments may vary the specific dwelling type requirements, yard, height, or area per dwelling requirements; providing, however, that the total number of dwelling units to be accommodated is not greater than would be otherwise allowed under normal development.

B. Trailer parks with permanent accommodations for mobile homes provided that (a) application for special use permit shall be made in writing to the Village Clerk and shall contain the name of the applicant, the location of the proposed park, and the number of mobile homes to be accommodated; (b) no special use permit shall be issued to any person not of good character or to any corporation if any officer thereof is not a person of good character, and (c) no holder of a special use permit for a mobile home park shall employ or keep as a manager or superintendent any person who has been convicted of a felony.

* Each mobile home park, while operated, shall be in charge of a responsible attendant or caretaker at all times, who shall be responsible, with the licensee, for compliance relating to the conduct of such parks.

2. No mobile home or trailer will be parked or situated in said Village except on approved mobile home park, provided that a trailer or mobile home may be temporarily placed on a lot with a single family dwelling for a period not to exceed thirty (30) days in duration.

* Every mobile home park shall have direct access to a principal county, township, city, or state highway or arterial street or road.

F. Size. Mobile home parks shall comply with the following requirements:

1. No permit shall be issued for the establishment of a new mobile home park unless such park contains at least ten (10) acres and no more than fifty (50) acres of area.

2. The average individual mobile home lot shall be at least thirty-five (35) feet in effective width. Effective width shall mean the distance between side lot lines, measured at rear line of the required front yard.

3. The average individual mobile home lot size shall not be less than 3,600 square feet in area, and no lot shall be smaller than 3,300 square feet in area.

G. Yard and Setbacks: The following setback regulations apply:

1. No building, structure, or mobile home shall be located closer than fifty (50) feet to any property line of the mobile home park, nor closer than seventy-five (75) feet to any principal county, township, city, or state highway or arterial street or roadway right-of-way.

2. Mobile homes shall be set back at least fifteen (15) feet from the pavement of streets or roadways within the park.

3. The owner of such mobile home park shall be responsible for maintaining all streets and shall cover all streets with a satisfactory black-top or sealant within a period of two years following establishment of such mobile home park in order to prevent dust and mud from arising therefrom or being created thereon. The owner shall also be responsible for the removal of snow in order to allow the easy transportation of vehicles upon the streets of said mobile home park.

4. No part of any mobile home, or any addition or appurtenance thereto shall be placed within twenty (20) feet of any other mobile home, addition, or appurtenance thereto, or within fifty (50) feet of any accessary or service building or structure.

5. No mobile home shall be parked closer than eight (8) feet to the side lot lines of a mobile home park, if the abutting property is improved property, or closer than fifteen (15) feet to a public street, alley, or building. Each individual mobile home site shall abut or face on a driveway or clear unoccupied space of not less than thirty-five (35) feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least eight (8) feet between the sides of every mobile home and at least ten (10) feet between the ends of every mobile home.

H. Height: No building, structure, or mobile home located in a mobile home park shall exceed one story or fourteen (14) feet in height, except for the office/utility building which may consist of two stories or twenty-eight (28) feet in height.

I. Parking: There shall be at least one off-street parking space available to each individual mobile home lot and located within one hundred (100) feet of such lot. However, the total number of parking spaces provided in each mobile home park shall be equal to not less than one and one-half times the maximum number of mobile homes to be accommodated.

J. Water Supply: An adequate supply of pure water for drinking and domestic purposes from the municipal water supply system shall be supplied to meet the requirements of said mobile home park. Each home shall have its own water line connected to the mobile home. No common drinking cups shall be permitted. One water meter shall be installed for each park as required by the Village.

K. Sanitary Facilities: Each mobile home shall have its own sanitary sewer service connected to mobile home toilets, baths, or showers which shall comply with the provision of the ordinance relating thereto.

L. Garbage: It shall be the duty of the owner, his agent, or his caretaker to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition.

M. Lights: The parks shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors.

N. Additional Regulations: In compliance with the provisions of this Article, it shall be the duty of the licensee and person in charge of a mobile home park to comply fully with the provisions of Section 8, 11, and 12 of “An Act in Relation to the Licensing and Regulation of Trailer Coach Parks” approved July 13, 1953, found in Illinois Revised Statutes, Chapter 111 ½, Par. 172, 175, and 176.

O. Permanent Use: It shall be unlawful for any person to maintain any mobile home, used for human habitation, upon any plot of ground in the municipality except in a licensed mobile home park.

It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix said mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alterations shall be construed as converting the mobile home into a building and subject to the requirements of the zoning and building ordinances.

It shall be unlawful to occupy for sleeping or other residence purposes any mobile home which has been rendered immobile by the removal of wheels, or placing the same on a foundation, or on the ground, unless such mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities, and other regulations applicable to single family dwellings.

P. Exceptions: Nothing in this Article shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not used for living or sleeping purposes. (04-01-1974 Zoning Ord.)

9-3-5: **REQUIRED LOT AREA AND LOT WIDTHS IN RESIDENCE DISTRICTS IN THE R-1 DISTRICT**:

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Min. Lot Area Per Family (Sq. Ft.) | Min. Lot Width Per Structure at Front Building Line (Ft.) |
| SINGLE-FAMILY DWELLING |  |  |  |
| With Both Public Water and Public Sewer |  | 10,000 | 75 |
| With Neither Public Water Supply nor Sewer |  | 11,250 | 75 |
| TWO-FAMILY DWELLING |  |  |  |
| With Both Public Water and Public Sewer |  | 7,500 | 100 |
| With Neither Public Water Supply nor Sewer |  | 20,000 | 100 |

Provided, however, that no building permit will be issued for any lot which does not have Village water and sewer unless all County and State regulations pertaining to septic tanks and soil percolation tests have been complied with. (04-01-1974 Zoning Ord.)

9-3-6: **REQUIRED LOT AREA AND LOT WIDTHS IN R-2 DISTRICT**:

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | Min. Lot Area Per Family or Rental Unit (Sq. Ft.) | Min. Lot Width Per Structure at Front Building Line (Ft.) |
| SINGLE FAMILY DWELLING |  | 7,500 | 75 |
| TWO FAMILY DWELLING |  | 4,500 | 75 |
| MULTIPLE FAMILY DWELLING |  | 2,500 | 100 |
| ROOMING OR LODGING HOUSE |  | 1,500 | 50 |

Provided, however, that no building permit will be issued for any lot which does not have Village water and sewer unless all County and State regulations pertaining to septic tanks and soil percolation tests have been complied with. (04-01-1974 Zoning Ord.)

9-3-7: **BUILDING HEIGHT REGULATION IN RESIDENCE DISTRICTS**: No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the building height exceed fifty (50) feet. (04-01-1974 Zoning Ord.)

9-3-8: **YARDS REQURIED IN RESIDENCE DISTRICTS**: All structures to be constructed, altered, or moved in the R-1 and R-2 Districts shall provide yards of the following minimum depths:

A. Front Yard: Twenty-five (25) feet.

B. Side Yard: Five (5) feet minimum for one side yard; twelve (12) feet minimum total for two side yards.

C. Rear Yard: Twenty (20) feet or twenty percent (20%) of the lot depth, whichever is greater.

D. Yards of Corner Lots: Corner lots shall provide a front yard on each street side, not, however, to reduce the buildable width of the lot below thirty-two (32) feet. (04-01-1974 Zoning Ord.)

9-3-9: **OFF-STREET PARKING**: There shall be provided in the R-1 and R-2 Districts adequate off-street parking in accordance with the schedule in Article II. (04-01-1974 Zoning Ord.)

9-3-10: **REGULATION OF OUTBUILDINGS AND GARAGES**: Outbuildings and garages in a residential area shall not exceed One Thousand (1,000) square feet, and shall be limited to having Nine (9) foot walls. (Ord. 2012-05-14).

CHAPTER 4

**PROVISIONS GOVERNING COMMERCIAL DISTRICTS**

SECTION:

9-4-1: Purpose

9-4-2: Uses Permitted In The C-1 Central Business District

9-4-3: Uses Permitted In The C-2 General Business District

9-4-4: Uses Permitted In The C-3 Service Retail District

9-4-5: Required Lot Area And Lot Width In The Commercial District

9-4-6: Building Height Regulation In Commercial Districts

9-4-7: Yards Required In The Commercial Districts

9-4-8: Off-Street Parking And Loading

9-4-1: **PURPOSE**: The purpose of the C-1 Central Business District and the C-2 General Business District is to provide for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in the central business area. The purpose of the C-3 Service Retail District is to provide for those retail businesses and services which require a location other than in the Central Business Area being either highway oriented, requiring larger tracts of land not normally available in the Central Business Area, or to provide local neighborhood retail shopping facilities to that Residential Area immediately adjacent. (04-01-1974 Zoning Ord.)

9-4-2: **USES PERMITTED IN THE C-1 CENTRAL BUSINESS DISTRICT**:

A. Any use permitted in a Residential District.

B. Major Retail Outlets: Furniture, department, clothing, shoe and variety stores, hardware, appliance, paint, and wallpaper stores.

C. Food, Drug, and Beverage: Grocery stores, supermarkets, meat markets, drug stores and bakeries in conjunction with retail sales, restaurants, tea rooms including light food processing, frozen food lockers, and dairies.

D. Specialty Shops: Gift shops, magazine, book and stationary outlets, florist shops, camera and photography shops, and sporting goods.

E. Service and Recreation: Laundromat, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, mortuaries, printing shops with not more than ten (10) full time regular employees, places of amusement, and assembly.

F. Business and Professional Offices: Medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance, and utility companies.

G. Automotive and Related Uses: New and used car sales, service and repair, gasoline filling stations, motorcycle and bicycle shops, cab and bus stands, and depots.

H. Accessory uses or buildings.

I. Business and advertising signs pertaining to the business on the property on which the sign is located, provided that:

* Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way; and
* That any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green, or amber illumination. (04-01-1974 Zoning Ord.)

9-4-3: **USES PERMITTED IN THE C-2 GENERAL BUSINESS DISTRICT**: Any uses permitted in the C-1 Central Business District. (04-01-1974 Zoning Ord.)

9-4-4: **USES PERMITTED IN THE C-3 SERVICE RETAIL DISTRICT**:

A. Any use permitted in the C-1 Central Business District and in the C-2 General Business District.

B. Building Trades or Equipment: Building, concrete, electrical, masonry, sheet metal, plumbing and heating shops, and building material establishments (provided no construction, millwork, or concrete block manufacture is done on the premises).

C. Vehicle Drive-In and Heavy Vehicle Service: Drive-in theaters, drive-in restaurants and refreshment stands, express, cartage, and trucking facilities, large item machinery or bulk sales, and storage not including outdoor unfenced storage.

D. Heavy Service and Processing Facilities: Laundry and dry-cleaning plants, linens, towel, diaper, and similar supply services, and animal pounds, kennels, and veterinary establishments.

E. Accessory uses or buildings.

F. Business and advertising signs pertaining to the business on the property on which the sign is located provided that:

* Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent Residential Districts or into the public way; and
* That any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green, or amber illumination. (04-01-1974 Zoning Ord.)

9-4-5: **REQUIRED LOT AREA AND LOT WIDTH IN THE COMMERCIAL DISTRICT**: Each residential use to be accommodated in the C-1, C-2, and C-3 Commercial Districts shall meet the minimum lot area and minimum lot width requirements of the R-2 Residential District (1500 sq. ft. – 50 ft. width). (04-01-1974 Zoning Ord.)

9-4-6: **BUILDING HEIGHT REGULATION IN COMMERCIAL DISTRICTS**:

A. In the C-1 Central Business District and in the C-2 General Retail District no building shall exceed three (3) stories or forty-five (45) feet.

B. In the C-3 Service Retail District, no building shall exceed two (2) stories or thirty (30) feet. (04-01-1974 Zoning Ord.)

9-4-7: **YARDS REQUIRED IN THE COMMERCIAL DISTRICTS**: All buildings to be constructed, altered, or moved in the Commercial Districts shall meet the following minimum requirements:

A. Yards required in the C-1 Business District and the C-2 Retail District:

Front Yard: no minimum yard required.

Side Yard: no minimum yard required except lots adjoining a Residential District shall provide a side yard on that adjoining side equal to that required in the adjoining Residence District.

Rear Yard: twenty (20) feet. Where a rear lot line abuts an alley, one-half (1/2) of the width of such alley may be considered toward meeting the rear yard requirements.

B. Yards required in the C-3 Service Retail District:

Front Yard: twenty-five (25) feet.

Side Yard: Ten (10) feet.

Rear Yard: Twenty (20) feet. Where a rear lot line abuts an alley, one-half (1/2) of the width of such alley may be considered toward meeting the rear yard requirements. (04-01-1974 Zoning Ord.)

9-4-8: **OFF-STREET PARKING AND LOADING**: Except in the C-1 Central Business District, there shall be provided in the C-2 and C-3 Commercial Districts, off-street parking and loading in accordance with the schedule in Article 2. (Retail establishments: one space for each 400 square feet of gross floor area.) (Office uses: one space for each 300 square feet of gross floor area.) (04-01-1974 Zoning Ord.)

CHAPTER 5

**PROVISIONS GOVERNING INDUSTRIAL DISTRICTS**

SECTION:

9-5-1: Purpose

9-5-2: Uses Permitted In The I-1 Light Industrial District

9-5-3: Uses Permitted In The I-2 Heavy Industrial District

9-5-4: Required Lot Area And Lot Width In Industrial Districts

9-5-5: Building Height Regulation In Industrial Districts

9-5-6: Yards Required In Industrial Districts

9-5-7: Off-Street Parking And Loading

9-5-1: **PURPOSE**: The purpose of the I-1 Light Industrial District is to provide for commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property. The purpose of the I-2 Heavy Industrial District is to provide for industrial uses not allowed in any other district, provided that, within this district, uses of a hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community. (04-01-1974 Zoning Ord.)

9-5-2: **USES PERMITTED IN THE I-1 LIGHT INDUSTRIAL DISTRICT**:

A. Any use permitted in the C-1, C-2, and C-3 Commercial Districts except residential uses.

B. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, and trucking storage.

C. Manufacturing: Manufacture or processing of small items including; gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors, generators, appliances and other electronic devices, textile products manufacture, glass, cement, and stone products manufacture, furniture manufacture, food manufacture or processing including hatcheries, canning, freezing, storage, and bottling.

D. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot lines. Such uses shall not be established without an application for a permit which shall be accompanied by a certification by a registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration, and noise. In the event of a denial of such permit, an applicant shall have a right of appeal to the Zoning Board of Appeals, in accordance with the “Board of Appeals” Article. (04-01-1974 Zoning Ord.)

9-5-3: **USES PERMITTED IN THE I-2 HEAVY INDUSTRIAL DISTRICT**:

A. All uses not otherwise prohibited by law except residential uses, provided; however, that the following uses will be permitted as special uses in the I-2 District when authorized by the Village Board after public hearing and recommendation by the Planning Commission; bag cleaning, boiler and tank works, central mixing plant for, cement, mortar, plaster, or paving materials, coke oven, curing, tanning, and storage of raw hides and skins, distillation of bones, coal, wood, or tar, fat rendering, forge plant, foundry or metal fabrication plant, gasoline or oil storage above ground in excess of five hundred (500) gallons, slaughterhouse or stockyards, smelting plants and the manufacture of; acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chemicals, brick, pottery, terra-cotta or tile, candles, disinfectants, dye-stuffs, fertilizers, linseed oil, paint, oil, turpentine, varnish, soap and tar products, or any other use which in the opinion of the Planning Commission would emit detrimental or obnoxious noise, vibrations, smoke, odors, dust, or other objectionable conditions beyond the confines of its property. The Planning Commission shall recommend Village Board’s approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the Heavy Industrial District in which it is located. Such special uses shall be subject to any requirements the Planning Commission feels necessary to further the purpose of the Industrial District as stated in Section 9-5-1.

B. Salvage and wrecking operations, if located not less than two hundred (200) feet from any R-District, provided all operations are conducted within an area enclosed on all sides with a tight painted fence not less than eight (8) feet high and provided further that such operation shall not be visible from the nearest street or highway. (04-01-1974 Zoning Ord.)

9-5-4: **REQUIRED LOT AREA AND LOT WIDTH IN INDUSTRIAL DISTRICTS**: Each use to be established in the I-1 or I-2 District shall provide a minimum lot area of five thousand (5,000) square feet and a minimum lot width of fifty (50) feet. (04-01-1974 Zoning Ord.)

9-5-5: **BUILDING HEIGHT REGULATION IN INDUSTRIAL DISTRICTS**: No building in the I-1 or I-2 District shall exceed fifty (50) feet in height. (04-01-1974 Zoning Ord.)

9-5-6: **YARDS REQUIRED IN INDUSTRIAL DISTRICTS**: All structure to be constructed, altered, or moved, in the I-1 or I-2 Districts shall provide yards of the following minimum depths:

A. Front Yard: Twenty-five (25) feet.

B. Side Yard: Unless stated otherwise, ten (10) feet except where a side yard abuts a Residential district in which case a side yard of twenty-five (25) feet shall be provided.

C. Rear Yard: Twenty-five (25) feet. (04-01-1974 Zoning Ord.)

9-5-7: **OFF-STREET PARKING AND LOADING**: There shall be provided in the I-1 and I-2 Districts adequate off-street parking and loading in accordance with the schedule in Article 2. (04-01-1974 Zoning Ord.)

CHAPTER 6

**EXCEPTIONS AND MODIFICATIONS**

SECTION:

9-6-1: Lot Of Record

9-6-2: Exceptions To Yard Requirements

9-6-3: Exceptions To Height Limits

9-6-1: **LOT OF RECORD**: When a lot which is an official lot of record at the time of adoption of this Chapter does not comply with the area, yard, or other requirements of this Chapter, an application may be submitted to the Board of Appeals for a variance from the terms of this Chapter in accordance with the procedure outlined in the “Board of Appeals” Article. Such lot may be used as a building site, provided that the yard and other requirements of the District are complied with as closely as possible in the opinion of the Board of Appeals. (04-01-1974 Zoning Ord.)

9-6-2: **EXCEPTIONS TO YARD REQUIREMENTS**:

A. Allowable Projections of Residential Structures into Yards. Architectural features of residential buildings such as windows, cornices, and roof overhangs may project into the required yard provided such projection is not more than four feet and does not reach closer than four (4) feet to any lot line.

B. Allowable Projections of Business Structures over Sidewalk. Signs, awnings, canopies, and marquees are permitted to overhang the sidewalk in the C-1 Central Business District and C-2 General Retail District only, provided that overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that other structures are a minimum of six (6) feet, eight (8) inches above the sidewalk at any point.

C. Allowable Projection of Accessory Buildings into Rear Yard. One-Story accessory buildings may project into only rear yards abutting on an alley provided that such projection extends no closer than five (5) feet to the rear lot line. (04-01-1974 Zoning Ord.)

9-6-3: **EXCEPTIONS TO HEIGHT LIMITS**: The height limitations of this Chapter shall not apply to; church spires, belfries, cupolas, domes not intended for human occupancy; monuments; water towers; transmission towers; chimneys; smoke stacks; derricks; conveyors; flag poles; radio towers; masts; and aerials. (04-01-1974 Zoning Ord.)

CHAPTER 7

**ENFORCEMENT AND PENALTIES**

SECTION:

9-7-1: Zoning Enforcement Officer

9-7-2: Building Permits And Certificates Of Occupancy

9-7-3: Remedies And Penalties

9-7-1: **ZONING ENFORCEMENT OFFICER**: This Chapter shall be administered and enforced by the Zoning Enforcement Officer who shall be appointed by the President of the Lee Village Board with the Board’s concurrence. (04-01-1974 Zoning Ord.)

9-7-2: **BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**:

A. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Zoning Enforcement Officer has issued a building permit for such work.

B. Issuance of Building Permit. In applying to the Zoning Enforcement Officer for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning Enforcement Officer for determining whether the provisions of this Chapter are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this Chapter and other Chapters of the Village of Lee Code, the Zoning Enforcement Officer shall issue a building permit for such excavation or construction. If a building permit is refused, the Zoning Enforcement Officer shall state such refusal in writing, with the cause, and shall immediately forward such notice of refusal to the applicant. The Zoning Enforcement Officer shall grant or deny the permit within ten (10) days from the date the application is submitted.

1. The issuance of a building permit shall in no case be construed as waiving any provisions of this Chapter.

2. A building permit shall become void in the following instance: (1) if substantial progress has not been made on the project for which the permit was issued within ninety (90) days of the date of issuance; (2) if the building exterior and rough grading is not complete within thirty (30) months of the date of issuance.

3. To partially defray the expense of administering the Chapter, a fee shall be collected by the Zoning Enforcement Officer for each building permit. Such fee shall be charged at the rate as follows:

a. $100.00 Commercial

b. $50.00 Principal Single Family Dwelling

c. $100.00 Multi-Dwelling

d. $25.00 Garage/Outbuilding

e. $10.00 Decks and Porches

f. $25.00 Additions to Existing Property

C. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Enforcement Officer shall have issued a certificate of occupancy indicating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Chapter. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Chapter, or if such certificate is refused, to state refusal in writing, with the cause, and immediately forward such notice of refusal to the applicant. (04-01-1974 Zoning Ord.)

9-7-3: **REMEDIES AND PENALTIES**: In case any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained, or any building, structure, or land is used in violation of this Chapter, the proper authorities of the Village Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent the occupancy of such building, structure, or land.

Any person violating any provision of this Chapter shall be fined not less than five dollars ($5.00) or more than fifty dollars ($50.00) for each offense. Each day a violation is permitted to exist shall constitute a separate offense. (04-01-1974 Zoning Ord.)

CHAPTER 8

**BOARD OF APPEALS**

SECTION:

9-8-1: Authorization and Appointment

9-8-2: Procedures

9-8-3: How To Take Appeals

9-8-4: Powers Of The Board Of Appeals

9-8-1: **AUTHORIZATION AND APPOINTMENT**: A Board of Appeals is hereby in accordance with Division 13 of the Illinois Municipal Code. The Board of Appeals shall consist of seven (7) members to be appointed by the President and Board of Trustees. The members of the Board of Appeals shall serve as follows: For the initial appointments, one for one year, one for two years, one for three years, one for four years, one for five years, one for six years, and one for seven years. Successors to each member so appointed shall serve for a term of five (5) years. One of the members so appointed shall be named Chairman at the time of his appointment. The appointing authority has the power to remove any member of the Board for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. (04-01-1974 Zoning Ord.)

9-8-2: **PROCEDURES**: Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote, or failure to vote, of each member upon every question, and shall keep records of its examinations and other official actions. All Board of Appeals action shall be a matter of public record. (04-01-1974 Zoning Ord.)

9-8-3: **HOW TO TAKE APPEALS**: An appeal to the Board of Appeals may be taken by any person aggrieved by any order, requirement, decision, or determination by any governmental officer, department, board, or bureau based in whole or in part upon the provisions of this Chapter.

Such appeal shall be filed with the Zoning Enforcement Officer and the Board of Appeals within twenty (20) days from which the action was appealed. Upon appeal, the Zoning Enforcement Officer shall immediately transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from unless the Enforcement Officer certifies to the Board that a stay would, in his opinion, cause imminent peril to life or property. The Board shall fix a reasonable time for the hearing of the appeal, a notice of which shall be published at least once, not more than thirty (30) days, nor less than fifteen (15) days before the hearing in a newspaper of general circulation within the community. The concurring vote of four (4) members of the Board of Appeals is necessary to reverse any order, requirement, or decision of an administrative official, or to decide in favor of the applicant. (04-01-1974 Zoning Ord.)

9-8-4: **POWERS OF THE BOARD OF APPEALS**: The Board of Appeals shall have the following powers:

A. Interpretation and Administrative Review. To hear and decide appeals where it is alleged that there is an error in any action by the Zoning Enforcement Officer or other administrative official in carrying out the provisions of this Chapter, and for interpretation of the Zoning Maps.

B. Variations. To hear and decide on applications for a variation in cases where there are practical difficulties or particular hardship in the way of carrying out the provisions of this Chapter. Before any variation is granted, the Board of Appeals must make findings of fact that all of the following conditions are shown to be present:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;

2. The plight of the owner is due to unique circumstances; and

3. A variation, if granted, will not alter the essential character of the locality.

In granting a variation, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this Chapter.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to permit a use not generally permitted in the district involved.

In order to partially defray the expenses of public hearings involving variations, the applicant shall pay the sum of thirty-five dollars ($35.00) to the Village Treasurer at the time of the filing of the appeal for the variance.

All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the “Administrative Review Act,” approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. (04-01-1974 Zoning Ord.)

CHAPTER 9

**AMENDMENT**

SECTION:

9-9-1: Power To Amend

9-9-2: Procedure

9-9-3: Approval Of Planning Commission

9-9-4: Zoning Map To Be Published

9-9-1: **POWER TO AMEND**: The President and Board of Trustees of the Village of Lee may amend, supplement, change, modify, or repeal the regulation, restrictions, and boundaries as provided for in this Chapter. (04-01-1974 Zoning Ord.)

9-9-2: **PROCEDURE**: A public hearing shall be held by the President and Board of Trustees before adoption of any proposed amendment, supplement, or change, public notice of which shall have been placed in a newspaper of general circulation within the community not more than thirty (30) days nor less than fifteen (15) days before the hearing. In case of a written protest against any proposed amendment of the regulations of districts, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, such protest being filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of two-thirds (2/3) of all the members of the Board of Trustees. In order to partially defray the expenses of a zoning change public hearing, each person petitioning for a zoning change shall deposit with the Village Treasurer the sum of thirty-five dollars ($35.00). No part of such amount shall be refunded for failure of said amendment to be enacted into law. (04-01-1974 Zoning Ord.)

9-9-3: **APPROVAL OF PLANNING COMMISSION**: All proposed amendments to this Chapter shall be submitted in writing to the Planning Commission by the Board of Trustees for review and recommendation. The Planning Commission shall review such proposed amendment in the course of business at regular Planning Commission meetings. To assist in its review, the Planning Commission may hear interested parties. If the Planning Commission disapproves the proposed amendment, a two-thirds (2/3) majority vote of the entire Board of Trustees is required for adoption of the proposed amendment. (04-01-1974 Zoning Ord.)

9-9-4: **ZONING MAP TO BE PUBLISHED**: The Board of Trustees shall cause to be published no later than March 31 of each year a map clearly showing the existing zoning divisions and classifications. If in any calendar year there are no changes in zoning divisions, no map shall be published for such calendar year. (04-01-1974 Zoning Ord.)

CHAPTER 10

**FENCES AND WALLS**

SECTION**:**

9-10-1: Types Of Fences

9-10-2: Regulations For All Residential Zoning Districts

9-10-3: Additional Fence Regulations

9-10-1: **TYPES OF FENCES**: For purposes of this Chapter, there shall be two types of fences:

A. Type I. A fence in which the openings in the materials of which the fence is constructed represent more than seventy percent (70%) of the area of the fence and which do not interfere with visibility, or the free passage of air, through the fence.

B. Type II. All fences other than Type I fences.

9-10-2: **REGULATIONS FOR ALL RESIDENTIAL ZONING DISTRICTS**:

A. Type I fences may be erected to a height not exceeding four (4) feet in a front yard, or six (6) feet in a side yard and rear yard. In a corner side yard, a Type I fence may not exceed four (4) feet in height if it extends in front of the rear building line.

B. Type II fences may be erected to a height not exceeding thirty (30) inches in a front yard, or four (4) feet in a required side yard adjacent to the side of a principal structure on an adjoining lot. In a corner side yard, a Type II fence may attain six (6) feet in height if it does not extend in front of the rear building line, and if the finished side of any fencing within the twenty-five (25) foot building setback area faces outward.

C. Type II fences in corner side yards may not exceed four (4) feet in height within the twenty-five (25) foot building setback area if the rear of the corner side yard abuts the front yard or side yard of an adjacent property.

D. Type II fences may be erected to a height not exceeding six (6) feet in side yard areas which fall to the rear of the structure on an adjoining lot. An attached garage shall not be deemed part of the principal structure for purposes of this Section.

E. If a Type II fence shall later become closer than ten (10) feet to the principal structure on an adjoining lot (for example, through additions or remodeling or the like), the Village may require the fence or portion thereof to be modified to comply with the other provisions of this Section. A fence which meets the setback requirements for a principal structure on a lot shall be exempt from the provisions of this Section and shall comply with the applicable Village requirements for structures.

F. Barbed wire shall not be used to constitute any part of a fence in any Residential District except for that part of a fence which is at least six (6) feet above the grade with the barbed wire attached at a forty-five (45) degree angle to the fence around an electric power substation or transformer station.

G. In no event shall a corrugated Type II fence be constructed in a Residential District.

H. In no event shall a Type II fence be constructed in such a manner as to create an “enclosure” which is bounded on all sides by a Type II fence.

9-10-3: **ADDITIONAL FENCE REGULATIONS**:

A. Notwithstanding the above provisions in Section 9-10-1, no person shall maintain, erect, or permit to remain in a required front yard situated at the intersection of two (2) or more streets in the Village any fence which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe vehicles or pedestrians approaching or crossing said intersection.

B. When fencing in the rear yard or corner side yard of a residential corner lot may abut a public or private alley, the two (2) sides of the vision triangle (formed by the convergence of the alley lot line and the corner side lot line) may each be reduced to a distance of ten (10) feet.

C. No fence shall be hereinafter erected along, parallel to, or substantially parallel to and within five (5) feet of an adjoining property line unless the finished side of the fence faces the adjoining property. If a fence is erected with posts and supports, it is presumed that the side on which the posts and supports are more visible is the “unfinished side.”

D. Fences erected in violation of Section 9-10-1 are hereby declared to be a nuisance and may be abated as such.

CHAPTER 11

**SETBACKS**

SECTION:

9-11-1: Purpose

9-11-2: Definitions

9-11-3: Prohibitions

9-11-4: Waivers, Exceptions, And Certifications Of Minimal Hazard

9-11-5: Exclusion

9-11-1: **PURPOSE**: Pursuant to the authority conferred by 65 ILCS 5/11-125-4; 415 ILCS 5/14.2 and 5/14.3; and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Chapter shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act (“EPA”) (415 ILCS 5/14.2) and this Chapter, and the maximum setback zone established under Section 14.3 of the EPA (415 ILCS 5/14.3) and this Chapter.

9-11-2: **DEFINITIONS**: Except as stated in this Chapter, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Chapter shall be the same as those used in the EPA and the Illinois Groundwater Protection Act (415 ILCS 55/1 *et seq.*).

A. Agency means the Illinois Environmental Protection Agency.

B. Board means the Illinois Pollution Control Board.

C. EPA means the Environmental Protection Act, 415 ILCS 5/1 *et seq.*

D. Maximum Setback Zone means the area around a community water supply well established under Section 14.3 of the EPA and this Chapter.

E. Minimum Setback Zone means the area around a community water supply well established under Section 14.2 of the EPA and this Chapter.

9-11-3: **PROHIBITIONS**:

A. Except as provided in Sections 9-11-4 and 9-11-5, no person shall place a new potential primary source, new potential secondary source, or a new potential route within the minimum setback zone.

B. Except as provided otherwise in Section 9-11-4, no person shall place a new potential primary source within the maximum setback zone.

9-11-4: **WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD**:

A. If, pursuant to Section 14.2(b) of the EPA, the owner of a potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 9-11-3(a) of this Chapter.

B. If, pursuant to Section 14.2(c) of the EPA, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 9-11-3(b) of this Chapter.

C. If, pursuant to Section 14.2(c) of the EPA, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 9-11-3(b) of this Chapter.

D. If, pursuant to Section 14.5 of the EPA, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to Section 9-11-3(a) of this Chapter to the same extent that such owner is not subject to Section 14.2(d) of the EPA.

9-11-5: **EXCLUSION**: Section 9-11-3(a) of this Chapter shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the EPA and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulation.

CHAPTER 12

**LEGAL STATUS PROVISIONS**

SECTION:

9-12-1: Interpretation In Case Of Conflict With Other Chapters And Private Deeds

9-12-2: Validity

9-12-1: **INTERPRETATION IN CASE OF CONFLICT WITH OTHER CHAPTERS AND PRIVATE DEEDS**: In the interpretation and application of this Chapter, the provisions contained herein shall be held to be minimum requirements, adopted for the promotion of public health, safety, and general welfare. (04-01-1974 Zoning Ord.)

9-12-2: **VALIDITY**: If any section, clause, provision, or portion of this Chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the ordinance which is not in itself invalid or unconstitutional. (04-01-1974 Zoning Ord.)

**TITLE 10**

**SUBDIVISION REGULATIONS**

Subject Chapter

Subdivisions 1

CHAPTER 1

**SUBDIVISIONS**

SECTION:

10-1-1: Approval of Plans – Required For New Subdivisions

10-1-2: Approval Required Prior To Sale, Option, Etc.

10-1-3: Approval Required For Improvements

10-1-4: Street Plans

10-1-5: Streets – Minimum Standards

10-1-6: Easements

10-1-7: Block Standards

10-1-8: Land Improvements Prerequisite To Approval Of Subdivisions

10-1-1: **APPROVAL OF PLANS – REQUIRED FOR NEW SUBDIVISIONS**: No land, after the adoption of these regulations, shall be subdivided or filed for record, nor any street lay out, nor any improvement shall have been certified to and approved by action of the Village Board. This approval must be in writing and placed on the original tracing of the final plats.

10-1-2: **APPROVAL REQUIRED PRIOR TO SALE, OPTION, ETC.**: No lot, tract, or parcel of land within any such subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given until such subdivision plans have been properly reviewed by the Village Board.

10-1-3: **APPROVAL REQUIRED FOR IMPROVEMENTS**: No improvements such as sidewalks, water supply, storm water drainage, or grading, paving, or surfacing of streets, shall hereafter be made within any subdivision by any subdivider or his agent, or by any public service corporation at the request of such subdivider or his agent until the plans for subdivision and also the plans for improvements thereto have been formally recommended by the Planning Commission and approved by the Village Board.

10-1-4: **STREET PLANS**: The subdivision of land, including the arrangement, character, extent, width, grade, and location of all streets, alleys, or other land to be dedicated for the public use, shall conform to the general development plan of the Village as approved and adopted by the Village Board and other responsible governmental bodies, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.

10-1-5: **STREETS – MINIMUM STANDARDS**:

A. All rights of way shall conform to the following dimensions:

Primary streets: 70 feet

Minor streets: 70 feet

Culs-de-sac: 50 feet

Crosswalk ways: 10 feet

Utility easements: 10 feet

B. Minor streets shall be laid out so that their use by through traffic will be discouraged.

C. It must be evidenced that all street intersections and confluences encourage safe traffic flow.

D. Alleys are not permitted, except where deemed necessary, and at the discretion of the Plan Commission or the Village Board.

E. No street names may be used which will duplicate, or be confused with, the names of existing streets. Existing street names must be protected wherever possible.

10-1-6: **EASEMENTS**:

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet (10’) wide.

B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

10-1-7: **BLOCK STANDARDS**: No specific rule concerning the shape of the blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.

10-1-8: **LAND IMPROVEMENTS PREREQUISITE TO APPROVAL OF SUBDIVISIONS**:

A. Street grades: Grades of streets shall not be in excess of three percent (3%) on primary streets, nor in excess of five percent (5%) on other streets.

B. Roadways: Roadways shall be constructed of such base materials and surfacing as to be suitable for the volume and character of traffic expected to use the street, and as approved by the Village officials and their Engineer. Roadway’s construction must compare with the construction of the best street in the Village of Lee.

C. Curbs and gutters: Curbs and gutters on minor residential streets shall be of the integral rolled type unit, not less than eighteen inches (18”) in overall width.

D. Storm water plants: Storm water inlets shall be provided within the roadway improvement at points specified by the Village Engineer.

E. Curb corners: All curb corners shall have a radius of not less than twenty-five feet (25’).

F. Roadway Improvements: Roadway improvements in subdivisions lying outside the corporate Village area, but within the one and one-half (1 ½) mile area, shall conform to standards of improvements suitable for the character of the proposed subdivision development, recommended by the Plan Commission and approved by the governing authorities.

G. Sidewalks: Concrete sidewalks to a width of not less than forty-two inches (42”) shall be provided as part of the dedicated street.

H. Landscaping: All parkways within the dedicated street area or other public streets within the proposed subdivision, in accordance with the standards and requirements established by the governing authorities.

I. Water Mains: The subdivider shall provide water mains, services, and appurtenances to serve each lot in the subdivision, including the connections to the existing water distribution system.

The installation of the proposed water system shall be by the Municipal Utilities, Water Department.

A sum shall be paid to the Municipal Utilities, Water Department equal to the amount estimated by the Municipal Utilities, Water Department, to be necessary to install a water main in the subdivision. This estimate shall be on the cost of material and labor at the time of proposed construction for installing six inches (6”) of water main pipe complying with the specifications established by the Village Engineer and conforming to the requirements of the Department of Public Health.

If at any time of completion of installation of the water main, it is found that the actual costs were less than the amount estimated for the proposed construction, a refund shall be made to the subdivider equal to the difference thereof.

**TITLE 11**

**FLOOD CONTROL**

Subject Chapter

Stormwater Management 1

CHAPTER 1

**STORMWATER MANAGEMENT**

SECTION:

11-1-1: Adoption by Reference

11-1-2: Amendments

11-1-1: **ADOPTION BY REFERENCE**: There is hereby adopted, for the purpose of establishing regulations and standards for the control of stormwater throughout the Village and development within the flood plain in the Village, the “DeKalb County Stormwater Management Ordinance” in effect on May 1, 2007, as the Stormwater Management Ordinance of the Village of Lee, as if fully set forth in this Chapter, except as modified herein, including any and all amendments thereto that may, from time to time, be adopted by the County of DeKalb.

11-1-2: **AMENDMENTS**: The DeKalb County Stormwater Management Ordinance is amended and revised in the following respects:

A. Sec. 2. “Definitions” shall be amended to read as follows:

Administrator: The Village President, or designee.

“County Engineer” shall be changed to “Village Engineer” and shall be defined as “The Engineer of the Village of Lee”.

Director: The Village President, or designee.

Planning and Zoning Committee: The Board of Trustees of the Village of Lee.

Plat Officer: The Village President, or designee

Stormwater Management Planning Committee: The Board of Trustees of the Village of Lee.

Any reference to the “County Board” shall mean “Board of Trustees”, and any reference to “County” shall mean “Village”.

B. Sec. 11. “Enforcement; penalty” shall be amended to read as follows:

(a) Any person who violates any provision of the ordinance, or any requirement or condition in any permit issued pursuant to this ordinance, shall be guilty of an offense under this ordinance. Any person found guilty of an offense under this ordinance shall pay a civil fine in an amount of not less than one hundred dollars ($100.00) and not more than seven hundred fifty dollars ($750.00). Each calendar day during which such violation continues to exist shall constitute a separate offense.

(b) In addition to any fine imposed under this section, the Director may revoke any Stormwater management permit issued to such person.

(c) In addition to any fine imposed or permit revocation undertaken pursuant to this section, the Director may issue an order requiring the suspension of any further work on the site. Such stop-work order shall be in writing, shall indicate the reason for the issuance, and shall specify the action, if any, required to be taken in order to resume work. One copy of the stop-work order shall be posted on the site in a conspicuous place and one copy shall be sent by first-class mail to the permitee.

(d) In the enforcement of this ordinance, the Director may bring any action, legal or equitable, including an action for injunctive relief.