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# TITLE 1 – VILLAGE GOVERNMENTAL ORGANIZATIONS AND OPERATIONS

## DIVISION I – ELECTED OFFICIALS

## CHAPTER 1 VILLAGE PRESIDENT

**Section 1. ELECTION - TERM OF OFFICE.**

**The Village President shall be elected for a term of four (4) years. The President shall be President of the Board of Trustees, as is provided by statute.**

**Section 2. DUTIES.**

**The Village President shall be the chief executive officer of the Village, and shall perform all duties as may be required of him by statute or ordinance. The President shall have supervision over all the executive officers of the Village, and over all of the employees of the Village. The President shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time.**

**Section 3. DESIGNATION OF DUTIES.**

**Whenever there is a question as to the respective powers or duties of any appointed officer of the Village, this shall be settled by the President who shall have the power to delegate to any officer any duty which is to be performed when no specific officer has been directed to perform the duty.**

**Section 4. OATH - SALARY.**

**The President shall take the oath of office as prescribed by statute, and shall receive such compensation as may be set from time to time by the board.**

## CHAPTER 2 VILLAGE BOARD OF TRUSTEES

**Section 1. ELECTION - FUNCTIONS.**

**The Board of Trustees, consisting of six (6) members, shall be elected to office for a four (4) year term, but at no time shall all members of the Board be elected at the same time. Three (3) members of the Board shall be elected at each biennial election, 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.**

**Section 2. OATH – SALARY.**

**The members of the Board of Trustees shall take the oath of office prescribed by statute, and shall receive such compensation as may be provided by ordinance.**

## CHAPTER 3 MEETINGS; RULES OF ORDER AND PROCEDURE

**Section 1. MEETINGS.**

**1.1 Regular Meetings. The regular meetings of the Board shall be held on the first and third Wednesday of each month of the year at the hour of 7 P.M. in the Village Hall and no notice of such regular meetings shall be required. Any regular meeting falling on a legal holiday shall be held on the next following secular day at the same hour and place.**

**1.2 Special Meetings. Special meetings may be called by the President or by any three Trustees by written request or notice being filed with the Clerk. At least twenty-four (24) hours written notice specifying the time and purpose of such special meeting shall be given by the Clerk to each Trustee and the President. However, if the President and all the Trustees are present at a regular or special meeting of the Board when a special meeting is called, no notice of the meeting shall be necessary and the foregoing notice requirement shall be waived. The Clerk shall cause an affidavit showing service of such notice as herein provided to be filed in the Clerk's office prior to the time fixed for such special meeting; together with a statement of compliance with the notices to members of the media as provided in Illinois Compiled Statutes: 5 ILCS 120/1-4. Any special meeting attended by all of the members of the Board shall be a regular meeting for the transaction of any business that may come before such meeting if all members are present and so agree. All meetings of the Board shall be held in the Village Hall, including special and adjourned meetings, and all meetings, except executive sessions shall be open to the public, as is required by statute.**

**Section 2. PRESIDING OFFICER.**

**2.1 President. The President shall preside at all meetings of the Board and at all times where the Board meets as a committee of the whole, but shall have a vote only where the state statutes or the municipal ordinances require more than a majority vote of the corporate authorities or in the event of a tie, or where one-half of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.**

**2.2 President Pro Tem. A President pro tem shall be elected by the Board from one of its members to act as presiding officer of the Board during the absence or disability of the President. Where the absence or disability of the President is to be of a very short duration and no individual is required to be granted the powers of the President, the Board shall elect one of its members temporary chairman. The President pro tem or the temporary chairman, when acting as presiding officer, shall vote on all questions on which the vote is taken by "yeas" and "nays," his name being called last. The President pro tem shall have all of the powers and duties of the President; the temporary chairman shall only have such powers and duties as accrue to a presiding officer.**

**Section 3. QUORUM; ROLL CALL; ABSENT MEMBERS**

**3.1 Quorum. A quorum for the transaction of business shall consist of a majority of all the Board entitled by law to be elected.**

**3.2 Roll call. Each meeting of the Board shall convene at the time appointed for such meeting, as provided by ordinance. The Clerk, or someone appointed to fill the Clerk's place by the presiding officer, shall immediately call the roll of members. If no quorum is present, the Board shall not stand adjourned, but the members present shall be competent to adjourn or recess the Board by a majority vote.**

**3.3 Absent members. If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who refuses to attend the meeting (or a new meeting to which the members present have adjourned) after personal notice to attend may be fined by the members present a sum not to**

**exceed $25.00 for each occurrence.**

**Section 4. ORDER OF BUSINESS.**

**The order of business shall be as follows:**

**a. Call to order.**

**b. Roll call.**

**c. Establishment of a quorum.**

**d. Reading and approval (with corrections and additions, if any) of the minutes of the proceedings of the previous meeting or meetings.**

**e. Comments from the public.**

**f. Reports and communications from the President and other officers.**

**g. Report of committees.**

**h. Unfinished business.**

**i. New business.**

**j. Adjournment.**

**Section 5. AGENDA.**

**All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Board shall be delivered to the Village Hall by 3 P.M. on the day preceding a regular Board meeting, whereupon the President or his designee shall arrange a list of such matters in an agenda form according to the Order of Business and furnish each member of the Board, the President, if prepared by his designee, and the Clerk with a copy of such agenda prior to the Board meeting and as far in advance of the meeting time as preparation will permit. None of the foregoing matters shall be presented to the Board by department heads and employees, except those of an urgent nature with the written approval of the President before presentation.**

**Section 6. ORDER AND DECORUM; APPEALS**

**6.1 Order and Decorum. The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal. If the presiding officer refuses to allow the members to exercise their right to appeal a decision of the presiding officer, the members may consider and pass upon the matter in spite of the presiding officer's failure to grant them an appeal.**

**A. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the board room to be cleared.**

**B. While the presiding officer is putting the question, no member shall walk across or out of the boardroom.**

**C. Every member, previous to his speaking, making a motion or seconding the same, shall address himself to the presiding officer and say: "Mr. President or Mr.**

**Mayor," and shall not proceed with his remarks until recognized and named by the presiding officer. He shall confine himself to the question under debate avoiding personalities and refraining from impugning the motives of any other member's argument or vote.**

**D. When two or more members address the presiding officer at the same time, the presiding officer shall name the member who is first to speak. The Board may by two-thirds vote expel a member for disorderly conduct. Such member may not be expelled a second time for the same offense.**

**E. A member, when called to order by the presiding officer, shall discontinue speaking and take his seat and the order or ruling of the presiding officer shall be binding and conclusive, subject only to the right of appeal.**

**6.2 Appeals. Any member may appeal to the Board from a ruling of the presiding officer and, if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the presiding officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the presiding officer be sustained?" If a majority of the members present vote "No," the decision of the presiding officer shall be overruled; otherwise, it shall be sustained.**

**Section 7 PUBLIC COMMENT**

**7.1 Public Comment Period. A Public Comment period not to exceed 18 minutes will be provided in each regularly scheduled Committee of the Whole and Village Board Meeting.**

**7.2 Addressing the Board. Anyone desiring to address the Board will have three (3) minutes. A speaker cannot give his or her allotted minutes to another speaker. Speakers will be acknowledged by the Village President. The speaker will start by stating their name and residence for the record. Statements are to be directed to the Village Board as a whole and not to individual Board members.**

**7.3 Public Input. Speaker input is not intended to require Board members or Village staff to provide any answers to the speaker. Discussions between the speaker and members of the audience will not be allowed. After the speaker has made his or her statement, he or she will be seated with no further debate, dialogue or comment.**

**7.4 Penalty. It shall be unlawful for any person to disturb any meeting of the Board or any Committee of the Board. Any person violating the provisions of this section may be evicted from the meeting room, and/or may be fined not less than $5.00 or more than $25.00 for each offense.**

**Section 8. PRESENTATION OF NEW BUSINESS AND DEFERMENT.**

**When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the Clerk who shall read such matter when reached in its proper order. Upon the request of any two Trustees present, any report of a committee of the Board shall be deferred (for final action thereon) to the next regular meeting of the Board after the report is made.**

**Section 9. DEBATE.**

**No member shall speak more than twice on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so;**

provided, however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than ten minutes at any one time, except by consent of the Board and in closing debate on any question, as above provided, the speaker shall be limited to five minutes, except by special consent of the Board.

While a member is speaking no member shall hold any private discussion, nor pass between the speaker and the Chair.

Section 10. QUESTION OF PERSONAL PRIVILEGE.

The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

Section 11. VOTING.

Every member who shall be present when a question is stated from the Chair shall vote, unless excused by the Board, or unless he is personally interested in the question, in which case he shall not vote.

Section 12. SPECIAL ORDER OF BUSINESS.

Any matter before the Board may be set down as a special order of business at a time certain, if two-thirds of the Trustees present vote in the affirmative, but not otherwise.

Section 13. SECONDING OF MOTIONS REQUIRED; WRITTEN MOTIONS READING OF MOTIONS, RESOLUTIONS, ORDINANCES AND MINUTES.

No motion shall be put or debated by the Board unless it is seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, expect motion of procedure, shall be reduced to writing if required by a member, and the member who proposed the motion shall be entitled to the floor. The reading of any motion, resolution or ordinance may be waived.

Section 14. WITHDRAWAL OF MOTIONS.

After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before decision, by consent of the Board.

Section 15. DIVISION OF QUESTIONS.

If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide each question.

Section 16. RECORD OF MOTIONS.

In all cases where a resolution or motion is entered in the minutes, the name of the member moving and seconding the same shall be entered.

Section 17. VOTES.

17.1 Ordinances and Propositions. The "yeas" and "nays" shall be taken upon the passage of all ordinances and on all propositions to create any liability against the Village, or for the expenditure or appropriation of this money, and in all other cases at the request of any member of the Board; and such vote shall be entered on the minutes of the proceedings, as is

**provided by statute.**

**17.2 Questions. The "yeas" and "nays" upon any question shall be taken and entered in the minutes. When the Clerk has commenced to call the roll of the Board for the taking of a vote by "yeas" and "nays," all debate on the question before the Board shall be deemed concluded, and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the Clerk by answering "yea" or "nay," as the case may be.**

**17.3 Results. The result of all votes by "yeas" and "nays" shall be announced by the Clerk and no vote shall be changed after the results have been so announced.**

**17.4 Omnibus Vote. The Board may, by unanimous consent as recorded in a motion, agree to take a single vote by yeas and nays on the question of the passage of two or more designated ordinances, orders, resolutions or motions.**

**Section 18. RECONSIDERATION..**

**.**

**A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearings shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation.**

**18.1 Motion to Reconsider. A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered, so long as the issue presented is the same, no new information is forthcoming, and the rights of third parties have not intervened.**

**Section 19. THE JOURNAL OF MINUTES; READING**

**19.1 Journal. The Clerk shall keep a journal of the minutes of the proceedings of the Board.**

**19.2 Reading. Unless a reading of the minutes of a Board meeting is requested by a member of the Board, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy of the minutes.**

**Section 20. ORDINANCES.**

**20.1 Style. The style of all ordinances shall be: "BE IT ORDAINED by the President and Board of Trustees of the Village of Coal Valley" as is provided by statute.**

**20.2 Introduction, Sponsor. Ordinances, resolutions, and other matters or subjects requiring action by the Board must be introduced and sponsored by a member of the Board, except that the President or Village Attorney may present ordinances, resolutions and other matters or subjects to the Board and any Board member may assume sponsorship by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.**

**20.3 Final passage. No ordinance shall be put on its final passage on the same day on which it is introduced.**

**20.4 Subject matter. No ordinance shall relate to more than one subject, which subject shall be clearly expressed in its title, and no ordinances, or section shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed. When practicable, all ordinances shall be introduced as amendments to existing ordinances or sections of existing ordinances.**

**20.5 Veto. All ordinances passed by the Board before they take effect, shall be deposited with the Clerk, and if the President approves he shall sign the same, and such as he shall not approve he shall return to the Board with his objections attached in writing at the next regular meeting occurring not less than five days after the passage of the ordinance. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the President shall fail to return any ordinance name with his objections by the mentioned above, the President shall be deemed to have approved such ordinances and the same shall take effect accordingly.**

**20.6 Reconsideration. Upon the return of any ordinance by the President, the vote by which the same was passed shall be reconsidered by the Board; and if, after such reconsideration, two thirds of all the members elected to the council shall agree, by yeas and nays, to pass the same, it shall go into effect notwithstanding the President may refuse to approve the ordinance.**

**20.7 Publication of Penalties. All ordinances imposing any penalty for a violation or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form, in such case, the ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the Village Hall.**

**20.8 Effective date. No ordinance which must be published to comply with the foregoing section shall go into effect until 10 days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon the passage as provided by statute, even though the operation of the ordinance may not take effect until a later date.**

**Section 21. ADOPTION OF ROBERT'S RULE OF ORDER REVISED.**

**The rules of parliamentary practice comprised in the latest published edition of Robert's RULES OF ORDER REVISED shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board or the statutes or laws of the State.**

**Section 22. TEMPORARY SUSPENSION OF RULES; AMENDMENTS OF RULES.**

**These rules may be temporarily suspended by vote of two-thirds of all the Trustees entitled by law to be elected, and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the Trustees entitled by law to be elected.**

**Section 23. CENSURE OF MEMBERS; EXPULSION OF MEMBERS.**

**Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member of the Board, or who does not obey the order**

**of the presiding officer, shall be, on motion, censured by a majority vote of the corporate authorities and, in addition, may be fined a maximum of $25.00 for each such occurrence. With the concurrence of two-thirds of the Trustees elected, the Board may expel Trustees, but not a second time for the same offense.**

**Section 24. COMMITTEES**

**24.1 Committee of the Whole. The only standing committee of the Board shall be the Committee of the Whole. The President of the Board shall be the presiding officer of the Committee of the Whole, and the rules of proceedings of the Board shall be observed in the Committee of the Whole as much as they may be applicable.**

**24.2 Special Committees. Special committees may be established by the Board from time to time to consider special questions of policy, procedure, or practice. At the time of establishment, the Board shall specify the scope and purpose of the work or the special committee and a reasonable time schedule for the special committee to complete its work. A special committee shall make its final report to the Board in writing and shall thereafter cease to exist unless specifically authorized by the Board to continue to work on the assigned subject.**

**Appointment of Special Committee. All special committees shall be appointed by the President and shall consist of the number of Board members deemed appropriate by the President to properly carry out the work of the committee.**

## DIVISION II APPOINTED OFFICIALS

## CHAPTER 1 VILLAGE TREASURER

**Section 1. APPOINTMENT.**

**The Village Treasurer shall be appointed by the Village President with the advice and consent of the Board of Trustees.**

**Section 2. BOND.**

**The Treasurer shall give bond in the amount of money that is not less than three (3) times the latest federal census of population or any subsequent census figure used for Motor Fuel Tax purposes, or in an amount established by the Village Board in excess of the foregoing, with sureties to be approved by the Village Board. The bond shall be conditioned upon the faithful performance by the Treasurer's duties of office, and to indemnify the Village for any loss due to any neglect of duty or wrongful act on the part of the Treasurer.**

**Section 3. DUTIES.**

**The Treasurer shall perform such duties as may be prescribed by statute or ordinance. The Treasurer shall receive all money paid to the Village, either directly from the person paying it or from the hands of another officer as may receive it, and shall pay out only on vouchers or orders properly signed by the Village Clerk and the President of the Board of Trustees. All checks issued by the Village Treasurer of Coal Valley are valid only if signed by the Village Treasurer and either the Village President or Village Clerk.**

**Section 4. DEPOSIT OF FUNDS.**

The Treasurer shall deposit the Village funds in such depositories as may be selected from time to time as is provided by statute, and shall keep the Village money separate and distinct from personal money, and shall not intermingle personal money with it or make private or personal use of village funds.

**Section 5. RECORDS.**

The Treasurer shall keep accurate records showing all money received by the Treasurer, the source from which it was received, and the purpose for which it was paid out: and the Treasurer shall keep a record showing at all times the financial status of the Village.

**Section 6. ACCOUNTS.**

The Treasurer shall keep books and accounts as may be required by the Village Board, and shall keep them in the manner required by law.

**Section 7. REPORTS.**

The Treasurer shall make monthly reports to the Board showing the state of the finances of the village, and the amounts received and spent during the month, which reports shall be filed. The Treasurer shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the Village and the Treasurer's transactions during the preceding year.

**Section 8. REGISTER OF WARRANTS.**

The Treasurer shall keep a register of all warrants, bonds or orders filed with the Treasurer or paid by the Treasurer, and all vouchers, as is required by statute.

## CHAPTER 2 VILLAGE PUBLIC WORKS

**Section 1. CREATION; APPOINTMENT.**

The position of Village Superintendent is hereby created. The Village Superintendent shall be appointed by the Village President with the advice and consent of the Board of Trustees.

**Section 2. STREETS.**

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

**Section 3. SEWERS.**

The Village Superintendent shall have charge and custody of sanitary and storm sewer systems of the village, and shall see to it that they are kept in good repair and function properly.

**Section 4. WATERWORKS.**

The Village Superintendent shall have overall charge of the maintenance, repair and operation of the water distribution system of the village, and all intakes, wells, reservoir, mains, hydrants and other related appurtenances; and in addition shall have overall charge of the maintenance and operation of the sewage disposal plant of the Village.

## CHAPTER 3 VILLAGE CLERK

**Section 1. APPOINTMENT.**

**By resolution of the Village Board, the position of Village Clerk shall be appointed by the Village President with the concurrence of the Village Board effective May 1, 1989.**

**Section 2. BOND.**

**Before entering upon the duties of office, the Village Clerk shall execute a bond in such amount as is provided by statute, conditioned upon the faithful performance of the Clerk's duties.**

**Section 3. SIGNATURES.**

**The Village Clerk shall seal and attest all contracts of the Village and all licenses, permits and other documents as shall require this formality.**

**Section 4. MONEY COLLECTED.**

**The Clerk shall turn over all money received on behalf of the Village to the Village Treasurer promptly upon receipt and shall give a statement as to the source.**

**Section 5. ACCOUNTS.**

**The Clerk shall keep accounts showing all money received, and the source and disposition; and shall keep other accounts as may be required by statute or ordinance.**

**Section 6. RECORDS.**

**In addition to the record of ordinances and other records which the Clerk is required by statute to keep, the Clerk shall keep a register of all licenses and permits issued and the payments; a record showing all of the officers and regular employees of the Village, and other records as may be required by the Board of Trustees.**

**Section 7. SEAL.**

**The Clerk shall be the custodian of the village seal, and shall affix its impression on documents whenever this is required.**

**Section 8. DOCUMENTS.**

**The Clerk shall be the custodian of all documents belonging to the Village which are not assigned to the custody of some other officer.**

**Section 9. INDICES.**

**The Clerk shall keep and maintain a proper index to all documents and records kept.**

**Section 10. ADDITIONAL DUTIES.**

**In addition to the duties provided, the Clerk shall perform other duties and functions as may be required by statute or ordinance.**

**Section 11. DEPUTY CLERK.**

**11.1 Creation. The position of Deputy Clerk is hereby created and authorized by the Board of Trustees.**

**11.2 Appointment. The Deputy Clerk shall be appointed by the Village Clerk.**

## CHAPTER 4 RESIGNATION OR REMOVAL OF OFFICERS

**Section 1. RESIGNATION.**

**Any officer of the Village may resign from office. If an officer resigns, such officer shall continue in office until a successor has been chosen and has qualified. If there is a failure to appoint an officer, or the person appointed fails to qualify, the person filling the office shall continue in office until a successor has been chosen and has qualified.**

**Section 2. REMOVAL.**

**Except where otherwise provided by statute, the President may remove any officer appointed by him under this Code, on any formal charge, whenever the President is of the opinion that the interests of the Village demand removal. The President shall report the reasons for the removal to the Board of Trustees at a meeting to be held not less than five (5) nor more than ten (10) days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal, or if the Board of Trustees, by a two-thirds vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed. The vote shall be by yeas and nays, which shall be entered upon the Board's journal. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense.**

## CHAPTER 5 VILLAGE ADMINISTRATOR

**Section 1. CREATION.**

**There is hereby created the position of Village Administrator.**

**Section 2. APPOINTMENT.**

**The Village Administrator shall be appointed by the Village President with the advice and consent of the Board of Trustees.**

**Section 3. DUTIES.**

**The Village Administrator shall perform such duties as may be prescribed by statute, ordinance, or position description approved by the Board of Trustees and such other legally permissible and proper duties and functions as the Village Board may assign from time to time.**

**The Village Administrator of the Village of Coal Valley, Illinois shall be appointed as the Ethics Officer of the Village of Coal Valley, Illinois.**

## CHAPTER 6 LOCAL LIQUOR COMMISSIONER

**Section 1. CREATION.**

**There is hereby created the position of Local Liquor Commissioner.**

**Section 2. APPOINTMENT**

**In accordance with the State of Illinois Liquor Control Act, the President of the Village of Coal Valley Board of Trustees is designated the Local Liquor Commissioner for the Village.**

**Section 3. DUTIES**

**The Local Liquor Commissioner shall perform such duties as may be prescribed by statue and ordinance and such other legally permissible and proper duties and functions as the Village Board may assign from time to time.**

**The Local Liquor Commissioner can appoint deputies, assistants, or a board to assist in discharging the duties of the Commissioner.**

## CHAPTER 7 LEGAL SERVICES

**Section 1. The President and Board of Trustees**

**The President and Board of Trustees may from time to time engage the services of an attorney or attorneys to provide legal advice and representation for the Village. Such services may include, but are not limited to the following:**

**1.1 Legal Advice. To provide legal advice to the President and Board of Trustees and to Village officers and employees on matters pertaining to their duties; and upon request by the President or the Board of Trustees to reduce any legal opinion to writing.**

**1.2 Ordinances and Documents. To draft and/or review and approve all ordinances, contracts or other documents needed by the Village or to which the Village is a party.**

**1.3 Suits and Actions. To represent the Village in the prosecution or defense of any and all suits or actions or law or equity to which the Village may be a party, or in which it may be interested; or which may be brought against or by any officer of the Village on behalf of the Village, or in the capacity of the person as an officer of the Village.**

**1.4 Judgements. To see to the full enforcement of all judgements or decrees rendered or entered in favor of the Village, and of all similar interlocutory orders.**

**1.5 Special Assessment and Condemnation Proceedings. To see to the completion of all special assessment and condemnation proceedings.**

**1.6 Other Legal Services. To render such other legal services as may be requested by the Board of Trustees.**

## DIVISION III BOARDS AND COMMISSIONS

## CHAPTER 1 PLANNING COMMISSION

**Section 1. PURPOSE.**

**In order that adequate provisions be made for the preparation of a comprehensive village plan for the guidance, direction and control of the growth and development or redevelopment of the Village and contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, a Planning Commission is created under the authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code 1961", as amended.**

**Section 2. MEMBERSHIP.**

**The Planning Commission shall consist of seven (7) members, who are citizens of the Village, appointed by the President, on the basis of their particular fitness for their duty on the Planning Commission and subject to the approval of the Board of Trustees.**

**2.1 Ex Officio Members. The following shall be ex officio members of the Planning Commission and shall be appointed for terms coterminous with the terms of their elected or appointed office. The members shall not enjoy the voting privileges.**

**A. Members of the Board of Trustees to be designated by the Village President, not to exceed 3 in number, and who shall serve for the period of their elective terms as Trustees.**

**Section 3. TERMS OF OFFICE.**

**The members of the Planning Commission shall serve respectively the following terms, or until their respective successors are appointed and qualified: One for 1 year, one for 2 years, one for 3 years, one for 4 years, one for 5 years, one for 6 years, and one for 7 years; the successor to each member so appointed to serve for a term of 5 years.**

**3.1 Vacancies. Vacancies shall be filled by appointments for unexpired terms only.**

**3.2 Compensation. The Planning Commission President will receive $30.00 for each meeting in attendance. The Planning Commission members will receive $20.00 for each meeting in attendance.**

**Section 4. PROCEDURE.**

**Immediately following their appointment, the members of the Planning Commission shall meet, organize, elect officers and adopt (and later change or alter), rules and regulations of organization and procedure consistent with Village ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public inspection. The Commission shall also file a monthly report with the Village President and the Village Board of Trustees setting forth its transactions and recommendations.**

**Section 5. POWERS AND DUTIES.**

**The Planning Commission of the Village of Coal Valley shall have the following powers and duties:**

**To prepare and recommend to the Board of Trustees of the Village of Coal Valley, a comprehensive plan for the present and future development or redevelopment of the Village and contiguous unincorporated territory not more than one and one-half miles beyond the corporate limits of the Village of Coal Valley and not included in any other municipality. The plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of the Village.**

**The plan shall be advisory except as to such parts of it as has been implemented by ordinances duly enacted by the Village. All requirements for public hearings, filing of notice of adoption with the County Recorder of Deeds and the filing of the plan and ordinances with the Village Clerk shall be complied with as provided for by law.**

**B.** **To provide for the health, safety, comfort and convenience of the inhabitants of the Village and contiguous territory, the plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.**

**C.** **To designate land suitable for annexation to the Village and the recommended zoning classification for such land upon annexation.**

**D.** **To recommend to the Board of Trustees of the Village from time to time, such changes in the comprehensive plan, or any part of it, as may be deemed necessary.**

**E.** **To prepare and recommend to the Board of Trustees, from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.**

**F.** **To give aid to Village officials charged with the direction of projects for improvements embraced within the official plan, or parts of it to further the making of such improvements and generally to promote the realization of the official comprehensive plan.**

**G.** **To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.**

**H.** **To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.**

**I.** **To contract with other agencies for assistance in developing a comprehensive plan, such agencies including but not limited to Bi-State Metropolitan Planning Commission.**

**J.** **To exercise such other powers germane to the powers granted under authority of the Illinois Municipal Code, 1961, as amended, and as may be conferred by the Village Board of Trustees.**

**Section 6.** **LAND SUBDIVISION OR RESUBDIVISION AND THE OFFICIAL MAP.**

**At anytime(s), before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance. The map may consist of the whole area included within the official comprehensive plan, or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within 11/2 miles from the corporate limits of the Village.**

**6.1** **Requirements. All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of this plan and ordinances, including the official map, with the Village Clerk shall be complied with as provided by law.**

**6.2 Map Specifications. No map or plat of any subdivision or RESUBDIVISION presented for record affecting land within the corporate limits of the Village of Coal Valley or within contiguous territory which is not more than 1-1/2 miles beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to bused for residential purposes, storm and flood water run-off channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the ordinances including the official map.**

**Section 7. IMPROVEMENTS.**

**The Village Clerk shall furnish the Planning Commission, for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Planning Commission may report in relation to public improvement if it deems a report necessary or advisable, for the consideration of the Village Board of Trustees.**

**Section 8. EXPENDITURES.**

**The Commission may, at the discretion of the Board of Trustees, employ a paid secretary or staff, or both, whose salaries, wages, and other necessary expenses shall be provided for by the Board of Trustees from public funds. If the Planning commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the Board of Trustees and appropriations by the Village Board of Trustees.**

## CHAPTER 2 CIVIL DEFENSE COMMISSION

**Section 1. PURPOSE.**

**The local Municipal Civil Defense Organization is created to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural disaster, in accordance with "The Illinois Civil Defense Act of 1951", as amended.**

**1.1 Members. The civil defense organization shall consist of the director and additional members to be selected by the director.**

**Section 2. MEMBERSHIP.**

**The Director of the Municipal Civil Defense Organization shall be appointed by the President and Board of Trustees and shall serve until removed by the same.**

**2.1 Responsibility of Director. The Director shall have direct responsibility for the organization, administration, training, and operation of the civil defense organization, subject to the direction and control of the Village President, as provided by statute.**

**2.2 Acting Director. In the event of the absence, resignation, death, or inability to serve of the director, the Village President or any person designated by him, shall be and act as Director until a new appointment is made as provided in this Chapter.**

**Section 3. DUTIES AND POWERS.**

The Municipal Civil Defense Organization shall perform such civil defense functions within the municipality as shall be prescribed in and by the state civil defense plan and program prepared by the Governor, and orders, rules and regulations as may be promulgated by the Governor. In addition the Municipal Defense Organization shall perform duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by "The Illinois Civil Defense Act of 1951," as amended.

**Section 4. MOBILE SUPPORT TEAM.**

All or any members of the municipal civil defense organization may be designated as members of a Mobile Support Team created by the State Director of Civil Defense as provided by law.

4.1 Leader. The leader of such Mobile Support Team shall be designated by the director of the municipal civil defense organization.

4.2 Compensation. Any member of a Mobile Support Team is a municipal employee or officer while serving on call to duty by the Governor, or the state director of civil defense, and shall receive the compensation and have the powers, duties, rights, and immunities incident to the employment or office. Any member who is not a paid officer or employee of the municipality, while so serving, shall receive from the state reasonable compensation as provided by law.

**Section 5. DIRECTOR'S DUTIES.**

The Director of the Civil Defense Organization may negotiate Mutual Aid agreements with other municipal corporations or political subdivisions of the state, but no agreement shall be effective until it has been approved by the Board of Trustees and by the State Director of Civil Defense.

**Section 6. CIVIL DEFENSE EMERGENCY.**

If the Governor declares that a civil defense emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of major disaster resulting from enemy sabotage or other hostile action or from natural disaster, it shall be the duty of the Municipal Civil Defense Organization to cooperate fully with the state office of civil defense and with the Governor in the exercise of emergency powers as provided by law.

**Section 7. TRAINING AND COMPENSATION.**

Members of the Civil Defense Organization who are paid employees or officers of the municipality, if called for training by the State Director of Civil Defense, shall receive for time spent in such training the same rate of pay as is attached to the position held; members who are not such municipal employees or officers shall receive for such training time such compensation as may be established by the Board of Trustees.

**Section 8. REIMBURSEMENT.**

The Village Treasurer shall receive and allocate to the appropriate fund, any reimbursement by the state to the municipality for expenses incident to training members of the civil defense, compensation for services and expenses of members of a Mobile Support Team while serving outside the municipality in response to a call by the Governor or State Director of Civil

Defense, as provided by law, and any other reimbursement made by the state incident to civil defense activities, as provided by law.

**Section 9. PURCHASING AND CONTRACTING.**

The Board of Trustees may, on recommendation of the Municipal Director of Civil Defense, authorize any purchase or contracts necessary to place the municipality in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from natural disaster.

9.1 Procurement of Services. In the event of enemy caused or natural disaster, the Municipal Director of Civil Defense is authorized, on behalf of the municipality, to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by the "The Illinois Civil Defense Act of 1951," as amended, provided that, if the Board of Trustees meets at such times the Municipal Director shall act subject to the directions and restrictions imposed by the Board.

**Section 10. OATHS.**

Every person appointed to serve in any capacity in the Municipal Civil Defense Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:

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

**Section 11. SPACE.**

The Village President is authorized to designate space in the Village Hall or elsewhere, as may be provided for by the Village Board for the Municipal Civil Defense Organization as its office.

**Section 12. APPROPRIATIONS.**

The Village Board may have an appropriation for civil defense purposes in the manner provided by law, and may levy in addition for civil defense purposes only, a tax not to exceed $.05 per $100 of the assessed value of all taxable property in addition to all other taxes, as provided of the assessed value of all taxable property in addition to all other taxes, as provided by "The Illinois Civil Defense Act of 1951," as amended, provided, however, that the amount collectable under such levy shall in no event exceed $.25 per capita.

## DIVISION IV PURCHASING PROCEDURES

**Section 1. DEFINITIONS.**

**For the purchase of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.**

**a. "Departments" shall mean the organizational subdivisions of the Village government and shall include the individual positions of Village Treasurer and Village Clerk.**

**b. "Department Heads" shall mean the individuals assigned administrative responsibility for a department and shall include the Village Treasurer and Village Clerk.**

**c. "Supplies and Equipment" shall mean any and all articles and things which may be furnished to or used by a department.**

**d. "Service" shall mean and include all telephone, gas, water, electric light and power service; towel and cleaning service insurance; leases for all grounds, buildings, office or other space required by the departments and the rental, repair or maintenance of equipment, machinery and other village owned personal property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition.**

**Section 2. ADMINISTRATION.**

**The Village President, or his designee, shall be responsible for the proper administration and enforcement of this Ordinance and, in so doing, shall have the authority to promulgate such rules, regulations, procedures and forms as may be necessary to assure its effective operation.**

**Section 3. PURCHASE AUTHORIZATION.**

**Subject to the provisions of this Ordinance and within approved budgetary authority, supplies, equipment and services required for department operations may be purchased by Department Heads subject to the following:**

**a. Items costing up to $1,000 without additional authorization.**

**b. Items costing $1,000 to $2,500 with authorization of the Village President.**

**c. Items costing $2,500 and more with the authorization of the Village Board.**

**d. Except as herein provided, it shall be unlawful for any Village officer or employee to purchase any supplies, equipment or services within the purview of this Ordinance other than in accordance with its provisions.**

**Section 4. PURCHASE ORDER/CONFIRMATION.**

**A Purchase Order/Confirmation shall be completed and filed with the Village President, or his designee for the purchase of all supplies, equipment, or services. Such Purchase**

**Order/Confirmation shall contain: the name of the requisitioning department; the account number to which the purchased item will be charged; a description of the item being purchased; if funds are not available within the departmental budget a statement as to why the item is needed and where the funds are available to pay for such item; and the signature of the Department Head.**

**Subject to the provisions of the Budget Ordinance which allows limited budget revisions by department heads and to the Emergency Purchases provisions of Section 8, no supplies, equipment, or services shall be purchased for which funds are not available within an appropriate account of a Department budget without the prior authorization of the Village Board.**

**Section 5. FORMAL PURCHASING PROCEDURES.**

**When the estimated cost of supplies, equipment and services exceeds $2,500, except as otherwise provided herein, all such supplies, equipment and services shall be purchased through formal bidding procedures from the lowest responsible bidder.**

**a. Public Notice. Public notice inviting bids shall be published once in at least one newspaper of general circulation in the Village and at least five days preceding the last day set for the receipt of bids.**

**b. Scope of Notice. The public notice required herein shall include a general description of the bid item, where bid blanks and specifications may be secured, and the time and place for opening of bids.**

**c. Bids may be solicited from all appropriate responsible prospective bidders by sending them a copy of the newspaper notice or such other notice as will acquaint them with the proposed purchase.**

**d. Bid Deposits. When deemed necessary, bid deposits shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to a return of surety when such has been required. A successful bidder shall forfeit any surety required upon failure to enter into a contract within ten (10) days after award.**

**e. Bid Opening Procedure.**

**(1) Sealed bids shall be submitted appropriately identified as bids on the outside of the envelope.**

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

**(3) Tabulation. A tabulation of all bids received shall be posted for public inspection.**

**f. Rejection of Bids. Any one or more or all bids may be rejected where the public interest will be served thereby.**

**g. Bidders in Default to Village. A bid shall not be accepted from a bidder who is in default on a payment of taxes, licenses or other monies to the Village.**

**h. Award of Contract. Contracts shall be awarded to the lowest responsible bidder. In determining the "lowest responsible bidder", in addition to price, the following shall be considered:**

**(1) The ability, capacity and skill of the bidder to provide the supplies, equipment and service required.**
**(2) Whether the bidder can provide the supplies, equipment and service promptly, or within the time specified, without delay or interference.**

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
(4) The quality of performance of the bidder under previous contracts.
(5) The previous and existing compliance by the bidder with laws and ordinances related to the contract.
(6) The sufficiency of the financial resources and ability of the bidder to perform the contract.
(7) The quality, availability and adaptability of the supplies, equipment and service to be provided for the particular use required.
(8) The ability of the bidder to provide future maintenance and services if such is required by the contract.
(9) The number and scope of conditions attached to a bid.

i. Award to Other than Low Bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for awarding the bid otherwise shall be prepared and filed with the other papers related to the transaction.

j. Tie Bids.

1. Local Bidders. If two or more bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a bidder whose place of business is located in the Village.

2. Outside Bidders. Where subsection j (1) above is not in effect, if two or more bids are received for the same total amount or unit price, quality and service being equal, the contract shall be awarded to one of the tie bidders by drawing lots in public.

3.

k. Performance Bond. A performance bond may be required, before entering into a contract, in such amount as shall deemed reasonably necessary to protect the best interests of the Village.

l. Prohibition Against Subdivision. No contract or purchase shall be subdivided to avoid the requirements of this Section.

Section 6. OPEN MARKET PURCHASING PROCEDURES.

All purchases of supplies, equipment, and contractual services of less than an estimated value of $2,500 may be made in the open market without public notice and without observing the procedure prescribed in Section 6.

a. Price Quotations. All open market purchases shall, whenever possible, be based on at least three competitive price quotations and shall be awarded to the lowest responsible bidder, in accordance with the standards set forth in subsection h of Section 5.

b. Notice Inviting Price Quotations. Competitive price quotations may be solicited from appropriate responsible vendors by direct mail, telephone, or other means of notification.

c. Records. A record shall be kept of all open market purchases and the price quotations submitted thereon, and such records shall be open for public inspection.

Section 7. PETTY CASH EXPENDITURES REVOLVING FUND.

There is hereby authorized to be established a fund of $300 which shall be known as the Petty Cash Expenditures Revolving Fund. From this fund shall be paid all purchases of incidents made by a Department.

**Accounting Procedure. At the end of each month or more frequently, the Village Treasurer shall prepare a statement showing the actual expenditures by each Department made out of the Petty Cash Expenditures Revolving Fund, and shall reimburse the Petty Cash Expenditures Revolving Fund for such expenditures.**

**Section 8. EMERGENCY PURCHASES.**

**a. In the case of an emergency which may vitally affect the life and health of citizens of the Village, a Department Head may purchase directly, without purchase order, any supplies or services whose immediate purchase is essential to prevent delays in the work to avert such an emergency. Time and circumstance permitting, a Department Head should first seek the approval of the Village President, but should not thereby unduly delay an emergency purchase.**

**b. Following completion of work on an emergency situation, a Department Head shall file a properly completed purchase order for all supplies and services purchased for the emergency work and a full written report of the circumstances of the emergency. Depending on the cost of the supplies and services purchased, appropriate purchase authorizations shall be made and a purchase order issued for the record.**

**Section 9. PROHIBITION OF INTEREST.**

**Any purchase or contract within the purview of this Ordinance in which any officer or employee of the Village is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase or contract the Village Board shall have the authority to waive compliance with the Section when it finds such action to be in the best interests of the Village.**

**Section 10. GIFTS AND REBATES.**

**Every officer and employee of the Village is expressly prohibited from accepting, directly or indirectly, from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded, any rebate, gift, money, or anything of value whatsoever, except when given for the use and benefit of the Village.**

**Section 11. COOPERATIVE PURCHASING.**

**The Village Present, or his designee, shall have the authority to join with other unit(s) of government in cooperative purchasing plans when the best interests of the Village would be served thereby. Participation in such cooperative purchasing plans shall supersede the need for formal and open market purchasing procedures contained in this Ordinance.**

# DIVISION V - OPERATIONS

## CHAPTER 1. MUNICIPAL CODE ENFORCEMENT SYSTEM.

**Section 1. ADOPTION.**

**The Village of Coal Valley adopts the Municipal Code Enforcement System (MUNICES) as its adjudication process for ordinance violation compliance, and the payment of violation fees when such compliance and payment of violation fees are not done in a voluntary and timely manner.**

**Section 2. CODE ENFORCEMENT.**

a. **MUNICES can be used for adjudication of any violation of any adopted Village Ordinances and Codes. All building inspectors, police officers, and zoning enforcement officers, or their designated representatives, shall have the authority to issue violation notices.**
b. **Violation Notices will be written out completely on the Village's Notice of Ordinance Violation form.**
c. **The original copy of the form will be handed in to Village Hall for processing. The pink copy and the envelope will be given to the violator. When the violator is not present, the form can be given to a responsible individual (16 years or older) at the violator's residence, or the form can be mailed by certified mail, return receipt requested, to the person responsible for the ordinance violation.**
d. **Any violator, who does not pay their violation notice fees within a specified time frame, will have their citation turned over to MUNICES for adjudication.**

**Section 3. PENALTIES.**

**The minimum penalty fee for an ordinance violation citation is $45.00 with the maximum being $750.00. The minimum fine for an ordinance violation not paid within 14 days of issue will be $135.00. Each day the violation has not been corrected can be considered a separate violation and assessed a separate penalty fee for each day. A single Notice of Ordinance Violation form can be used for multiple days the violation continues to exist. In the event a single Notice of Ordinance Violation is used for multiple days and the violation continues to exist the minimum fine if not paid within 14 days of issue will be $135.00 for each day the violation exists.**

**Section 4: OTHER JUDICIAL, NON-JUDICIAL ACTIONS:**

**4.1 Nothing herein shall prohibit the filing of a complaint in Circuit Court or through MUNICES for a subsequent violation of the same provision of Ordinance or Code.**

**4.2 The Village President and/or Village Administrator may reasonably extend the period in which fees associated with a violation can be paid.**

**4.3 The Village President and/or Village Administrator has the authority to void Notice of Ordinance Violation citations if after careful consideration it is deemed that such action is in the best interest of the Village.**

# TITLE II VILLAGE DEPOSITORIES AND COMPENSATION

## CHAPTER 1 DEPOSITORIES

**Section 1. Financial Institutions.**

**The Village will deposit municipal funds of the Village of Coal Valley, Rock Island and Henry Counties, Illinois in financial institutions that provide appropriate security and rates of return on Village deposited funds.**

**Section 2. The Village Treasurer.**

**The Village Treasurer is authorized and directed to deposit Village Funds in financial institutions, subject to the provisions of Section 1 of this Chapter, except for Village Funds which by existing ordinances are assigned and required to be deposited in certain designated financial institutions.**

## CHAPTER 2 COMPENSATION OF CITY OFFICIAL AND EMPLOYEES

**Section 1. COMPENSATION.**

**The several officers or employees of the Village of Coal Valley named in this Chapter shall receive the following compensation, payable out of the Village treasury:**

**1.1 Village President: The President of the Village of Coal Valley shall receive the sum of $4,400.00 per annum payable in twelve equal, monthly installments beginning on May 1st of each Village fiscal year, and $10.00 for attendance at each special meeting payable on the fifth (5th) of each month for special meetings attended in the previous month.**

**1.2 Board of Trustees: Each Trustee of the Board of Trustees of the Village of Coal Valley shall be paid $45.00 for attendance at regular meetings of the Village Board of Trustees and $10.00 for attendance at special meetings of the Village Board of Trustees. Compensation for meeting attendance shall be paid on the fifth (5th) of each month for meetings attended in the previous month.**

**1.3 Village Treasurer: The Treasurer of the Village of Coal Valley shall receive such compensation as the Village President and The Board of Trustees may set from time to time.**

**1.4 Deputy Clerk: The Deputy Clerk of the Village of Coal Valley hall receive such compensation as the Village President and the Board of Trustees may set from time to time.**

**1.5 Building Inspector: The Building Inspector of the Village of Coal Valley shall receive such compensation as the Village President and the Board of Trustees may set from time to time.**

**1.6 Village Attorney: The Village Attorney of the Village of Coal Valley shall receive such compensation as the Village President and the Board of Trustees may set from time to time.**

**1.7 Village Superintendent: The Village Superintendent of the Village of Coal Valley shall receive such compensation as the Village President and the Board of Trustees may set from time to time.**

**1.8 Plumbing Inspector: The Plumbing Inspector of the Village of Coal Valley shall receive such**

**compensation as the Village President and the Board of Trustees may set from time to time.**

**1.9 Electrical Inspector: The Electrical Inspector of the Village of Coal Valley shall receive such compensation as the Village President and Board of Trustees may set from time to time.**

**1.10 Police Chief: The Chief of Police of the Village of Coal Valley shall receive such compensation as the Village President and the Board of Trustees may set from time to time.**

**1.11 Police Patrolmen: Police Patrolmen of the Village of Coal Valley shall receive such compensation as the Village President and the Board of Trustees may set from time to time.**

**1.12 Police Matron: The Police Matron for the Village of Coal Valley shall serve and be compensated, when necessary, at the discretion of the police chief with the consent of the Village President and the Board of Trustees.**

**Local Liquor Commission: The Local Commissioner of the Village of Coal Valley shall receive sum of $150.00 per month.**

**Section 2. EXPENSES**

**2.1 Board of Trustees. The Board of Trustees are authorized to incur expenses up to $25.00 per month in the performance of their official duties without prior approval, and the amount of expense incurred and verified up to the amount will be reimbursed to members of the Board of Trustees having incurred the expense.**

**2.2 Village President and Village Clerk. The Village President and Village Clerk are each authorized to incur expense up to $50.00 per month in the performance of their official duties without prior approval and the amount of expense incurred and verified up to said amount will be reimbursed to the Village President and the Village Clerk having incurred such expense.**

**2.3 Prior Approval. No village officer shall incur any expense in excess of these limits in the performance of his official duties without prior approval of the majority of the Board of Trustees.**

**Section 3. MEETINGS.**

**There shall be 2 regular meetings per month to be held the first and third Wednesday of each month.**

**3.1 Waiver. When it is agreed on by the Board of Trustees that there is no necessity for holding a regular meeting, such meetings may be waived by the appropriate action of the Board of Trustees.**

## CHAPTER 3 STATE GIFT BAN ACT

**WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and**

**WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the**

**political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and**

**WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and**

**WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and**

**WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF COAL VALLEY, ILLINOIS, AS FOLLOWS:**

**SECTION 1: DEFINITIONS**

**"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.**

**"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).**

**"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).**

**"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.**

**"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.**

**"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).**

**"Employee" means a person employed by the Village of Coal Valley, whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of**

**an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.**

**"Employer" means the Village of Coal Valley.**

**"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.**

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

**"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.**

**"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.**

**"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.**

**"Prohibited political activity" means:**

**(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.**

**(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.**

**(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.**

**(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.**

**(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.**

**(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.**

**(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.**

**(8)** **Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.**

**(9)** **Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.**

**(10)** **Preparing or reviewing responses to candidate questionnaires.**

**(11)** **Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.**

**(12)** **Campaigning for any elective office or for or against any referendum question.**

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

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

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

**"Prohibited source," means any person or entity who:**

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

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

**(3)** **Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or**

**(4)** **Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.**

**SECTION 2. PROHIBITED POLITICAL ACTIVITIES**

**(a)** **No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Coal Valley in connection with any prohibited political activity.**

**(b)** **At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).**

**(c)** **No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.**

**(d)** **Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.**

**(e)** **No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.**

**SECTION 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.**

**SECTION 4. EXCEPTIONS.**

**Section 3. Is not applicable to the following:**

**1)** **Opportunities, benefits, and services that are available on the same conditions as for the general public.**

**(2)** **Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.**

**(3)** **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.**

**(4)** **Educational materials and missions.**

**(5)** **Travel expenses for a meeting to discuss business.**

**(6)** **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 fiancee.**

**(7)** **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.**

**(8) 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.**

**(9) 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.**

**(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intragovernmental 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.**

**(11) Bequests, inheritances, and other transfers at death.**

**(12) 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 5. DISPOSITION OF GIFTS**

**An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this 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.**

**SECTION 6. THE VILLAGE PRESIDENT.**

**With the advice and consent of the Village Board of Trustees shall designate an Ethics Advisor for the Village of Coal Valley. The duties of the Ethics Advisor may be delegated to an officer or employee of the Village of Coal Valley unless the position has been created as an office by the Village of Coal Valley.**

**SECTION 7. THE ETHICS ADVISOR.**

**Shall provide guidance to the officers and employees of the Village of Coal Valley 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 Village Board of Trustees.**

**SECTION 8. THE ETHICS COMMISSION.**

**There is hereby created a commission to be known as the Ethics Commission of the Village of Coal Valley. The Commission shall be comprised of three members appointed by the Village**

President with the advice and consent of the Village Board of Trustees. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the Village of Coal Valley.

No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

**SECTION 9. APPOINTEES**

At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.

**SECTION 10. THE VILLAGE PRESIDENT**

With the advice and consent of the Village Board of Trustees, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

**SECTION 11. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:`**

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village of Coal Valley to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

**SECTION 12. COMPLAINTS**

**(a)** **Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.**

**(b)** **Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.**

**(c)** **Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.**

**If the complaint is deemed sufficient to allege a violation of Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.**

**If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.**

**(d)** **On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.**

**(e)** **Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the Village President, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.**

**(f)** **If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Village President or impose a fine upon**

**the violator, or both.**

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

**(h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than $1,001 and not more than $5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than $1,001 and not more than $5,000. The Commission may recommend any appropriate discipline up to and including discharge.**

**( I ) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.**

**SECTION 13. PENALTIES.**

**(a) 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.**

**(b) 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 and not more than $5,000.**

**(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.**

**(d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Coal Valley by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.**

**A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Village of Coal Valley, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.**

**(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.**

# TITLE III – BUSINESS REGULATIONS

## CHAPTER 1 SOLICITORS

**Section 1. PURPOSE.**

**In order to protect the residents of Coal Valley from persons who have gained, or sought to gain, admittance to residences in this Village for the purpose of soliciting, or on the pretext of soliciting, and by their conduct have made nuisances of themselves by disturbing and annoying the occupants, or by their acts and conduct have violated the rights of the occupants to the quiet and peaceful enjoyment and security of their homes; and in some cases from persons who have apparently sought admittance to residences as solicitors for the purpose of gaining information for some illegal purpose or to commit an illegal act, it is determined that regulations are necessary for the safety, comfort, good order and welfare of the residents of the Village of Coal Valley.**

**Section 2. DEFINITIONS.**

**For the purpose of this chapter, the following definitions shall apply:**

**SOLICITING**

**The activity of going door to door, or by creating any sound in any manner calculated to attract the attention of the occupant of any residence or residences, for the purpose of:**

**Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever, or,**

**Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or,**

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

**EXCLUSION:**

**Soliciting, for the purpose of this article, does not include the activities of those salespersons or representatives of corporations or organizations, while visiting a resident within the Village, upon the express prior invitation of that resident, or while paying calls on established businesses, corporations or organizations within the Village for the purposes of conducting business or securing sales or contributions.**

**RESIDENCE**

**Shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.**

**REGISTERED SOLICITOR**

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

**ITINERANT VENDORS.**

**Any person who transports tangible personal property for retail sale within the Village who does not maintain in this Village an established office, distribution house, in- house sales, warehouse, service center, or residence from which the business is conducted. However, this chapter does not apply to any person who delivers tangible personal property within this Village who is fulfilling an order for the property which was solicited or placed by mail or other means.**

**PEDDLER.**

**A solicitor who seeks to sell or obtain orders for property, as set forth in this section, who travels to the location of the prospective customer in order to conduct his or her business.**

**(Example: One who takes supply of merchandise door to door to make a sale or takes an order for x number of a specific piece of merchandise.)**

**TRANSIENT MERCHANT**

**Any person who is engaged temporarily in the retail sales of goods, wares, or merchandise in the Village and who, for the purpose of conducting the business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this does not apply to any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him or her, to any person selling vegetables, fruits, or perishable farm products at any established Village market, or to any person operating a stand or booth on or adjacent to property owned by him or her or upon which he or she resides.**

**Section 3. CERTIFICATE OF REGISTRATION REQUIRED.**

**Every person desiring to engage in soliciting from residents within this Village is required to make written application for a Certificate of Registration provided in Section 4 of this Chapter. It is considered a violation of this act to engage in the act of soliciting, as defined above, without a valid Certificate of Registration in the immediate possession of the solicitor. Any person soliciting within this Village must display to any resident so solicited, or to any police officer, a valid certificate of registration upon request.**

**EXEMPTIONS: PERSONS OR ORGANIZATIONS WHO MEET THE CRITERIA AS A 501 (C) 3 ORGANIZATION AND/OR ARE PART OF A NATIONAL ORGANIZATION (BSA, GSA,) WHILE SOLICITING FOR ANNUAL FUND RAISING EVENTS ARE EXEMPT FROM OBTAINING A CERTIFICATE OF REGISTRATION. EXEMPT ORGANIZATIONS/ PERSONS MUST ABIDE BY THE DUTY TO DEPART AS EXPLAINED IN SECTION 8 OF THIS ORDINANCE.**

**Section 4. APPLICATION FOR CERTIFICATE OF REGISTRATION.**

**Application for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Village and filed with the Chief. The applicant for each certificate is required to post a non-refundable processing fee of $25.00 in addition to any other fee assessed for processing the application. The applicant shall truthfully state in full the information requested on the application as follows:**

**A.** **Name and address of present place of residence, length of residence at such address; business address if other than residence address; and their Social Security number;**

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

**C.** **Physical description of the applicant;**

**D.** **Name and address of the person, business, firm or corporation, with whom the applicant is employed by or represents; and the length of time of such employment or representation;**

**E.** **Name and address of employer during the past three years if other than the present employer;**

**F.** **Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;**

**G.** **Period of time for which the Certificate is applied ~~for~~;**

**H.** **The date, or approximate date, of the latest previous application for Certificate under this Section, if any;**

**I.** **Has a Certificate of Registration issued to the applicant under this Section ever been revoked?**

**J.** **Has the applicant ever been convicted of a violation of any of the provisions of this Section or other Illinois Municipality codes regulating soliciting?**

**K.** **Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?**

**L** **Sales Tax Identification Number;**

**M.** **Tax Exemption Number (if any);**

**N.** **Number description of vehicles to be use to include License Plate number and state of registration.**

**O.** **Also such additional information as the Chief of Police may deem necessary to process the application.**

**4.1** **Oath. All statements made by the applicant upon the application shall be under oath.**

**4.2** **Finger printing. Every applicant is required to submit to finger printing by the Police Department of this Village in connection with the application for Certificate.**

**4.3** **Record keeping. The Administrative Assistant shall keep an accurate record of every application received and acted upon together with all other information and data pertaining to all Certificates of Registration issued under the provisions of this Chapter, and of the denial of applications**

**4.4** **Non-issuance of Certification. No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of this State or any other State or any Federal law of the United States, within five years of the date of the**

application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued has previously been revoked.

**Section 5. ISSUANCE AND REVOCATION OF CERTIFICATE.**

The Chief of Police, after consideration of the application and all information obtained, shall deny the application if the applicant does not possess the qualifications for such Certificate as required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Charter. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued immediately.

5.1 Registration Fee. Each solicitor shall pay to the Village Clerk a registration fee of $50 for the first day and $10 for each day thereafter.

Each peddler shall pay to the Village Clerk a registration fee of $50 per day or for any part of a day as reported in the application.

5.1 Revocation. Any Certificate of Registration shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter.

Immediately upon such revocation, written notice shall be given by the Chief of Police to the holder of the Certificate in person or by certified U.S. mail addressed to his or her residence address set forth or identified in the application. Immediately upon the giving of such notice the Certificate of Registration shall become null and void.

5.2 Expiration Date. The Certificate of Registration shall state the expiration date.

**Section 6. POLICY ON SOLICITING.**

It is hereby declared to be the policy of the governing body of this Village that the occupant or occupants of the residences in this Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence.

**Section 7. NOTICE.**

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Chapter, shall comply with the following directions:

7.1 Notice of the determination by the occupant concerning soliciting at any residence, shall be given in the manner following:

a. A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words as follows, in letters at least one third inch in height:

**“REGISTERED SOLICITORS INVITED” or “NO SOLICITING" or “NO SOLICITORS”**

In lieu of, or in addition to, the weatherproof card, notification may be given orally, or upon

any printed or written notice forbidding solicitation, or forbidding trespassing, conspicuously posted or exhibited at the main entrance to such land, property, or building on which the residence is located.

If no notice is given per this section, permission to solicit will be assumed.

**Section 8. DUTIES/DEPARTURE.**

It shall be the duty of every solicitor upon going onto any premises in the Village upon which a residence is located to first examine the NOTICE, if any is posted, and be governed by the statement contained thereon. If a "NO SOLICITING" or "NO SOLICITORS" or "NO TRESPASSING" notice has been posted, the solicitor shall immediately and peacefully depart the premises.

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

**Section 9. UNINVITED SOLICITING PROHIBITED.**

It shall constitute a nuisance and a violation of this ordinance for any person to go upon any premises and ring the doorbell, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant, and engage in soliciting, in defiance of the notice given or exhibited at the residence.

**Section 10. TIME LIMIT ON SOLICITING.**

It shall constitute a nuisance for any person whether registered under this Chapter or not to go upon any premises and ring the door bell, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant and engage in soliciting prior to 9:00 o'clock A.M. or after 7:00 o'clock P.M. of any week day, or at any time on a Sunday or on a State or National Holiday.

**Section 11. PENALTY.**

Any person violating any of the provisions of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley

## CHAPTER 2 MUNICIPAL UTILITY TAX

**Section 1. DEFINITIONS.**

For the purpose of this Chapter following definitions shall apply:

A. GROSS RECEIPTS means the consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, or electricity for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of service, product or commodity supplied, at

**the cost of materials used, labor or service cost or any other expenses whatsoever.**

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

**C. PERSON means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of the State, or a receiver, trustee, conservator or a representative appointed by order of court. Notwithstanding the foregoing, no municipal utility tax shall be assessed upon bills for utility service rendered to the municipality itself**

**D. PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE means any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.**

**E. PURCHASE AT RETAIL means any acquisition of electricity by a purchaser for purposes of use or consumption, and for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code 65 ILCS 5/8-11-2, directly in the generation, production, transmission, delivery or sale of electricity.**

**F. PURCHASER means any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail, other than from an Exempt Purchaser**

**G. TAX COLLECTOR means the person delivering electricity to the Purchaser**

**Section 2. COVERAGE.**

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

**A. Persons engaged in the business of transmitting message's by means of electricity, at the rate of five percent (5%) of the gross receipts from such business originating within the corporate limits of the Village.**

**B. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village, and not for resale, at the rate of five percent (5%) of the gross receipts from all such gas except that used, during any tax period specified herein, in excess of fifteen million (15,000,000) and up to thirty million nine hundred (30,000,900) cubic feet through any one meter as interruptible fuel for steam boilers and the rate on the gross receipts from such gas shall be two and five-tenths percent (2.5%) and up on the gross receipts of such gas in excess of thirty million (30,000,000) cubic feet shall be thirty-five hundredths percent (0.35%).**

**C. Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the Village and not for resale, at the rate of five percent (5%) of the gross receipts therefrom, excluding, however, from those**

**gross receipts, receipts collected for street lighting at the Municipal rate. The tax imposed under this Section shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing or sale of electricity where the use or consumption of the electricity is subject to the tax imposed under Section 2 (E) (1) of this Chapter.**

**D.** **Persons engaged in the business of distributing, furnishing or selling gas for use or consumption within the corporate limits of the Village, and not for resale, at, the rate of five percent (5%) of the gross receipts therefrom.**

**E.** **(1) Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:**

**(i)** **For the first 2,000 kilowatt-hours used or consumed in a month: 0.4436 cents per kilowatt-hour;**

**(ii)** **For the next 48,000 kilowatt-hours used or consumed in a month: 0.2908 cents per kilowatt-hour;**

**(iii)** **For the next 50,000 kilowatt-hours used or consumed in a month: 0.2617 cents per kilowatt-hour;**

**(iv)** **For the next 400,000 kilowatt-hours used or consumed in a month: 0.2545 cents per kilowatt-hour;**

**(v)** **For the first 500,000 kilowatt-hours used or consumed in a month: 0.2472 cents per kilowatt-hour;**

**(vi)** **For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.2327 cents per kilowatt-hour;**

**(vii)** **For the next 2,000,000 kilowatt-hours used or consumed in a month: 0.2291 cents per kilowatt-hour;**

**(viii)** **For the next 5,000,000 kilowatt-hours used or consumed in a month: 0.2254 cents per kilowatt-hour;**

**(ix)** **For the next 10,000,000 kilowatt-hours used or consumed in a month: 0.2218 cents per kilowatt-hour;**

**(x)** **For all electricity used or consumed in excess of 20,000,000 kilowatt-hours used or consumed in a month: 0.2182 cents per kilowatt-hour.**

**(2)** **The tax is in addition to all taxes, fees and other revenue measures imposed by the Village, the State of Illinois or any other political subdivision of the State.**

**(3)** **Notwithstanding any other provision of this Chapter, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.**

**(4)** **The tax shall be imposed with respect to the use or consumption. of electricity by residential customers beginning with the first bill issued on or after October 1, 1998; and with respect to the use or consumption of electricity by nonresidential customers beginning with the first bill issued to such customers for delivery services in accordance with Section 16-104 of the**

Public Utilities Act (220 ILCS 5/16-104) or the first bill issued to such customers on or after January 1, 2001, whichever issuance occurs sooner.

**Section 3. INTERSTATE COMMERCE EXCLUDED AND RELATED REGULATIONS:**

No tax is imposed by this Section with respect to any transaction in interstate commerce or otherwise to the extent of which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this Chapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by statute and imposed by Chapter 4 of this Title.

Such tax shall be in addition to the payment of money, or value of products or services furnished to the Village by taxpayer as compensation from the use of its streets, alleys or other public places, or installation and maintenance therein thereon, or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

**Section 4. COLLECTION OF TAX.**

**A.** Subject to the provision of Section 6 of this Chapter regarding the delivery of electricity to resellers tax imposed under. this Chapter shall be collected from purchasers by the person maintaining a place of business in this State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.

**B.** Any tax required to be collected by this Chapter, and tax in fact collected, shall constitute a debt owed to the Village by the person delivering the electricity, provided, that the person delivering electricity shall be allowed 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 thereafter collected, the delivering supplier shall be obligated to remit such tax.

**C.** 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 they-collect to reimburse them for their expense incurred in keeping records, billing customers, preparing the filing returns, remitting the tax and supplying data to the Village upon request.

**Section 5 TAX REMITTANCE AND RETURN.**

**A.** Every tax collector shall, on a monthly basis, file a return on a form prescribed by the Village The return and accompanying remittance shall be due on or before the day of the month following the month during which the tax is collected or is required to be collected under Section 4 of this Chapter.

**B.** If the person delivering electricity fails to collect the from the purchaser or is excused from

collecting the under Section 6 of this Chapter, then the purchaser shall file a return in a form prescribed by the village pay the tax directly to the Village on or before the day of the month following the month during which electricity is used or consumed.

**Section 6. RESALES.**

**A.** Electricity that is delivered to a person in the Village shall be considered to be for the use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Village Clerk and furnishes that number to the person who delivers the electricity and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.

**B.** If a person who receives electricity in the Village claims to be an authorized reseller of electricity, that person shall apply to the Village Clerk for a resale number. The application shall state facts showing why the applicant is not liable for the tax imposed by this Chapter on any purchases of electricity and shall furnish such additional information as the Village Clerk may reasonably require.

**C.** Upon approval of the application, the Village Clerk shall assign a resale number to the applicant and shall certify the number to the applicant.

**D.** The Village Clerk may cancel the resale number of any person if the person fails to pay any tax payable under this Section for electricity used or consumed by the person, or if the number: (1) was obtained through misrepresentation, or (2) is no longer necessary because the person has discontinued making resale's.

**E.** (1) If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Chapter directly to the Village pursuant to Section 4 on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 2 and remit the tax pursuant to Section 5(A) on the amount of electricity delivered by the reseller to a purchaser.

(2) Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of the section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Village the total amount of electricity delivered to the reseller, and such other information that the Village may reasonably require.

**Section 7. BOOKS AND RECORDS.**

Every tax collector, and every taxpayer required to pay the tax imposed by this Amendment shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Section. The books and records shall be subject to and available for inspection at all times during business hours of the day.

**Section 8. CREDIT FOR OVERPAYMENT.**

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

Section is unable to use a credit authorized by this Section solely because the tax imposed by this Section has been replaced by the tax imposed under Section 2 (E) (1) then the taxpayer may apply such credit against any tax due under Section 2 (E) (1).

**Section 9. STATUTE OF LIMITATION.**

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

**Section 10. PENALTIES.**

Any taxpayer who f ails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and in addition shall be liable in a civil action for the amount of tax due.

## CHAPTER 3 MUNICIPAL USE TAX

**Section 1. DEFINITION, RATE AND COVERAGE.**

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

**Section 2. COLLECTION.**

The tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

## CHAPTER 4 MUNICIPAL RETAILERS' OCCUPATION TAX

**Section 1. COVERAGE.**

A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in this Village, at the rate of 1% of the gross receipts from such sales made in the course of such business while this Chapter is in effect, in accordance with the provisions of 65 ILCS 5/8-11-1.

**Section 2. REPORTING.**

Every person engaged in business in the Village shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption," approved June 28, 1933, as amended.

**Section 3. PAYMENT.**

**At the time a 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.**

**Section 4. ADMISSION TAX LEVIED:**

**1. There is hereby imposed and levied upon every person who pays an admission charge to any movie theater, miniature golf course, or other place of amusement located wholly within the corporate boundaries of the Village of Coal Valley, Illinois, a local amusement tax of ten cents ($0.10) on each admission charge.**

**There shall be paid to the Village of Coal Valley at such time or times as it shall hereinafter prescribe, the sum of ten cents ($0.10) for each person entering the movie theater, miniature golf course, or other place of amusement of the proprietor, upon a ticket of admission. The proprietor may, if it desires, collect such amount from each admitee in addition to the amount or amounts charged for such ticket of admission or other evidence of admission.**

**2. Accurate records and books shall at all times be kept and maintained by the proprietor of the place fo amusement showing the number of admissions of admission tickets issued and used each day the place of amusement is open to he public. The Village or its duly authorized representative shall at all times have access to the admission records of any proprietor for the purpose of examining and checking the same and ascertaining whether or not the proper amount has been or is being paid to the Village of Coal Valley as herein provided. The proprietor shall file a report of admissions for the prior month, with the Village Clerk, accompanied by the proper remuneration payable to the Village of Coal Valley, not later thean the 10th date of the folling month.**

## CHAPTER 5 MUNICIPAL SERVICE OCCUPATION TAX

**Section 1. COVERAGE.**

**A tax is imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of 1% of the cost price of all tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of 65 ILCS 5/8-11-5.**

**Section 2. 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 Nine of the "Service Occupation Tax Act," approved July 10, 1961, as amended.**

**Section 3. PAYMENT.**

**AT the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.**

## CHAPTER 6 RECREATION HALLS

**Section 1. LICENSE.**

**No person shall operate or permit to be operated within the Village limits, in or upon any premises owned, occupied, or controlled by such person for profit, any recreation hall involving the**

**use of pinball machines, billiard tables, pool tables or other like games without first having obtained a license signed by the Village President, as provided.**

**Section 2. APPLICATION.**

**Any person desiring such a license shall first file with the Village Clerk for a written request setting forth the location of the building to be occupied, its owners, and the type of recreation hall business to be conducted, together with the names and residents of surety or sureties offered on the bond required by this Chapter. Upon the filing of the documentation, the Village President may permit to be issued at his discretion, any license for a recreation hall within the meaning of this Chapter, upon payment of the appropriate license fee as provided.**

**Section 3. BOND.**

**Before any license is granted, the applicant shall execute a bond to the Village $250.00 with satisfactory surety which shall be conditioned upon the applicant conducting business within the laws and ordinances of the Village that may be in force at the time of the application.**

**Section 4. MINORS.**

**No licensee shall permit any minor under the age of fourteen years to frequent or loiter about the premises occupied by the licensee, or shall in any way violate any provisions of this Chapter in regard to minors, nor shall the licensee permit any betting or gaming, or any riotous or disorderly conduct on or about the premises so occupied.**

**Section 5. HOURS**

**Any licensee shall conduct business within the following hours and shall not be open in any other times.**

**A. Sunday through Thursday inclusive, 6:00 a.m. to 11:00 p.m.; and**

**B. Friday and Saturday, 6:00 a.m. to midnight.**

**Section 6. INSPECTION.**

**Every licensee shall be subject to inspection by the Village Police Chief or any Police Officer at any time the Village Police Chief or Police Officer deem it necessary to go upon the premises.**

**Section 7. TERM OF LICENSE.**

**License may be granted for a term of one year upon the applicant tendering to the Village the sum of $25.00 for the license to operate the recreation hall.**

**Section 8. PENALTY.**

**Any licensee violating any of the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each and every violation occurring and shall be subject to license revocation at the discretion of the Village President.**

## CHAPTER 7 JUNK AND SECONDHAND DEALERS

**Section 1. REGISTER**

**A.** **Each licensee under this Chapter shall keep a book or register in which shall be clearly written, at the time of purchase of any article or thing in the way of his business, an accurate account and description of the article or thing so purchased, and the name, residence and description of the person from who such purchase was made, and the date.**

**B.** **When making a purchase of any article or thing from a person, each licensee under this Chapter shall require such person to show a form of official identification, such as a state drivers license, state issued identification card or similar form of identification, to verify the information entered into the licensees book or register.**

**C.** **The register required by subsection A shall, at all reasonable times, be open for the inspection of the Village President and any member of the police force.**

**Section 2.** **LICENSE.**

**A.** **Required. No person shall use, exercise or carry on the trade or business of a dealer in secondhand furniture, household goods or other articles, exercise or carry on the business of a keeper of a junk shop, for the purpose of and sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, tin, empty bottles, slush or lead within the Village, without first obtaining a license from the Office of the Village Clerk.**

**B.** **Transferability. No license issued pursuant to this Chapter shall be transferable from one premises to another or from one person to another.**

**C.** **Classes of license; annual fees.**

**(1)** **Any person carrying on the trade or business of a dealer in secondhand or used clothing only, shall be designated as a "Class A junk shop and secondhand dealer," and shall pay to the Village the sum of fifteen dollars ($15.00) per year for the license required by this Chapter.**

**(2)** **Any person carrying on the trade or business of a dealer in secondhand furniture, household goods, or other articles, except those who carry on the trade or business of a dealer in secondhand clothing only, shall be designated as a "Class B junk shop and secondhand dealer," and shall pay to the Village the sum of twenty-five dollars ($25.00) per year for the license required by this Chapter.**

**D.** **Bond required of Class B dealers. Each person licenses as a "Class B junk shop or secondhand dealer," at the time of receiving his license, shall enter a joint and several bond to the Village, with two (2) sufficient sureties, in the penal sum of five hundred dollars ($500.00), conditioned for the due observance of all provisions of the Village Code or other Village ordinances, as may be in force or passed, respecting dealers in secondhand articles, at any time during the continuance of such license, or, in lieu thereof, post cash bond in the amount of one hundred dollars ($100.00).**

**E.** **Revocation or suspension. Any license issued pursuant o this Chapter may be revoked or suspended by the Village President for cause, after hearing upon written notice, or the bond may be forfeited, or both.**

**F.** **Extension of license for weekly auction sales; fee. Any person licensed pursuant to this Chapter may conduct, one (1) day a week only, on any day of the week, an auction sale of the items listed in "Section 3, A" by paying an annual license fee to the Office of the Village Clerk in the sum of one hundred dollars ($100.00) as an annual license fee, which fee shall be in addition to the regular fee for a license required by this Chapter.**

**Section 3. INVENTORY.**

**Upon receiving a license under this Chapter, each licensee shall complete an inventory of all articles or things on the premises for which the license is issued and which are for sale in the course of operating the business. Such inventory shall include all articles or things with a sales value of $5.00 or more and an accurate description of each article or thing. A copy of the inventory shall be provided the Village President and the police department within thirty (30) days of receiving a license.**

**Section 4. PARENTAL CONSENT REQUIRED TO DEAL WITH MINOR.**

**It shall be unlawful for any person licensed pursuant to this Chapter to purchase or receive property from a minor without the written consent of the minor's parent or guardian.**

**Section 5. TRANSACTIONS WITH INTOXICATED PERSONS OR THIEVES.**

**No person license pursuant to this Chapter shall take any article from any person intoxicated, nor from any person known to be a notorious thief, or to have been convicted of larceny or burglary.**

## CHAPTER 8 PAWNBROKERS

**Section 1. DEFINED.**

**Any person who loans money on deposit or pledge of personal property or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the property back again at a stipulated price, is hereby defined and declared to be a "pawnbroker".**

**Section 2. LICENSE REQUIRED.**

**No person shall exercise or carry on the business of a pawnbroker within the Village without being duly licensed as provided in this Chapter.**

**Section 3. ANNUAL LICENSE FEE.**

**The annual fee for a license required by this Chapter shall be fifty dollars ($50.00).**

**Section 4. BOND.**

**Each person licensed pursuant to this Chapter shall, at the time of receiving a license, enter into a joint and several bond to the Village, with two (2) sufficient sureties, in the penal sum of two thousand dollars ($2,000.00), conditioned for the due observance of all provisions of this Code and other ordinances of the Village as may be passed or enforced respecting pawnbrokers, at any time during the continuance of the license. In lieu of the bond required by this Section, the licensee may post a two hundred dollar ($200.00) cash bond.**

**Section 5. REVOCATION OF LICENSE.**

**A. It shall be the duty of the Chief of Police to report to the Village President any failure of any person licensed pursuant to this Chapter to comply with any of the provisions of this Chapter, and the Village President may revoke the license of such person.**

**B.** **The Village President may, for cause, revoke or suspend the license issued pursuant to this Chapter, or forfeit the bond, or both.**

**Section 6. REGISTER.**

**Each pawnbroker shall maintain in English language a book or register in which an accurate account and description shall be made of every transaction at the time of the transaction. Such register shall be on forms provided by the Village Police Department and shall contain the date of pawn, time of pawn, amount pawned for, a complete description of the article pawned (including serial numbers where applicable), the name and address of the person pledging or pawning each article, a complete description and thumbprint of the person pledging or pawning each article, and the rate of interest to be charged on the loan or pawn. No entry made in such register shall be erased, obliterated or defaced.**

**Section 7. IDENTIFICATION.**

**When making an entry into the book or register required in Section 6, each pawnbroker shall require the person for whom such entry is being made to show a form of official identification, such as a state drivers license, state issued identification card or similar form of identification, to verify the information entered into the pawnbroker's book or register.**

**Section 8. MEMORANDUM OF TRANSACTION.**

**Each pawnbroker shall, at the time of each pledge or deposit, deliver to the person pawning or pledging any goods, article or thing, a memorandum or note, signed by him, which memorandum shall contain the substance of the entry required to be made in his register; and no charge shall be made or received by any pawnbroker or keeper of a pawnbroker's office for any such entry memorandum or note.**

**Section 9. INSPECTION.**

**A.** **The register required in the Chapter, as well as each article or thing of value pawned or pledged, shall, at all reasonable times, be open to inspection by the Village President or any member of the police force authorized by the Village President to inspect the register or goods.**

**B.** **In addition to being subject to inspection as provided above, each pawnbroker on or before noon of Friday of each week, shall cause to be delivered to the Chief of Police, or his designee, of the Village Police Department, a copy of the register for the prior week's (Friday through Thursday, inclusive transactions. Should any pawnbroker fail to submit such register, the Chief of Police shall report such failure to the Village President and the Village President shall suspend the license granted hereunder for thirty (30) days or until submission of the register, whichever is sooner. If the failure has not been corrected at the end of thirty (30) days, the Village President shall issue a show cause order to the licensee ordering his appearance to show cause why the license should not be revoked. After hearing on such show cause order, the Village President may revoke, reinstate or extend suspension of the license granted hereunder as is warranted by the facts deduced at the hearing.**

**Section 10. BUYING CERTAIN ARTICLES PROHIBITED.**

**No pawnbroker shall, under any pretense whatever, purchase or buy any secondhand furniture, metals or clothes, or any other article or thing whatever offered to him a pawn or pledge.**

**Section 11. TRANSACTION WITH MINORS.**

**No person licensed pursuant to this Chapter shall take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities or other article of value, or valuable thing, from any minor, or the ownership of which is in or which is claimed by any minor, or which may be in the possession or control of any minor.**

**Section 12. TRANSACTIONS WITH INTOXICATED PERSONS OR THIEVES.**

**No person licensed pursuant to this Chapter shall take any article from any person intoxicated, nor from any person known to be a notorious thief, or to have been convicted of larceny or burglary.**

**Section 13. EMPLOYMENT OF PERSONS UNDER SIXTEEN.**

**No person licensed pursuant to this Chapter shall employ any person under the age of sixteen (16) years to take pledges in pawn.**

## CHAPTER 9-AGGRESSIVE PANHANDLING

**Section 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:**

**a. "Panhandling" shall mean any request for or solicitation of an immediate donation of money. A request or solicitation to purchase an item for an amount far exceeding its value, and circumstances where a reasonable person would understand that the purchase is in substance a donation, constitutes panhandling. Panhandling shall not include the act of passively standing, sitting or engaging in a musical performance or other street performance with a sign or other indication that donations are being sought, without any verbal request for a donation other than in response to an inquiry by another person.**

**b. "Aggressive panhandling" shall mean panhandling that includes one or more of the following actions:**

1. **The touching of the solicited person without the solicited person's consent.**
2. **Intentionally blocking the path of travel of the person being solicited.**
3. **Intentionally blocking the entrance to any vehicle or building.**
4. **The stepping into the main traveled portion of a city street or highway with the intention of soliciting a donation from a driver or passenger in an automobile on said roadway, without first obtaining a solicitation permit for such activity from the Chief of Police.**
5. **Continuing to solicit or request a donation from a person after that person has refused an earlier request.**
6. **Following or remaining along side a person who, after being solicited, walks away from the person panhandling.**
7. **Making any statement, gesture or other communication that would cause a reasonable person to feel threatened, fearful or compelled.**

**c. The term "person" shall include firms and corporations.**

**Section 2. UNLAWFUL ACTS.**

**a. It shall be unlawful for any person, firm or corporation to engage in aggressive panhandling.**

**b. It shall be unlawful for two or more people, firms or corporations to intentionally work in concert to commit acts that would constitute aggressive panhandling if those acts were performed by a single individual, firm or corporation.**

**c. It shall be unlawful for any person, firm or corporation to engage in panhandling whether the panhandler or the person being solicited is located in any of the following places.**

1. **At any bus stop.**
2. **In any public transportation vehicle or facility.**
3. **In a vehicle that is parked or stopped on any public street or alley.**

4. **Within (50) fifty feet of an automatic teller machine or the entrance to a bank, credit union or savings and loan, or, within (50) fifty feet of a residential living facility where persons over the age of (65) sixty-five are the primary residential population.**
5. **On private property, without the consent of the owner of the property.**
6. **On the improved portion of any highway, street or roadway without the proper permit.**

**d. It shall be unlawful for any person, firm or corporation to engage in panhandling during the evening hours between sunset and sunrise of the next day.**

**Section 3. ORDINANCE IMPLICATINS**

**No existing provisions of the Code of Ordinances of the Village of Coal Valley, Illinois, are to be repealed by this Ordinance explicitly or by implication.**

**Section 3. SEVERABILITY**

**If any section, clause, sentence or phrase of this Ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this Ordinance.**

**Section 4. PENALTY**

**Any person, firm or corporation violating any provisions of this Ordinance, shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley. Each separate offense shall be deemed committed on each day during or on which a violation occurs or continues.**

# TITLE IV – BUILDING REGULATIONS

## CHAPTER 1 BUILDING CODE

**Section 1. ADOPTION.**

**1.1 The International Code Council's 2012 International Building Code, 2012 International Residential Code, 2012 International Property Maintenance Code, 2012 International Mechanical Code, 2011 National Electrical Code and the State of Illinois 2012 Plumbing Code are adopted by the Village as the Building Codes for the Village of Coal Valley except as may be amended and modified by this Chapter 1, Chapter 3, Chapter 4, Chapter 8, and Chapter 9 of this Ordinance.**

**1.2 As exceptions to the above Codes, the Village adopts the following amendments:**

**International Residential Code – 2012:**

**R105.2 Work exempt from permit**

**Building:**
**1. Does not exceed 120 square feet**
**10. Deleted: decks not exceeding 200 square feet**

**R108.6 Work commencing before permit issuance.**

**Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permit shall be subject to a penalty fee equal to the permit fee for the entire project.**

**Table R301.2(1)**

**Climate and Geographic Criteria.**

| Ground Snow Load | Wind Design | | Seismic Design Category [f] | Subject to Damage From | | |
|---|---|---|---|---|---|---|
| | Speed [d] | Topographic Effects [k] | | Weathering[a] | Frost Line Depth [b] | Termite [c] |
| Ps = 30 psf, except that calculations for additional drift loads shall use a ground snow load pg = 25 psf | 90 | YES | A | SEVERE | 42 " | Moderate To Heavy |

| Winter Design Temp [e] | Ice Barrier Underlayment Required [h] | Flood Hazards [g] | Air Freezing Index[j] | Mean Annual Temp [J] |
|---|---|---|---|---|
| -4° F | YES | Jurisdiction Specific | 2000 | 50.5°F |

**R305 Ceiling Height.**

**Exception 3. Ceiling may have projections to within 6 feet 6 inches of the finished floor for a width of no more than 48 inches.**

**R313.2 One and two family dwellings automatic fire systems.**

**Exception 2. An automatic fire sprinkler system shall not be required when the requirements of Section R501.3 are met and the under-stair surface and soffits are protected with ½ inch gypsum board.**

**R315.1 Carbon monoxide alarms**

**For new construction, an approved carbon monoxide alarm shall be installed outside each separate sleeping area within 15 feet of the door to the bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have an attached garage.**

**Table 403.1 Minimum of Concrete, Precast or Masonry Footings (inches). Footnote a & b**

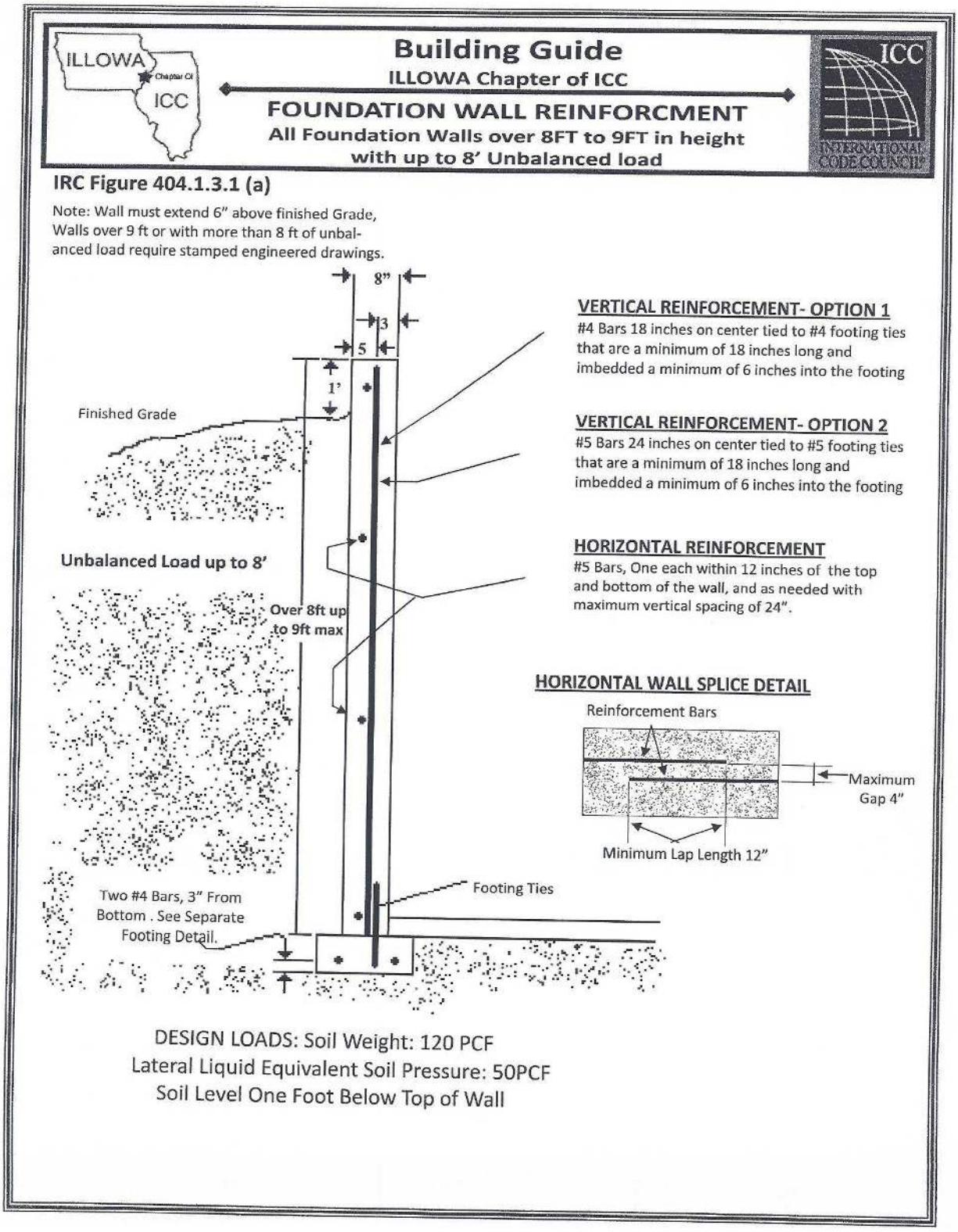
**b. Minimum rebar required #4 @ 8 inches on center**

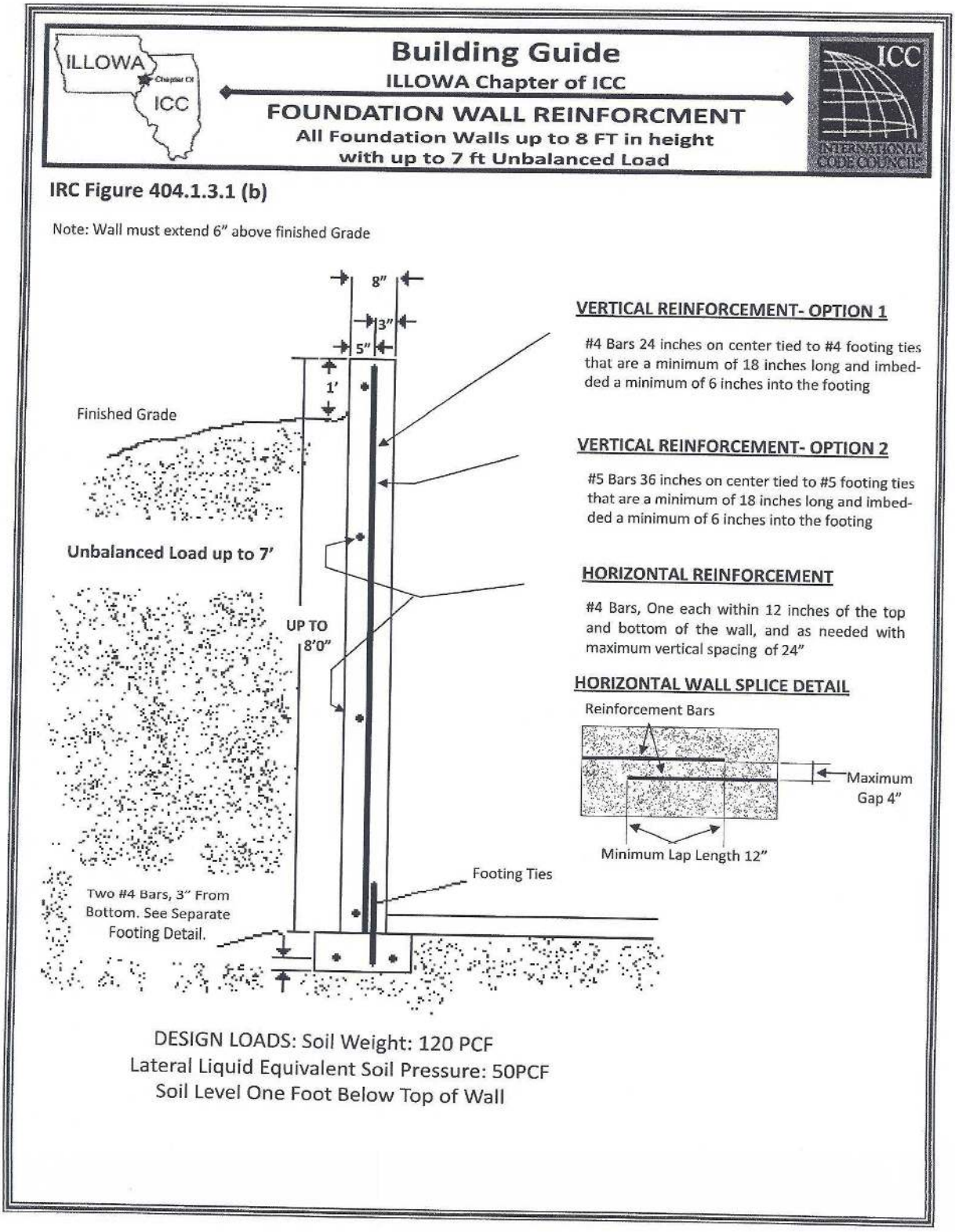
**R403.1.1 Minimum size**

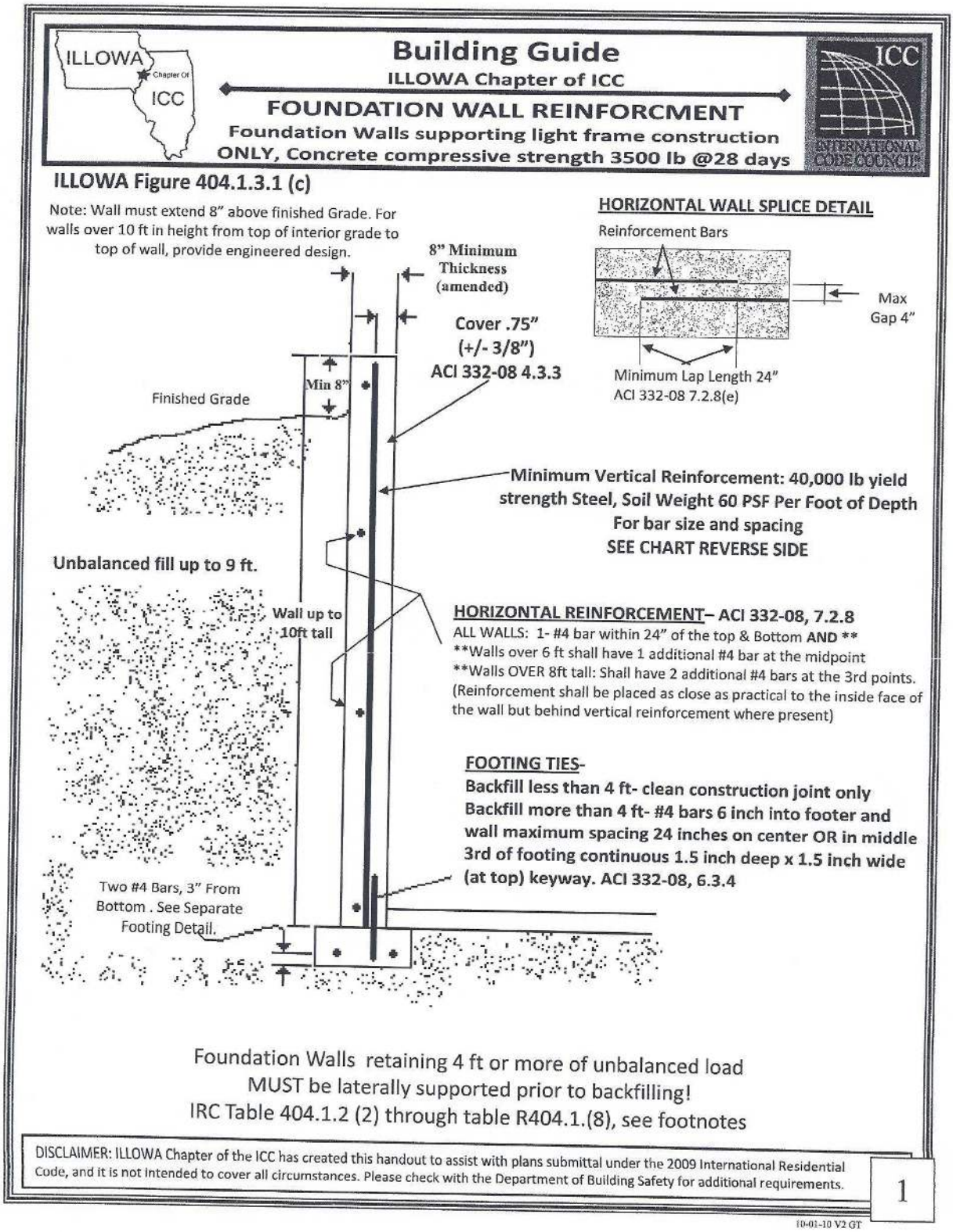
**Spread footings shall be at least 8 inches (200mm) in thickness, T. Footing projections**

**R404 Foundations**

**New Section R404.1.3.1 Minimum reinforcing requirements**
**Figures 404.1.3.1(a), 404.1.3.1(b) and 404.1.3.1(c) with ACI 332-08, Table A.5**


ILLOWA
Chapter Of
ICC
Building Guide
ILLOWA Chapter of ICC
FOUNDATION WALL REINFORCMENT
All Foundation Walls over 8FT to 9FT in height
with up to 8' Unbalanced load
ICC
INTERNATIONAL CODE COUNCIL
IRC Figure 404.1.3.1 (a)
Note: Wall must extend 6" above finished Grade, Walls over 9 ft or with more than 8 ft of unbalanced load require stamped engineered drawings.
8"
3
5
1'
Finished Grade
Unbalanced Load up to 8'
Over 8ft up to 9ft max
Two #4 Bars, 3" From Bottom . See Separate Footing Detail.
Footing Ties
VERTICAL REINFORCEMENT- OPTION 1
#4 Bars 18 inches on center tied to #4 footing ties that are a minimum of 18 inches long and imbedded a minimum of 6 inches into the footing
VERTICAL REINFORCEMENT- OPTION 2
#5 Bars 24 inches on center tied to #5 footing ties that are a minimum of 18 inches long and imbedded a minimum of 6 inches into the footing
HORIZONTAL REINFORCEMENT
#5 Bars, One each within 12 inches of the top and bottom of the wall, and as needed with maximum vertical spacing of 24".
HORIZONTAL WALL SPLICE DETAIL
Reinforcement Bars
Maximum Gap 4"
Minimum Lap Length 12"
DESIGN LOADS: Soil Weight: 120 PCF
Lateral Liquid Equivalent Soil Pressure: 50PCF
Soil Level One Foot Below Top of Wall


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FOUNDATION WALL REINFORCMENT
All Foundation Walls up to 8 FT in height
with up to 7 ft Unbalanced Load
ICC
INTERNATIONAL CODE COUNCIL
IRC Figure 404.1.3.1 (b)
Note: Wall must extend 6" above finished Grade
8"
3"
5"
1'
Finished Grade
Unbalanced Load up to 7'
UP TO 8'0"
Two #4 Bars, 3" From Bottom. See Separate Footing Detail.
Footing Ties
VERTICAL REINFORCEMENT- OPTION 1
#4 Bars 24 inches on center tied to #4 footing ties that are a minimum of 18 inches long and imbedded a minimum of 6 inches into the footing
VERTICAL REINFORCEMENT- OPTION 2
#5 Bars 36 inches on center tied to #5 footing ties that are a minimum of 18 inches long and imbedded a minimum of 6 inches into the footing
HORIZONTAL REINFORCEMENT
#4 Bars, One each within 12 inches of the top and bottom of the wall, and as needed with maximum vertical spacing of 24"
HORIZONTAL WALL SPLICE DETAIL
Reinforcement Bars
Maximum Gap 4"
Minimum Lap Length 12"
DESIGN LOADS: Soil Weight: 120 PCF
Lateral Liquid Equivalent Soil Pressure: 50PCF
Soil Level One Foot Below Top of Wall


ILLOWA
Chapter Of
ICC
Building Guide
ILLOWA Chapter of ICC
FOUNDATION WALL REINFORCMENT
Foundation Walls supporting light frame construction
ONLY, Concrete compressive strength 3500 lb @28 days
ICC
INTERNATIONAL CODE COUNCIL
ILLOWA Figure 404.1.3.1 (c)
Note: Wall must extend 8" above finished Grade. For walls over 10 ft in height from top of interior grade to top of wall, provide engineered design.
8" Minimum Thickness (amended)
Cover .75" (+/- 3/8") ACI 332-08 4.3.3
Min 8"
Finished Grade
Unbalanced fill up to 9 ft.
Wall up to 10ft tall
Two #4 Bars, 3" From Bottom . See Separate Footing Detail.
HORIZONTAL WALL SPLICE DETAIL
Reinforcement Bars
Max Gap 4"
Minimum Lap Length 24"
ACI 332-08 7.2.8(e)
Minimum Vertical Reinforcement: 40,000 lb yield strength Steel, Soil Weight 60 PSF Per Foot of Depth
For bar size and spacing
SEE CHART REVERSE SIDE
HORIZONTAL REINFORCEMENT– ACI 332-08, 7.2.8
ALL WALLS: 1- #4 bar within 24" of the top & Bottom AND **
**Walls over 6 ft shall have 1 additional #4 bar at the midpoint
**Walls OVER 8ft tall: Shall have 2 additional #4 bars at the 3rd points.
(Reinforcement shall be placed as close as practical to the inside face of the wall but behind vertical reinforcement where present)
FOOTING TIES-
Backfill less than 4 ft- clean construction joint only
Backfill more than 4 ft- #4 bars 6 inch into footer and wall maximum spacing 24 inches on center OR in middle 3rd of footing continuous 1.5 inch deep x 1.5 inch wide (at top) keyway. ACI 332-08, 6.3.4
Foundation Walls retaining 4 ft or more of unbalanced load
MUST be laterally supported prior to backfilling!
IRC Table 404.1.2 (2) through table R404.1.(8), see footnotes
DISCLAIMER: ILLOWA Chapter of the ICC has created this handout to assist with plans submittal under the 2009 International Residential Code, and it is not intended to cover all circumstances. Please check with the Department of Building Safety for additional requirements.
1
10-01-10 V2 GT

**ACI 332-08, Table A.5**
**Minimum Vertical Reinforcement**
**Soil Weight: 60 PSF per Foot of Depth**

**2012 International Residential Code or this table can be used.**

| Unsupported Wall Height | Unbalanced Backfill, Up to | 8 Inch Thick Wall (as amended) Grade 40 | 9.5 Inch Thick Wall Grade 40 | 11.5 Inch Thick Wall Grade 40 |
|---|---|---|---|---|
| Up to 8' | 6' | Plain Concrete | Plain Concrete | Plain Concrete |
| | 7' | #4 @ 14" | " | " |
| | | #5 @ 22" | " | " |
| | | #6 @ 31" | " | " |
| 9' | 6' | Plain Concrete | Plain Concrete | Plain Concrete |
| | 7' | #4 @ 13" | " | " |
| | | #5 @ 20" | " | " |
| | | #6 @ 21" | " | " |
| | 8' | #4 @ 10" | " | " |
| | | #5 @ 15" | " | " |
| | | #6 @ 21" | " | " |
| 10' | 6' | Plain Concrete | Plain Concrete | Plain Concrete |
| | 7' | #4 @ 12" | " | " |
| | | #5 @ 18" | " | " |
| | | #6 @ 26" | " | " |
| | 8' | #4 @ 09" | #4 @ 12" | " |
| | | #5 @ 14" | #5 @ 18" | " |
| | | #6 @ 19" | #6 @ 25" | " |
| | 9' | #4 @ 07" | #4 @ 09" | " |
| | | #5 @ 11" | #5 @ 14" | " |
| | | #6 @ 15 | #6 @ 20" | " |

**R404.1.3.2 Footing requirements for decks without roof support. All decks shall have a minimum footing size of 12 inches in diameter and 42 inches in depth.**

**R404.1.3.3 Footing requirements for covered decks and room additions.**

**All covered decks, screened porches, three season rooms, four season rooms, shall have one of the following:**

1. Pier footings designed by a design professional.
2. 12 inch wide trench footing 42 inches in depth.
3. Spread footings 42 inches in depth with a minimum 8 inch masonry wall or concrete foundation wall.

**Table R702.3.5 Minimum Thickness and Application of Gypsum Board**

**Column: Maximum Spacing of Fasteners (inches). For all drywall applications on walls using adhesive, there will be a 16" spacing between screws. This is the same spacing when using nails with adhesive.**

**R905.2.8.3 Sidewall flashing. - Delete**

**Appendices: Adopted as noted.**

**A. Sizing and Capacity of Gas Piping with the exception steel piping will be used inside all buildings - Adopted**
B. **Sizing of Venting Systems Servicing Appliances Equipped with Draft Hoods, Category 1 Appliances, and Appliances Listed for Use with Type B Vents - Adopted**
**C. Exit Terminals of Mechanical Draft and Direct Vent Venting Systems - Adopted**
D. **Recommended Procedure for Safety Inspection of an Existing Appliance - Adopted**
**E. Manufactured Housing Used as Dwellings - Adopted**
**F. Radon Control Methods - Adopted**
**G. Swimming Pools, Spas, and Hot Tubs - Changed: AG105.2.1 Outdoor Swimming Pool The top of the barrier (i.e. fence) shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. Any other provisions of the Village's Code of Ordinances, Title IV, Building Regulations, Chapter 7, Residential Swimming Pools that differ from this appendix G shall be the governing requirements for code enforcement.**
**H. Patio Covers - Adopted**
**I. Private Sewage Disposal - Not Adopted – Local Health Department Jurisdiction**
**J. Existing Buildings and Structures - Adopted**
**K. Sound Transmission – Adopted**
**L. Permit Fees - Not Adopted – Local Municipal Jurisdiction Determination**
**M. Home Day Care-R-3 Occupancy - Adopted**
**N. Venting Methods - Not Adopted – Illinois State Plumbing Code Jurisdiction**
**O. Automatic Vehicular Gates - Adopted**
**P. Size of Water Piping System - Not Adopted – Illinois State Plumbing Code Jurisdiction**
**Q. IOC International Residential Code Electrical Provisions/National Electrical Code Cross Reference – Adopted Village has adopted the NEC 2011 Electrical Code which complies with this Appendix.**

**Section 2. FILING.**

**Two (2) copies of each of the adopted International Building and Residential Code Council Code books will be maintained at Village Hall for public inspection and reference.**

**Section 3. BUILDING INSPECTOR.**

**3.1 Creation. The positions of Village Building Inspector and Deputy Village Building Inspector are hereby created. When the term Building Inspector is used in this Ordinance it will mean both positions. The Building Inspector shall be knowledgeable on current building codes and standards.**

**3.2 Qualifications. The Building Inspector shall have training and experience with the methods**

of building construction for safety to life and property as approved by the laws and regulations of the State of Illinois and by ordinances of the Village.

3.3 Duties. It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with Village ordinances.

Entry Powers For the purpose of making an inspection, the Building Inspector shall have the power to make or cause to be made an entry at any reasonable hour into any building or premises where the work of altering, repairing or constructing any building or structure is going on.

**Section 4. FOOTINGS FOR BUILDING IN EXCESS OF 720 SQUARE FEET.**

Any building in excess of seven hundred twenty (720) square feet shall be required to have continuous frost footings.

**Section 5. RATIO OF BUILIDNG TO LENGTH TO WITH**

No accessory building shall be constructed in residential districts where the length exceeds the width by more than 75% of the width. Fractional measurements can be rounded to the next higher footage.

**Section 6. PERMITS.**

a. All work done under the Chapters in this Ordinance, for commercial and residential building, electrical, plumbing and mechanical, requires the issuance of a permit by the Village. The request for permit must be accompanied by drawings showing the work to be accomplished and an estimate of the total cost of the project. All general commercial and residential building contractors to include siding, window and gutter contractors must register with the Village each fiscal year (see Section 13a below). All electrical, plumbing, and mechanical contractors must present a current license issued by the States of Illinois and/or Iowa. Roofing contractors, however, must present a current Roofer's License issued by the State of Illinois. All contractors must also present current proof of General Liability and Worker's Compensation insurance, and a current bond of $10,000 made out to the Village of Coal Valley. No permit will be issued until a current license, proof of insurance and bond are on file with the Village.

b. Residents who acquire a permit under their signature, and will do the work themselves, assume all responsibility that the work to be performed meets all Village adopted Codes and Ordinances, and accept all liability for any issues with the work. Professional sub contractors hired by a resident must meet the permitting, licensing, insurance, and bonding requirements set forth above.

c. No permits will be issued to anyone owing money to the Village of Coal Valley.

d. Permit fees shall be paid in advance at the Village Hall before work has started. Any work started without a permit shall be charged twice the normal permit fee.

**Section 7. INSPECTIONS.**

a. All work requiring a permit under the Chapters or adopted Codes in this Ordinance will require an inspection by a Village Inspector. At the time various inspections (stake out, footings, rough-in, framing, dry wall, ice barrier, cover, final, etc.) are required, the permit holder will only call Village Hall requesting the

**inspection. Calls requesting an inspection directly to an Inspector will not be accepted. The Village will endeavor to make inspections as quickly as possible (i.e. ice barrier on roofs), but the Village has two (2) business days once the call is received to make the requested inspection. Work that is done without inspection can be pulled out, uncovered or undone at the direction of the Inspector to insure conformance with Village Ordinances and/or adopted Codes. All Inspectors will contact Village Hall with results of their inspection as soon as possible. All Inspectors will attach a sticker on the electrical panel board, when installed, to indicate the date of, and the results of the inspection.**

**b. Stop Order. All Village Inspectors or their designated representatives have the authority to issue a verbal or written stop order on any work (new construction, remodel, renovation, alteration, repair, etc.) being performed in the Village when Village Ordinances or adopted Codes are being violated or not properly followed. Work will not restart until the appropriate Village Inspector or his designated representative has given a verbal or written order to do so.**

**c. Entry Powers. For the purpose of making an inspection, Village Inspectors shall have the power to make or cause to be made entry at any reasonable hour onto any property, building, residence or premises where the work of constructing, altering, remodeling, and repairing any building or structure is going on or to determine if any such work is being performed.**

**Section 8. ENFORCEMENT.**

**The Building Inspector of the Village or his designated representative shall be responsible for the proper administration and enforcement of the Building and Residential Codes.**

**Section 9. ORDER TO REPAIR.**

**The owner, occupant or leasee served with an order to repair or change under the Chapters or adopted Codes in this Ordinance shall have 10 days to make such repairs or changes as required.**

**Section 10. REFUSAL TO ISSUE PERMITS.**

**The willful failure, neglect or refusal of any person or company to conform to the adopted International/National Building, Residential, Electrical, Mechanical Codes, or State of Illinois Plumbing Code and/or associated Village Ordinances shall be grounds for refusal to issue them further permits in the Village.**

**Section 11. FEES FOR GENERAL CONTRACTOR REGISTRATION AND BUILDING PERMITS.**

**a. GENERAL CONTRACTOR REGISTRATION FEES.**

**General contractors, doing business in the Village of Coal Valley must register each fiscal year (1 May to 30 April starting in 2014) at Village Hall. Registration will include at least current insurance, bond and any licenses (plumbing, mechanical, electrical, roofing) as the general contractor might have issued to them. There is an annual $35.00 registration fee.**

**b. PERMIT FEES.**

**Permit fees shall be charged based upon the value of construction to be accomplished under a building permit (new building construction, siding, room additions, remodels, out buildings, sheds, decks, windows, swimming pools, and spas, etc.) in accordance with the following schedule:**

**BUILDING PERMIT FEES**

| TOTAL VALUATION | FEE |
|---|---|
| $1.00 to $500.00 | $25.00 |
| $501.00 to $1,000.00 | $25.00 for the first $500 plus $35.00 for the next $500 |
| $1,001.00 to $10,000.00 | $60.00 for the first $1,000 plus $12.00 for each additional $1,000 |
| $10,001.00 and up | $168.00 for the first $10,000, plus $7.00 for each additional$1,000 |

**OTHER BUILDING PERMIT/INSPECTION FEES WHEN SEPARATE FROM NEW HOME/BUILDING CONSTRUCTION PERMITS**

| | |
|---|---|
| Driveway approaches (must be concrete) | $25.00 |
| Sidewalks that become Village responsibility for repair. | $25.00 |
| Inspection of a gas reconnection. | $30.00 |

**Section 12. RE-INSPECTION.**

**There will be a charge of $30.00 for every inspection required after a second inspection.**

**Section 13. PENALTY.**

**Any person violating the Chapters and adopted Codes in this Ordinance shall be fined not less than $45.00 or more than $750.00 per individual violation. In the event of the continuation of such willful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense. Ordinance citations issued for violations that are not paid within 14 days of the date of the citation will be taken to the Municipal Code Enforcement System (MUNICES) for adjudication.**

## CHAPTER 2 ELECTRICAL CODE

**Section 1. ADOPTION.**

**The National Fire Protection Association, 2011 National Electrical Code, is adopted as the Electrical Code for the Village of Coal Valley except as may be amended and modified by this Chapter 3 or Chapter 1 of this Ordinance.**

**Section 2. CREATION.**

**The position of Village Electrical Inspector is hereby created. The Electrical Inspector will be an individual who holds a current Electrician's License.**

**Section 3. PERMIT FEES.**

**A. All new single family residences, zero lot line duplexes, and bungalows (complete except for electric heat) $35.00 plus $.07 per square foot of gross square footage.**

**B. New multi-family residences or apartments, greater than two units, (complete except for electric**

**heat)**

**First apartment complete with incidental units…….……$60.00**
**Each additional apartment……..$40.00**

**C. Electric heat – per single unit $30.00**
**Multi-family residence:**
**First apartment $30.00**
**Each additional apartment $25.00**

**D. Each incidental units; air-conditioner units (furnace or window, water heater, electric range, electric oven if separate from range, dishwashers, garbage disposal units, basic furnace (does not include Air Conditioning but includes humidifiers), trash compacters, home generators (gas line installation is covered by Chapter 8), de-icing cable, motor, etc.**
**Each $30.00**

**E. Signs, neon transformer, fluorescent, ballast type or incandescent light fixtures**

**$30.00 plus building permit**

**F. Entrance services, residential $30.00**

**G. Temporary entrance services, residential $30.00**

**H. Room addition, rewire, basement/lower level remodel, attic room, garage room, out building $45.00**

**I. Commercial or industrial wiring $70.00 plus 1% of total cost of parts and labor**

**J. There will be a charge of $30.00 for each additional inspection required after a second inspection.**

**K. There will be a $30.00 charge for electrical inspections of electrical services that have been shut off, and where the electric utility informs the business owner, homeowner or leasee to ask the Village for an inspection prior to turn on.**

**L. There will be a $30.00 charge for electrical inspections of electrical services that have been shut off, and where the electric utility informs the business owner, homeowner or leasee to ask the Village for an inspection prior to turn on.**

**Section 4. FILING**

**Two (2) copies of the National Electrical Code 2011 edition and this Ordinance shall be available in the Village Hall for public inspection and reference.**

**Section 5. ENFORCEMENT.**

**The Electrical Inspector of the Village or his designated representative shall be responsible for the proper administration and enforcement of the Electrical Code.**

## CHAPTER 3 PLUMBING CODE

**Section 1. ADOPTION.**

**1.1 The Illinois Plumbing Code, 2012 Edition, of the State of Illinois, Department of Public Health is adopted as the Plumbing Code for the Village of Coal Valley with the exception that the Village requires the use of steel piping for gas lines within the interior of all buildings. Other exceptions are addressed or can be amended and modified by this Chapter 4 or by Chapter 1 of this Ordinance.**

**1.2 It is permissible for SCH.40 or heavier PVC pipe (does not include Cellular Core) to be used for sanitary building drain inside the foundation walls underground, backfilled by manufactures specifications with cast iron under the foundation and cast iron clean out inside or outside the foundation within five feet to the wall. Transition to cast must be made with proper fitting.**

**1.3 All new construction will require a Radon remediation system, and a permit to install. All Radon remediation systems added to current buildings/structures will require a permit.**

**Section 2. CREATION**

**The position of Village Plumbing Inspector is hereby created. The Plumbing Inspector will be a currently licensed Plumber.**

**Section 3. FILING**

**Two (2) copies of the State of Illinois Plumbing Code, 2012 edition shall be available in Village Hall for public inspection and reference.**

**Section 4. PERMIT FEES**

**The fee for a plumbing permit shall be $20.00 per opening. The permit fee for the installation of a Radon remediation system shall be $20.00.**

**Section 5. There will be a charge of $30.00 for each additional inspection required after a second inspection.**

**Section 6. SEWER LINES**

**6.1 Underground Piping within Building.**

**All drain lines and vent pipes and fittings within buildings when underground shall be cast iron soil pipe or PVC Schedule 40 or better PVC pipe and backfilled to the manufacturer's specifications. Note: No Cellular Core pipe shall be allowed underground. The building drain shall extend to no less than five (5) feet outside the footings and or bearing walls. Transition to cast iron can be made with proper fittings.**

**6.2 Underground Piping Under/Through the Foundation Wall.**

**Piping passing under/through a foundation wall can be cast iron or PVC gravity sewer pipe Schedule 40 or better PVC pipe. Pipe passing through a masonry foundation wall shall be provided with a relieving arch or a pipe sleeve two pipe sizes larger than the pipe passing through to the main sewer line.**

**6.3 Underground Piping Main Sewer and laterals Building.**

**Pipe from the main sewer to the building shall be cast iron or Schedule 40 PVC for pipe sizes 4" to 6" and SDR 26 Class 160 or better PVC for pipe sizes 8" to 15" or cast iron for main sewer lines. Embedment material, as prescribed by the manufacturer, shall be covered with geotechnical filter fabric over the full length and width of the trench and backfilled to manufacturer's specifications.**

**6.4 Installation of PVC Underground Piping.**

**All PVC pipe shall be installed as per manufacturer's installation. Pipe shall be installed so that the manufacturer's information is facing up so as to be legible at the time of inspection. All fittings will comply with proper PVC ratings and installed in accordance with manufacturer's instructions and specifications.**

**Section 8. ENFORCEMENT.**

**The Plumbing Inspector of the Village or his designated representative shall be responsible for the proper administration and enforcement of the Plumbing Code.**

## CHAPTER 4 MECHANICAL CODE

**Section 1. ADOPTION.**

**The International Code Council's 2012 International Mechanical Code, is adopted as the Mechanical Code for the Village of Coal Valley. The Village requires the use of steel gas piping in the interior of all buildings. Exceptions can be amended and modified by this Chapter 8 or Chapter 1. The installation of gas lines for gas fired home generators is covered by this Chapter 8. The electrical connection for home generators and the required permit are covered by Chapter 3 of this Ordinance.**

**Section 2. FILING.**

**Two (2) copies of the International Mechanical Code, 2012 edition and this Ordinance shall be available in Village Hall for public inspection and reference.**

**Section 3. ENFORCEMENT.**

**The Building Inspector of the Village shall be responsible for the proper administration and enforcement of the Mechanical Code.**

**Section 4 MECHANICAL PERMIT FEES**

| TOTAL VALUATION | FEE |
|---|---|
| $1.00 to $500.00 | $25.00 |
| $501.00 to $1,000.00 | $25.00 for the first $500.00 plus $35.00 for the next $500.00 |
| $1,001.00 to $10,000.00 | $60.00 for the first $1,000, plus $12.00 for each additional $1,000 |
| $10,000.00 and up | $168.00 for the first $10,000.00 plus $7.00 for each additional $1,000 |

**Section 5. REINSPECTION FEES**

**There will be a charge of $30.00 for each additional inspection required after a second inspection.**

## CHAPTER 5 DANGEROUS AND ABANDONED BUILDINGS

**Section 1. POWERS OF THE VILLAGE.**

**The corporate authorities of the Village shall have the powers to demolish, repair or enclose, or cause the demolition, repair or enclosure of dangerous and unsafe buildings or structures, or uncompleted and abandoned buildings or structures, which they determine to be hazardous to the health, safety and public welfare of the Village.**

**1.1 Action. Such action to demolish, repair or enclose, shall be by majority vote by resolution of the Board of Trustees at a regular or special meeting.**

**Section 2. JUDICIAL PROCEEDINGS.**

**The corporate authorities shall apply to the Circuit Court of the Fourteenth Judicial Circuit in Rock Island County, Illinois for an order authorizing the action to be taken with respect to the building, if the owner of owners after at least 30 days' written notice have failed to put the building in a safe condition or to demolish it in accordance with the written notice of order.**

**Section 3. COSTS AND LIENS.**

**The costs of the demolitions, repair or enclosure shall be recoverable from the owner or owners of such real estate. A lien shall be placed against the property within 60 days after the cost and expense is incurred. The municipality or person performing the service, by authority of the municipality, in his or its own name, shall file notice of lien in the Office of the Recorder of Deeds of Rock Island County. The notice shall consist of a sworn statement setting out a description of the real estate, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when the cost and expense was incurred by the municipality.**

**Section 4. ENFORCEMENT OF LIEN.**

**The lien provided for may be enforced by proceedings to foreclose as in case of mortgages or mechanic's liens. A suit to foreclose this lien shall be commenced within 3 years after the date of filing notice of lien.**

**Section 5. INSPECTION, INJUNCTION.**

**The corporate authorities of the Village shall also have the power to determine upon due investigation that any building or structure within the Village fails to conform to the minimum standards of health and safety, as set forth in the applicable ordinances of the Village of Coal Valley, Illinois. If the owner or owners of the building or structure fail after 30 days' notice to cause the property to conform to the appropriate ordinances of the Village of Coal Valley, Illinois, the corporate authorities shall have power to make application to the Circuit Court for an injunction requiring compliance with the ordinances or for another order as the court may deem necessary or appropriate to secure such compliance.**

## CHAPTER 6 SUBDIVISION AND OFFICIAL MAP

**Section 1. ADOPTION.**

**The Subdivision and Official Map prepared by the Village Attorney with the assistance of Bi-State Metropolitan Planning Commission in November 1972 is adopted by the Village as the Subdivision and Official Map for the Village of Coal Valley.**

**Section 2. FILING.**

**Three copies of the Subdivision and Official Map, November, 1972, shall be available in the Office of the Village Clerk for public inspection and reference.**

**Section 3. NEW STREETS.**

**This Section sets forth the design and construction specifications for new streets in the Village as referenced in Sections 50 and 51 of the Subdivision Ordinance of the Village of Coal Valley, Illinois and as may otherwise be required when a new street is designed and constructed when not part of a new subdivision.**

**3.1 Definitions.**

**A. A "new street" shall hereinafter be defined as either an existing street to be reconstructed that has not been previously designed and constructed in accordance with this Section, or a proposed paved thoroughfare whose proposed alignment represents the initial use of a corridor for vehicular traffic.**

**B. The "Design Manual" of the Village shall be the Design Manual of the State of Illinois, Department of Transportation, Bureau of Design, or the latest revisions thereof, and shall be used for designing new streets in the Village.**

**C. The "Standard Specifications" of the Village shall be the Standard Specifications for Road and Bridge Construction, adopted July 1, 1988, of the Illinois Department of Transportation, or the latest revisions thereof, and shall be used for constructing and, when appropriate, for specifying materials for new streets in the Village.**

**D. The "Standard Drawings" required by the Village shall be the Highway Standards of the Illinois Department of Transportation, Bureau of Design, or the latest revisions thereof, and shall be used in detailing items of construction for new streets in the Village.**

**3.2** **Only two types of pavements will be approved for new streets in the Village, as follows:**

**A.** **Reinforced jointed portland cement concrete pavement (rigid) with a minimum thickness of six (6) inches or non-Reinforced jointed portland cement concrete pavement (rigid) with a minimum thickness of seven (7) inches.**

**B.** **Bituminous pavement (flexible) consisting of a two-layer structure (surface course and base course) or a three-layer structure (surface course, base course, and subbase course).**

**C.** **Minimum surface course thickness shall be three (3) inches.**

**3.3** **Certain minimum design criteria shall be used as a basis for design of new streets determined by the Village Board upon recommendation by the Village Engineer, to be "local" streets, as follows:**

**A.** **The design period shall be twenty (20) years.**

**B.** **The average daily traffic (ADT) estimated for the year representing one-half the design period shall be at least four hundred (400) vehicles per day (Class IV).**

**C.** **The CBR value shall not exceed 3.0.**

**D.** **The average daily passenger car traffic (PC) shall be 71% of the ADT established in Part B above.**

**E.** **The average daily single unit traffic (SU) shall be 24% of the ADT established in Part B above.**

**F.** **The average daily multiple unit traffic (MU) shall be 5% of the ADT established in Part B above.**

**G.** **The percentage of passenger, single, and multiple units in the design lane shall each be 50% for "local" streets.**

**3.4** **The minimum design criteria stated in Section 3.3 above for "local" streets may be modified by the Village Board on case-by-case basis based upon recommendation of the Village Engineer for conditions unique to the proposed new street location or due to adjoining influences on the proposed new street.**

**3.5** **The party responsible for the design of a new street, or the party's representative, shall present satisfactory evidence to the Village Engineer as to the type of road bed soils to be used in the subgrade so that the Village Engineer can assign the actual CBR value to be used in the design.**

**3.6** **If the roadbed soils are determined by the Village Engineer to be unsatisfactory, suitable remedial measures as set forth in the Design Manual shall be specified and implemented by the party responsible for the design and construction of new streets.**

**3.7** **For new streets classified as "collector" or "major" streets, appropriate values for the**

**design criteria categories as set forth in Section 3.3 above shall be assigned by the Village Engineer on a case-by-case basis for the particular new street location.**

**3.8 The party responsible for the design and construction of new streets shall employ the services of and bear the costs of a testing laboratory, approved by the Village Engineer, to perform the appropriate tests set forth in the Standard Specifications and any other appropriate tests the Village Engineer may reasonably request.**

**3.9 Prior to the start of construction of new streets, the party responsible for design and construction shall submit a schedule of the type of tests and frequency of testing to be performed for embankment compaction and materials to the Village Engineer for review and acceptance.**

**3.10 The schedule of the type and frequency of tests will be reviewed by the Village Engineer based on the nature of the project.**

**3.11 The party responsible for the design and construction of new streets shall not proceed with a given phase of construction until the test results indicating the status of the previous phase has been reviewed and accepted by the Village Engineer.**

**3.12 The party responsible for the design and construction of new streets shall give reasonable notice to the Village Engineer as to the test results and the construction progress so that the Village Engineer may have sufficient time to perform the review and field observations.**

**3.13 Existing Village streets not to be reconstructed but to receive resurfacing treatment shall be excluded from the requirements of this Section 3. All asphalt overlay or resurfacing on Village streets, however, are still subject to all appropriate tests to ensure compaction, density, strength, adhesion, etc.**

**Section 4. SIDEWALKS.**

**This Section sets forth the design and construct on specifications for new and replacement sidewalks in the Village as referenced in Sections 40.18 and 51.07 of the Subdivision Ordinance of the Village of Coal Valley, Illinois and as may otherwise be required when new or replacement sidewalks are constructed when not a part of a new subdivision. In addition to the following, the specifications contained in Exhibits A, B, and C are made a cart of this ordinance and apply to sidewalk design and construction in the Village.**

**4.1 The subgrade shall be well compacted.**

**4.2 No concrete may be placed unless the temperature is 35 degrees and rising and must be discontinued when the temperature is 40 degrees and falling. Concrete temperature should be above 50 degrees. If the forecast overnight is for 32 degrees or lower than normal curing compound cannot be used. Instead the concrete should be cured and protected for 3 days using insulated methods. Insulating requirements can be met by following Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, 2012 Edition, Article 1020.13. No concrete will be placed on frozen sub-grade.**

**4.3 Concrete shall have minimum compression strength of not less than 3500 psi after 14 days.**

**4.4 For all sidewalks aloe; commercial or industrial properties, a plat or drawing showing the location and dimensions of the proposed construction shall be presented at the time of application for a permit.**

**4.5 All construction shall be in accordance with State of Illinois Standard Specifications when not in conflict with the foregoing. "Section 5. This Section sets forth the design and construction specifications for new and replacement driveways in the Village. In addition. to the following, the specifications contained in Exhibits A, B, and C are made a part of this ordinance and apply to driveway design and construction in the Village.**

**Section 5. DRIVEWAYS.**

**This Section sets forth the design and construction specifications for new and replacement driveways in the Village. In addition. to the following, the specifications contained in Exhibits A, B, and C are made a part of this ordinance and apply to driveway design and construction in the Village**

**5.1 The subgrade shall be well compacted.**

**5.2 Concrete shall have a minimum. Compression strength of not less than 3500 psi. after 14 days.**

**5.3 No concrete may be placed unless the temperature is 35 degrees and rising and must be discontinued when the temperature is 40 degrees and falling. Concrete temperature should be above 50 degrees. If the forecast overnight is for 32 degrees or lower than normal curing compound cannot be used. Instead the concrete should be cured and protected for 3 days using insulated methods. Insulating requirements can be met by following Illinois Department of Transportation Standard Specifications for Road and Bridge Construction, 2012 Edition, Article 1020.13. No concrete will be placed on frozen sub-grade.**

**5.4 Expansion joint at the back of the curb and at the property line shall be 3/4 inch thick. and extend to 1 inch below the driveway pavement.**

**5.5 Driveway pavement shall be 6 inches reinforced or 7 inches unreinforced.**

**5.6 Reinforcing; shall be mesh weighing at least 42 lbs. per 100 square feet.**

**5.7 If the street pavement has a curb higher than 3 inches: the curb shall be removed and replaced as shown in Detail 1 on Exhibit C; or the curb shall be removed by sawcutting (at an approximate 45 degree angle) at the required width and along the base the curb approximately 2 inches above the pavement surface creating a smooth opening and retaining a paved gutter for storm water drainage.**

**5.8 Where the street pavement has a 3 inch drive over, curb, the curb may remain intact, but no material shall be allowed to be placed in the gutter.**

**5.9 All joints at the back of curb shall be sealed with approved poured joint sealer.**

**5.10 There shall be no more than one driveway per 100 feet of lot frontage.**

**5.11 For all driveways serving commercial or industrial uses, a plat or drawing showing the location and dimensions of the proposed construction shall be presented at the time of application for a permit.**

**5.12 All construction shall be in accordance with State of Illinois Standard Specifications when not in conflict with the foregoing.**

**5.13 Whenever a driveway is constructed or replaced for access to or from any street, that portion thereof between the curb and the property line shall be paved with Portland cement**

**concrete. No other materials will be allowed. Existing sidewalk, if any, shall be removed and pave as part of the driveway. The surface of the driveway at the point of crossing the sidewalk area shall be level in conformity to the existing walk.**

## CHAPTER 7 RESIDENTIAL SWIMMING POOLS

**Section 1. COMPLIANCE REQUIRED.**

**It shall be unlawful to construct, maintain, install or enlarge any swimming pool within the Village limits, except in compliance with all provisions of this chapter.**

**Section 2. DEFINITIONS.**

**For the purpose of this Chapter, the following definitions shall apply:**

**SWIMMING POOL**

**Defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.**

**Section 3. LOCATION.**

**No portion of a swimming pool outside a building shall be located at a distance of less than 8 feet from any side or rear property line, or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than 8 feet from any side property line.**

**Section 4. PERMIT REQUIRED.**

**It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool or of appurtenances within the Village limits unless permits shall be first obtained from the Building Inspector.**

**Section 5. DRAWINGS, PLANS AND PERMITS.**

**All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the Building Inspector for examination and approval as to proper location, construction and compliance with this ordinance. All private residential swimming pools, appurtenances, water supply and drainage systems shall be construed in conformity with the approved Plans and the existing ordinance of the Village.**

**Section 6. RECIRCULATION POOLS.**

**All permanent swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.**

**Section 7. FENCES.**

**All outdoor swimming pools, as defined in Section 2 of this Chapter, shall be completely enclosed by a fence. All fence openings or points of entry into the pool or enclosure shall be equipped with**

**gates. The fence and gates shall be at least five (5) feet in height above the grade level. All gates shall be equipped with self-closing and self-latching devices at the top of the gate. Fence posts shall be made of decay and corrosion resistant material and shall be set in concrete bases.**

**Section 8. STEPS OR LADDERS.**

**Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools. At least one such means of egress shall be located on the side of the pool at both the deep end and the shallow end of the pool. Steps and ladders shall have handrails on both sides.**

**Section 9. ELECTRICAL REQUIREMENTS.**

**The following requirements must be met:**

**A. All electrical installations provided for, installed, and used in conjunction with private residential swimming pools, shall be in conformity with the ordinances and the regulations of the Village as to electrical installations.**

**B No current carrying electrical conductor shall cross private residential swimming pools either overhead or underground within 10 feet of such pools.**

**C. All fences, enclosures or railings near or adjacent to swimming pools, which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.**

**Section 10. SAFETY PRECAUTIONS.**

**Every swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of 3/16's inch manila line attached and one or more light but strong poles with blunted ends not less than 10 feet in length, for making reach assists or rescues.**

**Section 11. INSPECTION.**

**The Building Inspector periodically shall inspect all swimming pools to determine whether or not the provisions of the ordinances regarding health, sanitation, safety and welfare are being complied with.**

## CHAPTER 8 DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS

**Section 1. PURPOSE**

**This ordinance is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:**

**a. To prevent unwise developments from increasing flood or drainage hazards to others; protect new buildings and major improvements to buildings from flood damage;**

**b. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;**

**c.** **to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;**

**d.** **to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;**

**e.** **maintain property values and a stable tax base by minimizing the potential for creating blight areas;**

**f.** **make federally subsidized flood insurance available, and**

**g.** **to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.**

**Section 2. DEFINITIONS**

**For the purposes of this ordinance, the following definitions are adopted:**

**Base Flood- The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.**

**Base Flood Elevation (BFE)- The elevation in relation to mean sea level of the crest of the base flood.**

**Basement- That portion of a building having its floor sub-grade (below ground level) on all sides.**

**Building- A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.**

**Critical Facility- Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.**

**Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).**

**Development- Any man-made change to real estate including, but not necessarily limited to:**

1. **Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;**
2. **substantial improvement of an existing building;**
3. **installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;**
4. **installation of utilities, construction of roads, bridges, culverts or similar projects; construction or erection of levees, dams walls or fences;**
5. **drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the**

**ground surface;**

6. **storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.**

**"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.**

**Existing Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.**

**Expansion to an Existing Manufactured Home Park or Subdivision- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).**

**FEMA- Federal Emergency Management Agency**

**Flood- A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.**

**Flood Fringe- That portion of the floodplain outside of the regulatory floodway.**

**Flood Insurance Rate Map- A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.**

**Flood Insurance Study- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.**

**Floodplain and Special Flood Hazard Area (SFHA)- These two terms are synonymous. Those lands within the jurisdiction of the Village of Coal Valley, the extraterritorial jurisdiction of the Village of Coal Valley, or that may be annexed into the Village of Coal Valley, that are subject to inundation by the base flood. The floodplains of the Village are generally identified as such on panels 328, 329, 337, and 340 of the countywide Flood Insurance Rate Map of Rock Island County prepared be the Federal Emergency Management Agency and dated April 5, 2010 and on panel 135 of the countywide Flood Insurance Rate Map of Henry County prepared by the Federal Emergency Management Agency and dated June 2, 2011. Floodplain also includes those areas of known flooding as identified by the community.**

**Those floodplains of those parts of unincorporated Rock Island County and Henry County that are within the extraterritorial jurisdiction of the Village of Coal Valley or that may be annexed into the Village of Coal Valley are generally identified as such on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency for Rock Island County dated April 5, 2010 and Henry County dated June, 2 2011.**

**The floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Coal Valley, or that may be annexed into the**

**Village of Coal Valley, are generally identified as such on the Flood Insurance Rate map prepared for Rock Island County by the Federal Emergency Management Agency and dated April 5, 2010.**

**Floodproofing- Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.**

**Floodproofing Certificate- A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.**

**Flood Protection Elevation (FPE)- The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.**

**Floodway- That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Rock River, Coal Creek, Coal Creek Tributary, and Shaffer Creek shall be as delineated on the countywide Flood Insurance Rate Maps of Rock Island County, prepared by FEMA, and dated April 5, 2010 and Henry County, prepared by FEMA, and dated June, 2, 2011. The floodways of the remaining floodplains of the Village of Coal Valley shall be according to the best data available from the Federal, State, or other sources.**

**Freeboard- An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.**

**Historic Structure- Any structure that is:**

1. **Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.**
2. **Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.**
3. **Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.**
4. **Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.**

**IDNR/OWR- Illinois Department of Natural Resources/Office of Water Resources.**

**Lowest Floor- the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.**

**Manufactured Home- A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.**

**Manufactured Home Park or Subdivision- A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.**

**New Construction- Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.**

**New Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.**

**NFIP- National Flood Insurance Program.**

**Recreational Vehicle or Travel Trailer- A vehicle which is:**

1. **built on a single chassis;**
2. **four hundred (400) square feet or less in size;**
3. **designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.**

**Repetitive Loss- Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.**

**SFHA- See definition of floodplain.**

**Start of Construction- Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.**

**Structure (see "Building")**

**Substantial Damage- Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building, subsequent to the adoption of this ordinance, equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).**

**Substantial Improvement- Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building, subsequent to the adoption of this ordinance, in which the cumulative percentage of improvements:**

**Equals or exceeds fifty (50%) of the market value of the structure before the improvements or repair is started, or, increases the floor area by more than twenty percent (20%).**

**"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.**

**The term does not include:**

1. **Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or**
2. **Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.**

**<u>Violation</u>- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.**

**Section 3. BASE FLOOD ELEVATION.**

**This ordinance's protection standard is the base flood. The best available flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.**

**a. The base flood elevation for the floodplains of the Rock River, Coal Creek, Coal Creek Tributary, and Shaffer Creek shall be delineated on the 100-year flood profiles in the countywide Flood Insurance Studies of Rock Island County, prepared the Federal Emergency Management Agency, dated April 5, 2010 and Henry County, prepared by the Federal Emergency Management Agency, dated June 2, 2011.**

**b. The Base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Maps for Rock Island and Henry Counties.**

**c. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Maps of Rock Island and Henry Counties shall be according to the best data available from Federal, State or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.**

**d. The base flood elevation for the floodplains of those parts of unincorporated Rock Island and Henry Counties that are within the extraterritorial jurisdiction of the Village of Coal Valley or that may be annexed into the Village of Coal Valley, shall be delineated on the 100-year flood profiles in the Flood Insurance Studies of Rock Island County, prepared by the Federal Emergency Management Agency, dated April 5, 2010 and Henry County, prepared by the Federal Emergency Management Agency, dated June 2, 2011.**

**Section 4. DUTIES OF THE BUILDING SUPERINTENDENT.**

**Building Superintendent shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Coal Valley meet the requirements of this ordinance. Specifically, the Building Superintendent shall:**

**a. Process development permits in accordance with Section 5;**

**b. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;**
**c. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;**
**d. assure that all subdivisions and annexations meet the requirements of Section 8;**
**e. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;**
**f. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;**
**g. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;**
**h. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;**
**i. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;**
**j. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;**
**k. cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;**
**l. maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;**
**m. perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and**
**n. maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.**

**Section 5. DEVELOPMENT PERMIT.**

**No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Public Works Inspector / Building Inspector. The Public Works Inspector / Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.**

**a. The application for development permit shall be accompanied by:**

1. **drawings of the site, drawn to scale showing property line dimensions;**
2. **existing grade elevations and all changes in grade resulting from excavation or filling;**
3. **the location and dimensions of all buildings and additions to buildings;**
4. **the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and**
5. **cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.**

**b. Upon receipt of an application for a development permit, the Building Superintendent shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not**

**shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.**

**The Building Superintendent shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification. The Building Superintendent shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity.**

**The Building Superintendent shall not issue a permit unless all other federal, state, and local permits have been obtained.**

**Section 6. PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.**

**Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:**

**a. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:**

1. **Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:**
    a. **the crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and**
    b. **the crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.**
    c. **There are no buildings in the area impacted by the increases in water surface profile.**
    d. **The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.**
    e. **The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.**
    f. **The design must be certified by a second licensed professional engineer.**

2. **Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:**
    a. **The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.**

3. **Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:**
    a. **The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.**
    b. **A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.**
    c. **No supporting towers or poles shall be located in a river, lake or stream.**
    d. **Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.**
    e. **All disturbed areas shall be returned to pre-construction grades and re-**

**vegetated.**

**f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.**

**4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:**

**a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.**
**b. The width of the boat dock shall not be more than ten (10) feet.**
**c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.**
**d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.**
**e. Dock posts must be marked by reflective devices.**
**f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.**
**g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.**
**h. This permit does not authorize any other related construction activity such as shore protection or fill.**
**i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.**
**j. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers**

**5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:**

**a. the following activities (not involving fill or positive change in grade) are covered by this permit:**
**4. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.**
**5. The construction of light poles, sign posts, and similar structures.**
**6. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.**
**7. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.**
**8. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.**
**9. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.**

**6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:**

**a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.**
**b. The velocity of the discharge shall not exceed the scour velocity of the channel**

**soil, unless channel erosion would be prevented by the use of riprap or other design measures.**

**c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.**

**d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.**

**7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:**

**a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.**

**b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.**

**c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.**

**d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.**

**8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:**

**a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).**

**b. In addition to the materials listed in Section 6 (A)(8)(a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.**

**c. The following materials shall <u>not</u> be used in any case: auto bodies, garbage of debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).**

**d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.**

**e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.**

**f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.**

**g. Materials shall not be placed higher than the existing top of the bank.**

**h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site. For projects involving continuous placement of riprap along the bank, toe of the bank or**

**other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.**

**i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.**

**j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.**

**k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:**

**1. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and**
**2. The volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.**
**3. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.**

**9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:**

**a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.**
**b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).**
**c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and**
**d. must not involve the placement of any fill material.**
**e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.**
**f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.**
**g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.**
**h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.**

**10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:**

**a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.**
**b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and**
**c. the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.**

**d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:**

**1. removed from the floodway;**
**2. used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;**
**3. used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;**
**4. used to stabilize and existing levee provided the height of the levee would not be increased nor its alignment changed;**
**5. placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or**
**6. used for beach nourishment, provided the material meets all applicable water quality standards.**

**e. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.**

**11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:**

**a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:**

**1. No buildings or structures have been impacted by the backwater induced by the existing structure, and**
**2. there is no record of complaints of flood damages associated with the existing structure.**

**b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.**
**c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).**
**d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).**
**e. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.**

**12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:**

**a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.**

**b. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.**

**c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.**

**d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.**

**e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.**

**f. The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.**

**g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.**

**h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).**

**13. Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.**

**B. Other development activities not listed in 6(A) may be permitted only if:**

**1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or**

**2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.**

**Section 7. PROTECTING BUILDINGS.**

**A. In addition to the damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:**

**1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars ($1,000) or seventy (70) square feet.**

**2. Substantial improvements or structural alterations made to an existing building that increases**

**the floor area by more than twenty percent (20%) or equal or exceeds the market value by fifty percent (50%). Alteration shall be figured cumulatively during the life of the building subsequent to the adoption of this ordinance. If subsequently improved, the existing structure and the addition must meet the flood protection standards of this section.**

3. **Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building subsequent to the adoption of this ordinance. If substantially damaged the entire structure must meet the flood protection standards of this section.**

4. **Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).**
5. **Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.**
6. **Repetitive loss to an existing building as defined in Section 2.**

**B. <u>Residential or non-residential buildings</u> can meet the building protection requirements by one of the following methods:**

1. **The building may be constructed on permanent land fill in accordance with the following:**

    a. **The lowest floor (including basement) shall be at or above the flood protection elevation.**
    b. **The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.**
    c. **The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.**
    d. **The fill shall be composed of rock or soil and not incorporated debris or refuse material, and**
    e. **shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.**

2. **The building may be elevated on solid walls in accordance with the following:**

    a. **The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.**
    b. **The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.**
    c. **If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and**
    d. **the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.**
        i. **All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.**

ii. **Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.**

iii. **The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or**

iv. **in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.**

3. **The building may be constructed with a <u>crawlspace</u> located below the flood protection elevation provided that the following conditions are met:**
4. **The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.**
5. **Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.**
6. **The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.**
7. **The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.**
8. **An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.**
9. **Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and**
10. **utility systems within the crawlspace must be elevated above the flood protection elevation.**

C. **<u>Non-residential buildings</u> may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:**

1. **Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.**
2. **The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.**
3. **Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.**
4. **Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.**

D. **<u>Manufactured homes or travel trailers</u> to be permanently installed on site shall be:**

1. **Elevated to or above the flood protection elevation in accordance with Section 7(B), and**
2. **anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.**
3. **Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision within the SFHA that are not subject to the provisions of Paragraph C.1 of this Section, shall be elevated so that either (a) the lowest floor of the manufactured home is at or above the base flood elevation, or (b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.**

**E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7(D) unless the following conditions are met:**

1. **The vehicle must be either self-propelled or towable by a light duty truck.**
2. **The hitch must remain on the vehicle at all times.**
3. **The vehicle must not be attached to external structures such as decks and porches**
4. **The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.**
5. **The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.**
6. **The vehicle's wheels must remain on axles and inflated.**
7. **Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.**
8. **Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.**
9. **The vehicle must be licensed and titled as a recreational vehicle or park model, and must either:**

    a. **entirely be supported by jacks, or**
    b. **have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.**

**F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:**

1. **The garage of shed must be non-habitable.**
2. **The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.**
3. **The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.**
4. **The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.**
5. **Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.**
6. **All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.**
7. **The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.**
8. **The garage may exceed 500 square feet, but must be less than $10,000.00 in market value or replacement cost, whichever is greater.**
9. **The structure shall be anchored to resist floatation and overturning.**
10. **All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.**
11. **The lowest floor elevation should be documented and the owner advised of the flood insurance implications.**

**Section 8. SUBDIVISION REQUIREMENTS**

**The Coal Valley Village Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.**

**A. New subdivisions, manufactured home parks, annexation agreements, planned unit**

**developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:**

**1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;**
**2. the boundary of the floodway when applicable, and**
**3. a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).**

**Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.**

**Section 9. PUBLIC HEALTH AND OTHER STANDARDS**

**a. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance the following standards apply:**

1. **No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.**
2. **Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.**
3. **Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.**

4. **New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.**
5. **Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.**

**b. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.**

**Section 10. CARRYING CAPACITY AND NOTIFICATION**

**For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.**
**In addition, the Village of Coal Valley shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.**

**Section 11. VARIANCE.**

**Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Coal Valley Zoning Board of Appeals for a variance. The Coal Valley Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Coal Valley Village Board. The Coal Valley Village Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.**

**A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:**

1. **The development activity cannot be located outside the floodplain.**
2. **An exceptional hardship would result if the variance were not granted.**
3. **The relief requested is the minimum necessary.**
4. **There will be no additional threat to public health, safety or creation of a nuisance.**
5. **There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.**
6. **The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and**
7. **all other state and federal permits have been obtained.**

**B. The Chairman of the Coal Valley Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:**

1. **Result in increased premium rates for flood insurance up to twenty-five dollars ($25) per one hundred dollars ($100) of insurance coverage;**
2. **increase the risk to life and property, and**
3. **require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.**

**C. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:**

1. **The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.**
2. **The repair or rehabilitation will not result in the structure being removed as a certified historic structure.**

**Section 12. DISCLAIMER OF LIABILITY.**

**The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Coal Valley or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.**

**Section 13. PENALTY.**

**Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Public Works Inspector / Building Inspector may determine that a violation of the minimum standards of this ordinance exists. The Public Works Inspector / Building Inspector shall notify the owner in writing of such violation.**

**a. If such owner fails after ten (10) day notice to correct the violation:**

**1. The Village of Coal Valley shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.**

**Any person who violates this ordinance shall upon conviction thereof be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.**

**2. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and the Village of Coal Valley shall record a notice of violation on the title of the property.**

**B. The Building Superintendent shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.**

**The Building Superintendent is authorized to issue an order requiring the suspension of the subject development.**

**The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit. No site development permit shall be permanently suspended or revoked until a hearing is held by the Coal Valley Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:**

**1. The grounds for the complaint, reasons for suspension or revocation, and**
**2. The time and place of the hearing.**

**At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Coal Valley Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.**

**C. Nothing herein shall prevent the Village of Coal Valley from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.**

**Section 14. ABROGATION AND GREATER RESTRICTIONS.**

**This ordinance repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the National Flood Insurance Program including: Ordinance No. 90-0-10 dated November 21, 1990. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.**

**Section 15. SEVERABILITY.**

**The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.**

## CHAPTER 9 PROPERTY MAINTENANCE CODE

**Section 1 ADOPTION.**

**The International Code Council's 2012 International Property Maintenance Code is adopted as the Property Maintenance Code for the Village of Coal Valley except as may be amended and modified by this Chapter 9 and Chapter 1.**

**Section 2 SCREENS**

**2012 International Property Maintenance Code Section 304.14 Insect Screens. During the period April 1 to November 1, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25mm), and every screen door used for insect control shall have a self-closing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.**

**Section 3. FILING.**

**Two (2) copies of the International Property Maintenance Code, 2012 edition shall be available in Village Hall for public inspection and reference.**

**Section 4. ENFORCEMENT.**

**The Building Inspector of the Village or his designated representative shall be responsible for the proper administration and enforcement of the Property Maintenance Code.**

## CHAPTER 10 DEMOLITION

**Section 1. PERMIT**

**It shall be unlawful to wreck or demolish any building or structure that is larger than two hundred (200) square feet in floor area or that is connected to electric, gas, water or sewer service without first obtaining a permit from the building inspector. The applicant must prove that all utilities have been disconnected before a permit shall be issued.**

**Section 2. FEE SCHEDULE**

**In-ground Swimming Pool…….$25.00**
**Frame Garage or Accessory Building…….…….$30.00**
**Masonry, Stone or Brick Garage or Accessory Building ……..……..$50.00**
**Residential One Story House ……...…….$100.00**
**Residential Two Story House……..…..$125.00**
**Commercial Building – One Story ……...$150.00**
**Commercial Building – Greater than One Story …….. $200.00**
**Industrial Building – One Story ……..…….$250.00**
**Industrial Building – Greater than One Story ……..….$300.00**

**Section 3. COMPLIANCE BOND**

**Before said demolition permit is granted by the building inspector, the party applying thereof shall file with the village a compliance bond in the amount of ten thousand dollars ($10,000.00) conditioned upon the faithful performance of the provisions of this building code.**

**Section 4. DISPOSITION OF MATERIALS**

**The applicant shall certify to the building inspector that all materials removed from the site shall either by salvaged, destroyed or deposited in a landfill site approved by the Illinois Environmental Protection Agency.**

**Section 5. WATER AND SEWER CONNECTION**

**The water must be disconnected at the water main and the sewer lateral must be cut off and plugged at the sewer main. Village of Coal Valley personnel must be present and inspect the shutting off of the water and plugging of the sewer lateral.**

**Section 6. SAFETY PRECAUTIONS**

**All parts of the building or structure shall be wrecked and removed from the site so that neither unsafe conditions nor hazardous materials remain. All cellars, basements, cisterns, septic tanks or other below-grade cavities shall be completely removed and filled with sand or solid fill within one (1') foot of finished grade.**

**Section 7. SITE RESTORATION**

**The site shall be restored to original grade with suitable topsoil material, graded to match existing terrain and drainage and seeded with grass.**

**Exception: In the event a structure is to be constructed upon the site within sixty (60) days after the date the demolition permit is used, then the requirements for site restoration need not apply.**

**Section 8. HOURS OF OPERATION**

**It shall be unlawful for any person to engage in construction or demolition activities in any residential zoning district at any time other than between the hours of seven o'clock (7:00) A.M. and eight o'clock (8:00) P.M.**

**Section 9. OBSTRUCTION OF RIGHTS OF WAY**

**No street, alley, nor sidewalk shall be obstructed to vehicle or pedestrian traffic during the time of building demolition without a permit from the building inspector.**

**Section 10. SAFEGUARDS**

**It shall be the duty of the persons engaged in the demolition to take precautions to assure the safety of pedestrians and property. Warnings, barricades, lights, temporary roofs over sidewalks, and flagmen shall be used and maintained whenever necessary to assure public safety.**

**and residential generation of electricity."**

## CHAPTER 11 WIND TURBINES

**Section 1. DEFINITION.**

**A wind turbine is any device that relies on the wind for the purpose of generating electricity.**

**Section 2. PROHIBITION.**

**Within the Village limits of Coal Valley no wind turbines may be erected for the purpose of commercial and residential generation of electricity."**

## CHAPTER 12 SEVERABILITY

**In the absence of specific language to the contrary, each section and each provision or requirement of any section of this ordinance shall be considered separable, and the invalidity of any portion of this ordinance shall not affect the validity or enforceability of any other portion.**

# TITLE V – FIRE PROTECTION REGULATIONS

## CHAPTER 1 FIRE PROTECTION DISTRICT

**Section 1. PURPOSE.**

**In order to most effectively provide the most modern and comprehensive fire protection available, the Village President and the Board of Trustees have caused all matters concerning fire fighting, fire protection and fire prevention to be contracted to the Coal Valley Fire Protection District.**

**Section 2. DUTIES ASSIGNED.**

**All powers and duties of establishing, maintaining and operating a fire department that would ordinarily be the duty of this Village are delegated to the governing body of the Coal Valley Fire Protection District.**

# TITLE VI – POLICE REGULATIONS

## CHAPTER 1: POLICE DEPARTMENT

**Section 1. CREATION.**

**A Police Department is created as an executive department of the Village of Coal Valley. The Police Department shall consist of the Chief of Police and other members, as may be provided from time to time by the Board of Trustees.**

**Section 2. DUTIES.**

**Each member of the Police Department shall possess the authority of a Peace Officer in the State of Illinois. It shall be the duty of the members of the Police Department to see to the enforcement of all ordinances of the Village of Coal Valley, all statutes of the State of Illinois, and the laws of the United States government, that are effective in the Village, and to which the powers of enforcement are granted to the member by law; and to preserve order, to keep the peace, and to prevent infractions of the law; and to arrest offenders and to cooperate in the prosecution of the offense. Every member of the Police Department is declared to be a conservator of the peace.**

**Section 3. OFFICE OF CHIEF OF POLICE CREATED.**

**The Chief of Police shall be appointed by the Village President with the advice and consent of the Board of Trustees.**

**Section 4. DUTIES OF POLICE CHIEF.**

**The Chief shall direct all activities of the Police Department and shall be responsible for the performance of the Police Department and of all its functions. All members of the department shall serve to the orders of the Chief of Police and comply with all lawful directives.**

**Section 5. STOLEN PROPERTY-CUSTODY OF.**

**The Chief of Police shall be and act as the custodian of all property claimed to be stolen property which comes into the Chief's possession in the course of his duties as Chief of Police. The Chief of Police shall control and keep stolen property subject to all judicial orders pertaining to same by way of release or otherwise. The Chief of Police shall have the authority to release stolen property to the proper owner as he shall determine, upon taking receipt from the owner, if no judicial order issues in respect to the stolen property. The Chief of Police shall have the authority to dispose of stolen property after a reasonable period of time elapses, wherein no claim is made with respect to the property by any person, as provided by law.**

**Section 6. SERVING PROCESS.**

**The Chief of Police shall be authorized to serve writs, summons and other processes; but no patrolmen shall serve any such process except on the order of the Chief of Police or Village President.**

**Section 7. CONDUCT OF MEMBERS.**

**It shall be the duty of every member of the Police Department to conduct himself or herself in a proper and law abiding manner, and to avoid the use of any unnecessary force.**

**Section 8. WITNESS, FEES.**

**Every member of the Police Department shall appear as a witness whenever summoned or noticed by the court where it is necessary in a prosecution for a violation of a Village ordinance or of any state or federal law. But no such member shall receive any witness fees for services in any action or suit to which the Village is a party; all fees due for such services shall, if paid, be turned over to the Village Treasurer.**

**Section 9. RULES AND REGULATIONS.**

**The Village may prescribe rules, regulations and policies, in the form of a personnel policy manual, and other directives, for the guidance of the members of the department, as well as all Village employees, as deemed fitting and proper, and such rules and regulations and policies are binding of the members of the police department following their approval by the President and Board of Trustees. The Chief of Police has the authority, and may issue, as necessary, directives, memoranda and general orders, consistent with State Statute, Village Ordinance, and the policies of the Village of Coal Valley, in order to direct the day-to-day functions and activities of the Police Department. The Chief of Police and members of the Police Department shall conduct themselves, at all times in a manner consistent with the Village of Coal Valley Personnel Policy Manual as now written, or as revised from time to time, provided the Village of Coal Valley Personnel Policy Manual is not contrary to the express terms of the labor agreement.**

**Section 10. PART TIME POLICE.**

**Whenever duties require it, the Village of Coal Valley may employ part-time police officers from time to time as they deem necessary.**

**A. Duties. A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Coal Valley Police Department, but the number of hours a part-time officer may work within a calendar year is restricted to less than 1,248 hours and no more than 24 hours within a week. Part-time police officers shall not be assigned to supervise or direct fulltime police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et. seq.) and the rules and requirements of the ILETSB.**

**B. Hiring Standards. Any person employed as a Part-Time police officer must meet the following standards:**

1. **Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.**
2. **Be at least twenty-one (21) years of age.**
3. **Pass a medical examination.**
4. **Be certified by the Illinois Training and Standards Board to the minimum standards for part time officers OR possess sufficient experience to qualify for a waiver of training.**
5. **Possess a high school diploma or GED certificate.**
6. **Possess a valid driver's license from their resident State.**
7. **Possess no prior felony convictions.**
8. **Any individual who has served in the U.S. military must have been honorably discharged.**

**C. Discipline. Part-time officers shall be under the disciplinary jurisdiction of the chief of police. Part-time police officers serve at the discretion of the Village authorities, shall not have any property rights in said employment, and may be removed by the Village authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.**

**Section 11. POLICE OFFICER STANDARDS.**

**a. All police officers, including those officers who shall be employed on a part-time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board, and,**

**b. The aforesaid hiring standard shall be submitted to the Illinois Law Enforcement Training Standards Board as required by statute (65 ILCS 5/3.1-30-21).**

**c. Police officers shall maintain yearly certification in hazardous materials awareness and firearms proficiency per Illinois statute.**

**d. The Chief of Police may set and/or adopt reasonable performance standards that are binding on the members of the police department.**

**Section 12. DISCIPLINARY ACTION.**

**The Chief of Police has the authority to impose discipline on the members of the Police Department, up to and including dismissal from service, consistent with Village of Coal Valley labor agreement, policies and ordinances of the Village, and consistent with State Statute. The Uniform Police Officer Disciplinary Act will be followed as it pertains to all disciplinary matters within the Police Department. During the first full year of full-time employment, a member of the police department shall be considered to be on probationary status and as such his employment is subject to termination at the sole discretion of the Chief of Police.**

## CHAPTER 2: MISDEMEANORS

**Section 1. DEFINITIONS.**

**For use in this Chapter the following terms are defined:**

**OBSCENE Whether to the average person, applying contemporary standards of the community in which the act in question occurred, the dominant theme of the material taken as whole, appeals to a shameful, unnatural, impure, unlawful or morbid interest in nudity, sex and excretion.**

**PERSON Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.**

**Section 2. MISDEMEANORS.**

**1 INDECENT EXPOSURE.**

**a. No person shall swim or bathe in any place exposed to public view, within the limits of the Village, being naked or otherwise indecently exposed.**

**b. No person shall appear in any public place within the Village of Coal Valley in a state of nudity or in any indecent or lewd dress, or make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior, or shall exhibit or perform or in any way cause to be exhibited or performed, any indecent, immoral, or lewd play, or show, or representation of any sort.**

**2 OBSCENE LITERATURE.**

**No person shall knowingly exhibit, sell, print, offer to sell, give away, circulate, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play image, instrument, statue, drawing or other article which is obscene, to any person under the age of 18. No place of business will display any magazine, book, photograph, circular, poster, or any other thing depicting nudity or any thing of an obscene nature, unless covered, in a place open to view by children under the age of 18.**

**3 DISORDERLY HOUSE.**

**No person shall keep or maintain a house of ill-fame or a place for the practice of prostitution or lewdness; nor shall any person patronize, let, own or be interested as a proprietor or landlord in any house, room or other premises used for any such purpose, or shall keep a common, ill-governed or disorderly house, to the encouragement of idleness, gaming, drinking, fornication or other misbehavior.**

**4 GAMING.**

**a. No person shall play for money or other valuable thing at any game with cards, dice, billiards, or with any other article, instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing of value, nor shall bet upon any game others may be playing except as allowed by State statute.**

**b. No person shall keep a gaming house, or any building, or other place, by himself or agent, used or occupied, to procure or permit any person to frequent or come together to play for money or other valuable thing at any game, nor shall keep nor suffer to be kept any table or other apparatus or device for the purpose of playing at any game or sport for money, or any valuable thing, nor shall keep nor rent any such place for any such purpose, except as allowed by statute.**

**c. Every clock, tape machine, slot machine or other machine or device for the reception of money on chance, or upon the action of which money is staked, hazarded, bet, won or lost is hereby declared a gambling device, and shall be subject to seizure, confiscation and destruction by any municipal or other local authority within whose jurisdiction the same be found with the exception of those gaming machines or devices authorized by the Illinois Legislature and licensed by the Illinois Gaming Board.**

**d. In case of the conviction of any person for a violation of any of the provisions of Sections 2.2, 2.3 or 2.4, of this Chapter, such person shall, in addition to the penalty prescribed for such violation, incur a forfeiture of any Village license or permit that he may hold.**

**5 POSSESSION OF EXPLOSIVE MATERIALS.**

**It shall be unlawful for any person to knowingly use, sell, manufacture, purchase, possess, or transport any explosive material or device, or any chemical or substance, used to mix with another chemical or substance, in order to create or cause an explosion, whether flammable**

**or not. Explosive materials or devices shall include any bomb, bomb shell, grenade, bottle or other vessel containing an explosive material or substance such as, but not limited to: fireworks, black powder bombs, Molotiv cocktails, artillery projectiles, or McGyver bombs. Provided, this Section shall not be construed to prohibit any officer of the law, or governmental employee from using or possessing explosive materials or substances in the performance of his duty; nor to prohibit any citizen of the United States from the use or possession of explosive materials or substances when properly licensed to do so, or when lawfully engaged in a duly licensed or regulated business or profession.**

**5.1 On a permitted basis as recommended by the Chief of Police and Fire Chief, the Village Board of Trustees may allow for pyrotechnic displays (fireworks) administered by a licensed pyrotechnic technician. The agency responsible for contract for pyrotechnic displays will also be responsible for contracting with the Coal Valley Fire Protection District to be on site during the display.**

**6 DANGEROUS ACTIVITIES IN STREETS. No person shall, on any public street or right of way, fly kites, throw stones or snowballs, play ball or games, embarrass the passage of vehicles, or obstruct the passage or business of other people; nor throw nor cast any stone, snowball, or other missile upon or at any building, tree or other public or private property, or at any person anywhere in the Village, or aid or abet the same, nor shall any person place, erect or allow to remain upon, any Village street or right or way, any skate ramp, pole, net, hoop, or any plaything or object of similar design.**

**7 GETTING ON OR HOLDING TO VEHICLES. No person shall seize, hang upon, get upon, hold, tie or fasten themselves to any vehicle, motor vehicle, or conveyance, while the same is in motion, or attempt to do so, or attach to any such vehicle or conveyance any sleigh, sled, bicycle, wagon, toy, skateboard, or other similar device, and ride on it, unless authorized by law to do so.**

**8 COASTING ON STREETS PROHIBITED / PRIVATE PROPERTY / SIDEWALKS.**

**a. No person shall coast, slide or ride on any sled, skateboard, scooter, roller skates or similar device, on any roadway or Village street, except on such streets as may be designated by the Village President.**

**b. No person shall ride a sled, skateboard, scooter, roller skates, or similar device on any private property without the permission of the owner or where clearly posted that such activity is prohibited.**

**c. No person shall ride any sled, skateboard, scooter, roller skates, or bicycle on any sidewalk in the Village in a manner that would endanger pedestrians or embarrass pedestrian movement.**

**9 OBSTRUCTING PERSON IN HIGHWAY. No person shall willfully and unnecessarily hinder, obstruct or delay, or willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon a street or highway within the Village, or offer or barter for sale merchandise, or solicit donations, on a street or highway so as to interfere with the movement of traffic, nor shall any person stand in the improved portion of any street or roadway for the purpose of soliciting a ride from the driver of any vehicle, nor shall any person be found on any street or highway who is under the influence of alcohol or any drug to a degree which renders himself a hazard.**

**10 OPEN CONTAINER. No person shall carry an open or unsealed container or vessel containing an alcoholic beverage upon a public street or highway, or upon the right of way, or upon a public sidewalk, unless during an organized event sanctioned by the President and Board of Trustees.**

**11 ASSAULT; BATTERY.**

**a. Offense of Assault. A person commits assault when, without lawful authority, he engages in conduct, which places another in reasonable apprehension of receiving a battery.**

**b. Offense of Battery. A person commits battery if he intentionally or knowingly, without legal justification and by any means: Causes bodily harm to an individual; or Makes physical contact of an insulting or provoking nature with an individual.**

**12 DISTURBING THE PEACE. No person shall make or create any loud or unusual noises, by playing loud music, or loudly playing musical instruments, or by the beating of drums, or beating upon other sounding vessels or instruments, nor disturb the peace and quiet of any street or neighborhood by revving motor vehicle engines, squealing tires, or by boisterous laughing, singing, bellowing or whooping, nor by any other device or means whatever.**

**13 LOITERING.**

**a. Definition. As used in this Section, "loitering" shall mean remaining idle in essentially one location and shall include the colloquial expression "hanging around".**

**b. Certain Types of Loitering Prohibited. No person shall loiter in a public place in such matter as to:**

**Create or cause to be created a danger of a breach of the peace. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person. Obstruct the free passage of pedestrians or vehicles. Obstruct, molest or interfere with any person lawfully in any public place.**

**This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.**

**c. Request to Leave. Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection (b) above, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section.**

**Any person, firm or corporation violating the provisions of this Ordinance shall be subject to a in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.**

**14 DISORDERLY CONDUCT. It shall be unlawful for any person to commit disorderly conduct.**

**a. A person commits disorderly conduct when he knowingly does any act in such an unreasonable manner as to alarm or disturb another; or to provoke a breach of the peace by loud or boisterous screaming, swearing, or cursing; or by conducting himself in a tumultuous, riotous, indecent, disorderly or offensive manner provoking a breach of the peace.**

**b. A person commits disorderly conduct when he knowingly transmits in any manner to any peace officer, public officer or public employee a report that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed, or,**

**c. transmits in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false report of a fire, or a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required, or,**

**d. places prank, nuisance or hang-up phone calls to any 911 emergency center.**

**15 DISTURBING SCHOOL OR ASSEMBLY. No person shall willfully interrupt or disturb any school or any congregation or any assembly or meeting for religious worship, or any other public meeting for any other lawful purpose, by making unnecessary noise or by rude or indecent behavior, or by profane discourse within such meeting, or so near the same as to disturb the order of solemnity of such meeting; nor shall any person protest, or organize a protest, within 500 feet of a funeral service or burial, less than one hour before said service or burial, or less than one hour following said service or burial.**

**16. DEADLY WEAPONS. No person shall carry on or about their person, in any public place or upon any street or highway within the Village limits, whether concealed or not, any loaded firearm, or any unloaded firearm not fully enclosed in a case; nor shall any person, carry or transport within a vehicle any loaded firearm, or any firearm that is not unloaded and enclosed in a case or unloaded and located in the vehicle in a place not readily accessible to the driver Unless that Person has a Valid Concealed Carry Permit issued or authorized by the State of Illinois or is otherwise authorized by the State to carry a concealed firearm.**

**a. It shall be unlawful to discharge any firearm or air gun, BB gun or any toy gun, propelling a lead or metal missile from the barrel, anywhere within the Village, excepting at a regularly established shooting gallery or range authorized by the Board of Trustees; nor shall any person discharge an airgun that propels a paintball or paint capsule at any place in the Village excepting on private property with the permission of the owner or tenant.**

**b. It shall be unlawful to shoot any bow or to discharge any arrow anywhere within the Village, excepting at a regularly established shooting gallery or range authorized by the Board of Trustees.**

**c. No person shall be found in possession of any firearm anywhere within the Village limits while not, at the same time, being in possession of a valid Firearms Owners ID card issued by the State of Illinois to that person.**

**d. Nothing in this Section shall be construed to prohibit any peace officer or officer of the law to carry or discharge any firearm in the performance of his duties; nor prohibit any citizen to discharge a firearm when lawfully defending his person or property.**

**17. CARRYING CONCEALED WEAPONS. No person shall wear under their clothes, or concealed about their person, any pistol, revolver, unless that Person has a Valid Concealed Carry Permit issued or authorized by the State of Illinois**

1. **No person shall carry under their clothes or concealed about their person any bowie knife, dirk or other deadly weapon, nor shall any person, in a threatening or boisterous manner, display or flourish knife or other deadly or dangerous weapon. Any such weapon or weapons worn, carried, or displayed by any person in violation of this section shall be kept and retained by the Chief of Police pending final adjudication of the violation. This section shall not apply to peace officers of the Village, nor peace officers of the county, State or Federal government.**

**18** **RESISTANCE TO OFFICERS / OBSTRUCTING DUTIES OF OFFICERS. No Person shall unlawfully resist any police officer in the discharge of his duties, nor refuse to follow any lawful direction or order given by any police officer or officer of the law, nor willfully refuse to assist any police officer in making an arrest when called upon to do so, nor provide false information to an officer with the intent to obstruct his lawful duties, nor interfere with the President of the Village, with the Chief of Police, or any police officer, or any Village official or person authorized and required to enforce the laws of the Village, or prevent, hinder, or delay such person in the execution of the duties required of him under the ordinances of the Village or laws of the State or Federal government.**

**19** **DESTRUCTION OR INJURY OF PROPERTY.**

**a. No person shall willfully or maliciously destroy, injure, deface or interfere with any property of the Village, Fire Protection District, State of Illinois, or any other public property or public work.**

**b. It shall be unlawful for any person to knowingly or recklessly damage any property of another, or for any person to spray or throw substances upon, tamper with, vandalize, or in any like manner injure or deface the property of another, without the consent of such other person.**

**20** **PROHIBITED EXCAVATIONS. No person shall dig or make, any ditch, drain or other excavation, on any street, alley, right of way or public grounds, or remove any sod, earth, sand, gravel or stone from any street, alley, right of way or public grounds, nor shall any person fill, partly fill, alter the course, or attempt to alter the course, of any ditch, waterway, creek or drain, whether natural or man made, anywhere within the Village, except by the permit from proper municipal, State or Federal authority.**

**21** **BREAKING OR OPENING INTO SEWERS FORBIDDEN. No person shall break or make any opening in or in any manner injure or interfere with any of the main drains or sewers of the Village, or connect any drain sewer or pipe, without permission from the proper municipal authority.**

**22** **INJURY TO TREES, FENCES, STREET LIGHTS. No person shall willfully or carelessly destroy or injure any tree, shrub, fence, railing, street lamp, electric light post or wire, or cause injury to the same, or shall tie or fasten any animal to or so near any tree, shrub, fence, railing, lamp post, electric light post or wire, on public property, or upon the public right of way, where destruction or injury of same could occur.**

**23** **BURNING RUBBISH IN STREET PROHIBITED. No leaves or rubbish of any kind shall be burned upon the improved portion of any street or roadway within the limits of the Village.**

**24** **POSTING OF BILLS FORBIDDEN. No person shall post, paste, or in any other way attach or affix to any telephone or electric light pole any bill, notice, announcement or other**

**advertising medium, nor shall any person post, paste, or in any way display any bill, notice, announcement or other advertising medium upon any right of way in the Village limits.**

**25 DEPOSITING LITTER, RUBBISH, INJURIOUS MATERIALS PROHIBITED.**

**a. No person shall,**

**1. place, deposit or throw, or cause to be placed, deposited or thrown, on any street, alley, or public place, any paper, rags, sticks, blocks, posts, boards, lumber, earthenware, metal, stones, concrete, or other building materials of any kind, or any shavings, dirt, tin cans, junk or other rubbish of any kind or description, nor shall any person sweep rubbish or debris from lawns or sidewalks on to the street or into the gutters, nor place litter of any sort in the streets or in gutters, nor deposit, sweep or blow leaves or lawn clippings on to a street or into the gutters without immediately destroying same.**

**2. throw or place upon the surface of any of the streets, alleys or sidewalks any bottles, glass, nails or other articles or substances likely to cause injury to travelers or pedestrians or to vehicles or bicycles being used on the streets.**

**3. place, or cause to be placed. or allow to remain, upon any street or upon any sidewalk in the Village, or upon any public ground or right of way, or upon any part thereof, any box, barrel, container, dumpster, drop-off container, or other receptacle for dirt, ashes, paper, scrap, or other rubbish or materials, without the permission of the Village public works department.**

**b. All contractors, truckers, and others hauling dirt, sand, gravel, ashes, rubbish or other materials on streets or alleys shall so construct, keep and maintain their truck, wagon boxes, or dump boxes, to at all times prevent the spilling of materials. In case the above materials fall into the streets or are scattered in any street or avenue, they shall be removed immediately.**

**c. Any person found in violation of this section, in addition to any penalties provided in this Code, shall be responsible for reasonable costs incurred for the removal or clean-up of the litter, rubbish, debris or materials.**

**26 PLANTING OF TREES AND SHRUBS PROHIBITED. No person shall plant trees or shrubs except as to those now planted and growing, in or upon public streets and right of ways of the Village without the permission of the Village Board of Trustees.**

**27 TRIMMING OF TREES. Every person having in their charge, or upon their property, any tree or shrub which extends over on any street or avenue, shall be responsible to remove all branches which are less than 14 feet from the ground, and over sidewalks less than 8 feet from the ground. All trees shall be trimmed so as not to obscure or obstruct the city lights, fire hydrants or regulatory signs along the streets and avenues of the Village.**

**28 SMOKING PROHIBITED. It shall be a violation of this Code of Ordinances for any person to smoke in a public place where there is clearly posted a notice that smoking is prohibited, as determined by the property owner or other person in lawful control of the property, or to smoke, or to allow or permit another to smoke, anywhere smoking is prohibited by State law or regulation, or, for any person to violate the provisions of the Smoke Free Illinois Act (P.A. 95-0017) and its subsequent amendments and revisions as passed from time to time by the Illinois General Assembly and enacted into law.**

**29 SPECIFICALLY ENUMERATED TRESPASSES.**

**a. Trespass to a Vehicle. It shall be unlawful for any person to knowingly and without authority enter any vehicle, aircraft or watercraft or any part thereof without the consent of the owner.**

**b. Trespass to Land - Failure to Depart. It shall be unlawful for any person to enter upon the land or any part thereof of another after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden or to remain upon the land of another after receiving notice from the owner or occupant to depart. A person has received notice from the owner or occupant if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.**

**c. Trespass to Residence- It shall be unlawful for any person without authority to knowingly enter or remain within any residence of another, including a house trailer. For purposes of this Section, in the case of a multi-unit residential building or complex, "residence" shall only include the portion of the building or complex which is the actual dwelling place of any person and shall not include such places as common recreational areas or lobbies. This section shall not apply if at the time of unlawful entry, there is within the residence one or more occupants of that residence. [ 720 ILCS 5/19-4 (a) 1]**

**d. It shall be unlawful for any person to reside in or occupy a mobile home, located within a mobile home park in the Village, for any length of time, wherein that person holds no legal interest or authority in the mobile home, without the express permission of the park owner.**

**e. A person shall be exempt from prosecution under this Section if he beautifies unoccupied or abandoned property within the Village limits. For the purposes of this subsection "unoccupied or abandoned" property shall mean any real estate that has been left unoccupied and abandoned for at least one year. "Beautifies" means to clean up litter, cut grass and weeds, and to repair dilapidated conditions. Nothing in this Section prohibits a person from entering a building, or upon the land of another, for emergency purposes.**

**30 PUBLIC FIGHTING.**

**It shall be unlawful for any person to knowingly start a fight, or attempt to fight, by use of language or actions reasonably assured to provoke another to fighting, or to fight with another, without legal justification in any public place in the Village.**

**31 THEFT.**

**a. Definitions. All the terms and phrases used herein shall have the same meaning as ascribed to them in the Criminal Code (720 Illinois Compiled Statutes 5/15-1 et seq. and 5/16-1 et seq.) and amendments thereto; except should the term "person" be limited therein to natural persons who have attained the age of seventeen (17) years or more, said limitation is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.**

**b. Offense of Theft. A person commits the offense of theft when he knowingly:**

**Obtains or exerts unauthorized control over property of the owner; or**
**Obtains by deception control over property of the owner; or**
**Obtains by threat control over property of the owner, or**
**Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and Intends to deprive the owner permanently of the use or benefit of the property; or Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or**
**Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.**

**c. Exceptions. It shall not be an offense under this Section whenever the property involved is a firearm or exceeds three hundred dollars [$300.00] in value or whenever the property is obtained by theft from a person.**

**32 THEFT FROM COIN-OPERATED MACHINES.**

**a. Definitions. All the terms and phrases used herein shall have the same meaning as ascribed to them in the Criminal Code (720 Illinois Compiled Statutes 5/15-1 et seq. and 5/16-1 et seq.) and amendments thereto; except, should the term "person" be limited there to natural persons who have attained the age of eighteen (18) years or more, said limitations is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.**

**b. Offense of Theft From Coin-Operated Machines. A person commits the offense of theft from coin-operated machines when he knowingly and without authority and with intent to commit theft from such machine, opens, breaks into, tampers with or damages a coin-operated machine.**

**c. No person shall insert, or attempt to insert into the coin box or money receptacle of any telephone, any slug, button or other substance or to manipulate or operate, or to attempt to manipulate or operate, in any manner whatever, any telephone instrument or any mechanism or device connected or commonly used with the intent to obtain telephone service without paying for it.**

**d. No person shall insert, or attempt to insert into the coin box or money receptacle of any telephone, any slug, button, wire, hook, or other implements or substance with the intent to obtain from such coin box or money receptacle a legal tender coin of the United States.**

**e. Penalty. Any person violating the provisions of this Ordinance shall be subject to a fine in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley.**

**33 RETAIL THEFT.**

**a. Definitions. All the terms and phrases used herein shall have the same meaning ascribed to them in the Criminal Code (720 Illinois Compiled Statutes 5/16A-1 et Seq.) and amendments thereto; except should the term "person" be limited there to natural persons who have attained the age of seventeen (17) years or more, said limitations is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.**

**b. Offense of Retail Theft. A person commits the offense of retail theft when he knowingly:**

**Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use, or benefit of such merchandise without paying the full retail value of such merchandise; or**
**Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or**
**Transfers any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or**
**Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or**
**Removes a shopping cart or shopping basket from the premises of retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use, or benefit of such cart; or**
**And with the intent to commit an offense as specified above in subsections (B) 1, 2, 3, 4, or 5, he does any act which constitutes a substantial step toward the commission of that offense.**

**However, it is not an offense hereunder when the full retail value exceeds three Hundred dollars [$300.00].**

**c. Presumption. If any person conceals upon his person or among his belongings, unpurchased merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment and removes the merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment; such person shall be presumed to have possessed, carried away, or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use, or benefit of such merchandise without paying the full retail vale of such merchandise.**

**d. Detention. Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, in or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:**

**To request identification.**
**To verify such identification.**
**To make reasonable inquiry as to whether such person has in his possession any unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise.**
**To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer.**

**When Such person is a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.**

**A merchant may make a detention as permitted hereinabove off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.**

**Affirmative Defense. A detention performed pursuant to and in accordance with this section does not constitute an arrest or an unlawful restraint and this Section may be pleaded in way of an affirmative defense to false arrest, false imprisonment, or any other cause of action for damages or liability where the essence of said cause is the detention made pursuant hereto.**
**Any person violating the provisions of this Ordinance shall be subject to a fine of not less than one hundred dollars ($100.00), nor more than seven hundred fifty dollars ($750.00).**

**34 UNLAWFUL USE OF LASER DEVICE.**

**a. It shall be unlawful for any person, within the limits of the Village of Coal Valley, to direct light emitted from a laser pointer or any similar device that emits light amplified by the stimulated emission of radiation that is visible to the human eye, at any other person in a public place or on a public way; or direct light from a laser pointer or similar device into a private dwelling without the consent of the occupant; or direct light from a laser at any vehicle or aircraft, or direct light from a laser pointer or similar device at any peace officer, firefighter or rescue worker while engaged in their official duties.**

**b. No person under the age of 18 may possess a laser pointer or similar device as defined in subsection (a.) within the limits of the Village of Coal Valley.**

**c. No person shall be found guilty of a violation of this section when a laser pointer or similar device is possessed or used for a valid employment or school-related instructional purpose and such person, if under the age of 18, is under the supervision of his or her employer or under the supervision of a school instructor or school staff person and has not displayed it in a threatening or disorderly manner.**

**35 TOBACCO: POSSESSION / SALES TO MINOR**

**a. It shall be unlawful for any person to sell or give away, directly or indirectly, to any person under the age of eighteen (18) years, any cigarettes, tobacco, tobacco product, or any compounds of tobacco used in filling up or making up of a cigarette or to give or sell any cigarette papers to minors.**

**b. It shall be unlawful by anyone under the age of eighteen (18) years to use or possess cigarettes, tobacco, tobacco products, or cigarette papers within the Village Limits.**

## CHAPTER 3 PUBLIC HEALTH NUISANCES.

**Section 1 DEFINITIONS**

**The following definitions shall apply in the interpretation and enforcement of this ordinance:**

**HEALTH AUTHORITY: The Building Inspector for the Village of Coal Valley, the Chief of**

**Police or their duly authorized representative (s).**

**PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.**

**PROPERTY OWNER: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity in whose name legal title to the real estate is recorded.**

**Section 2 ENUMERATIONS**

**Health nuisance includes any act, omission to act, or condition on any real property which injures or threatens the health or safety of one or more persons and shall not be limited to, but shall include the following:**

**a. The storage, collection, accumulation, discharge, or deposition of any offal, fecal matter filth, refuse, weeds, vegetation, animal carcass, dead organic material, garbage, scrap metal or scrap building materials, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threaten the health or safety of the individual or the public or to be conducive to the breeding of flies, rats, or other vermin, or to the prejudice of others.**

**b. The presence of rats, flies, or other vermin.**

**c. To discharge or deposit any offal, liquid waste, sewage effluent, dead animal(s), or other polluting material into or upon any watercourse, stream, river, lake, pond, spring, well, abandoned well, ground-surface, drainage ditch, storm sewer, field drain tile, street or public highways.**

**d. To corrupt or render impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.**

**e. To erect or continue to use any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, is dangerous to the health of individuals or to the public.**

**f. To collect, store, deposit or discharge flammable refuse, liquid, or other material in any building or on any place in such manner as to constitute a hazard of fire injury to individuals or the public.**

**g. To dump, abandon, deposit, dismantle, or burn upon any public or private property, right-of-way, highway, park, street, or parkway anywhere in the Village of Coal Valley, any trash, garbage, ashes, junk, junked or wrecked motor vehicles or non-motorized equipment, or parts thereof, or miscellaneous solid waste.**

**h. The unlawful disposal of the carcasses of dead animals, fish, or fowl.**

**i. The exposure of any person to any communicable disease by any unlawful act or practice.**

**j. To own, maintain, or keep a dwelling unit unfit for human habitation or dangerous or detrimental to life, safety, or health because of lack of repair, defects in the sewage system, plumbing facilities, lighting, or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.**

**k. Failure to secure areas, buildings, abandoned or derelict dwellings, equipment, storage lots,**

**construction areas or any other place against unauthorized access where such access threatens the safety of individuals.**

**l.** **Whatever renders food or drink detrimental to human beings, as determined by the Health Authority.**

**m.** **Any attractive nuisance that may prove detrimental to life, health, or safety whether a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned well shaft, basement or other excavation, swimming pool, demolition site, mobile home or trailer coach, motor vehicle; or any discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers equipped with airtight door or lid, whereon the door has not been removed, blocked open or permanently fastened closed; or any other condition that is kept or suffered to be kept that may prove detrimental to the life, health or safety of others. The duties of this item are imposed alike on the owner of the nuisance and the owner or occupant of the premises where the nuisance is permitted to remain.**

**n.** **To allow growth of weed and grass to exceed ten inches (10”) in height upon any public or private property.**

**o.** **For the owner or keeper of any lot or premises to keep, or allow to remain thereon, to the annoyance and detriment of other persons, outside of any buildings located on said premises, any appliances or furniture not designed for outdoor use.**

**Section 3** **MOBILE HOME PARKS: HEALTH / SAFETY / RESPONSIBILITY TO BATE NUISANCES**

**a.** **It is the responsibility of a mobile home park owner or operator to abate or cause to be abated all public health nuisances as outlined in this Section or Code of Ordinances; to keep the property free of all attractive nuisances which may prove detrimental to the life, health and safety of his tenants or the public in general; to maintain all streets to be free of pot holes, mud, debris and injurious materials; to provide for snow and ice removal from the streets; to maintain all water systems, sewage systems, electrical distribution systems and community services in a fully functioning condition; to remove dead trees, dangerous tree limbs, noxious weeds, litter, rubbish, refuse, discarded appliances, tires, animal carcasses, junk, trash, garbage and similar waste materials from the mobile home park premises.**

**b.** **It is the responsibility of a mobile home park owner or operator to remove or cause to be removed any mobile home substantially damaged by fire, winds, flooding, or similar causes, or those mobile homes abandoned on his property and as defined in the Illinois Abandoned Mobile Home Act. The owner or operator of a mobile home park will notify the Village offices in writing describing any mobile home found to be abandoned or materially destroyed by fire or other causes on his property and give therein a detailed plan and time-line for its removal from the park or its return to a habitable condition.**

**c.** **The owner or operator of a mobile home park may enter into an agreement with the Village to act as the Village's agent under the Abandoned Mobile Home Act in order to facilitate the timely removal of abandoned mobile homes located on the premises. If the mobile home park owner or operator elects to proceed under the Abandoned Mobile Home Act in order to remove abandoned mobile homes under that Act, all expenses incurred or profits realized will be those of the park owner or operator.**

**Section 4** **INVESTIGATION**

**The Health Authority shall investigate, upon complaint of any person, or on its own initiative, any alleged health nuisance in the Village of Coal Valley.**

**Section 5 INSPECTIONS**

**The Health Authority shall have the authority to enter any property at any reasonable time to inspect for health, sanitation, or safety purposes to determine compliance with the provisions of this Ordinance. In the event the Health Authority, in attempting to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, an affidavit may be made under oath to any judge of the circuit court for a warrant authorizing the Health Authority named in the affidavit to enter upon or into such premises for the purpose of determining the existence of the conditions set forth in the affidavit.**

**Section 6 INTERFERENCE WITH PUBLIC OFFICIALS OR OFFICERS.**

**It shall be unlawful for any person to interfere with, hinder or refuse to allow a public official or police officer to carry out the provisions of this section or any other provision of this Code of Ordinances, or, to provide false information or in any way obstruct an investigation or inspection being conducted by a police officer or any other public official authorized to enforce the provisions of this Chapter or any other provision of this Code.**

**Section 7 ENFORCEMENT AND PENALTIES.**

**a. Any person, firm or corporation found guilty of violating the provisions of this Section shall be fined not less that $50.00 nor more than $750.00 for each offense except that a person, firm or corporation found violating subsection 3.6 shall be fined not less than $100.00 or more than $750.00. Each person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of the section is committed, continued or permitted.**

**b. In addition to the foregoing the Village may abate the nuisance in any reasonable manner including the removal of articles constituting the nuisance and may collect from such violators the reasonable cost thereof. The cost of removal shall become a lien on the real estate affected provided that a notice of lien is filed in the office of the Recorder of Deeds within sixty (60) days of the completion of the abatement of said nuisance. The lien notice shall set forth a description of the real estate involved, the amount of money representing the costs and expenses incurred in the abatement of the nuisance, and the dates when said costs and expenses were incurred by the Village.**

**c. In addition to the foregoing, the Village Attorney is authorized and directed to initiate litigation in court to recover the costs incurred in abating the nuisance.**

**d. A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.**

## CHAPTER 4: ANIMAL CONTROL

**Section 1. DEFINITIONS**

**PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.**

**DOG OR CAT: Under this section Dog or Cat means any dog or cat over the age of four (4) months.**

**DANGEROUS DOG:**

**a. Dangerous dog means any individual dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to any person or companion animal, or,**

**b. A dog, that has attacked on two (2) separate occasions, in an unprovoked manner, any person or animal, resulting in injury to that person or animal, or,**

**c. Any dog that has a trait, characteristic, or known reputation for viciousness, dangerousness, or unprovoked attacks upon human beings or other animals, or,**

**d. Any dog owned or kept primarily, or in part, for the purpose of fighting; or any dog trained or bred for fighting.**

**VICIOUS DOG:**

**a. A Vicious dog is any "Dangerous Dog" that has attacked, in an unprovoked manner, any person or domestic animal, whether an injury is sustained or not, or,**

**b. Any dog that, in an unprovoked and vicious manner, attacks any person resulting in serious injury or death to that person.**

**SERIOUS INJURY:**

**Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.**

**Section 2. EXCLUSIONS:**

**The provisions of this chapter do not apply to: Veterinary Hospitals, Properly Licensed Boarding Kennels, Pet Shops, Animal Shelters, Properly Maintained and Licensed Zoological Park, Circus, Scientific Educational Institute or research laboratory. Police dogs which means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.**

**Section 3. FARM ANIMALS**

**No person shall keep any farm animals or livestock such as cattle, sheep, horses, swine, goats or poultry at any place or upon any premises within the Village.**

**Section 4. EXOTIC ANIMALS**

**No person shall keep any exotic animals such as lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, hyenas, wolves, coyotes, constricting or poisonous snakes or any other animal, which is inherently dangerous because of the nature of the animal in relation to persons or domestic animals.**

**Section 5. DOG AT LARGE**

**The owner, possessor, or keeper of any dog shall not permit the dog to be at large off the premises or property of such owner, possessor or keeper unless the dog is under restraint at all times. A dog is under restraint within the meaning of this Chapter if the dog is controlled by a leash "at heel" beside a competent person, and is obedient to that person's commands; or under the control of a competent person while on or within a vehicle being driven or parked on the streets.**

**Section 6. CATS AT LARGE**

**The owner, possessor or keeper of a cat shall not allow a cat to stray or in any manner, or to run at large, on or upon, any public street, other public property, or the property of another, unless the cat is properly restrained. A cat is under restraint, within the meaning of this Chapter, if the cat is properly leashed.**

**Section 7. NUMBER OF CATS AND DOGS**

**No person shall permit more than two (2) cats, nor permit more than two (2) dogs, to remain in or about any residence, building, lot or mobile home located in a mobile home park anywhere within the Village.**

**Section 8. FAILURE TO REMOVE ANIMAL WASTE**

**It shall be unlawful for any person having control of any dog or other animal which deposits any solid excrement or feces upon any public way, sidewalk, street or right-of-way; or, upon the property of another without the consent of the property owner, to leave said excrement or feces without causing its immediate and complete removal.**

**Section 9. BARKING OR HOWLING DOGS**

**No person shall keep any dog, or any other animal, which by barking, howling, or other noises, shall disturb the peace and quiet of the neighborhood.**

**Section 10. CRUELTY TO ANIMALS/UNLAWFUL ACTS**

**No person shall overload, overdrive, overwork, cruelly beat, torture, torment, mutilate, maim, or cruelly kill any animal or cause to knowingly allow the same to be done. No person shall abandon or leave any animal any place without making provisions for its proper care such as food, potable water, protection from the elements, opportunity for exercise and other care that is needed for the health or well-being of such animal; nor willfully or maliciously administer or cause to be administered, poison of any kind whatsoever, to any dog, cat or domestic animal.**

**Section 11. DANGEROUS DOGS**

**The owner or keeper of a dog declared to be a "Dangerous Dog" must comply with the following:**

**a. Outdoor confinement: The dog shall be subject to enclosure. "Enclosure" means a fence or structure no larger than ten (10) feet wide and no longer than twenty (20) feet in depth, measured perpendicular from the width. The height of the fencing will be six (6) feet in height, and the material shall be limited to chain link fencing material suitable to prevent the entry of young children, and suitable to confine a dangerous dog. Such structure should have a secure bottom or floor made from concrete that is attached to the sides of the enclosure. All confinement structures shall comply with all building codes for the Village of Coal Valley, and once completed shall be inspected by the Village of Coal Valley Building**

**Inspector. All enclosures must be kept in a clean and sanitary manner and signs stating "Beware of Dog" shall be posted on all sides of the enclosure.**

**b. Indoor Confinement: No dangerous dog may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the dog to exit such residence or building on its own volition. In addition, no such animal may be kept in a residence or building when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure. A sign shall be posted on or near the front door of the residence or building stating "Beware of Dog".**

**c. Muzzle/Leash: No person shall permit a dog that has been deemed "dangerous" to go outside its enclosure unless, such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals, and is securely leashed with a leash no longer than four feet in length. No person shall permit a "dangerous" dog to be kept on a chain, rope, or other type of leash outside its enclosure or any building unless an adult person is in physical control of the leash. Such dogs may not be leashed to any inanimate object such as trees, posts, or buildings.**

**d. Photographs: Once a dog has been deemed "dangerous" a photograph will be taken within five (5) days and kept on file at the Police Department.**

**e. Spay/Neuter/Microchip: Once a dog has been deemed "dangerous", the owner of the dog will have fourteen days to have the dog spayed or neutered and microchipped.**

**Section 12. DANGEROUS AND VICIOUS DOG – HEARING AND DETERMINATION**

**a. If a Police officer or Animal Control Officer determines that probable cause exists to believe that a dog is a dangerous dog, the Police Officer or Animal Control Officer shall order the dog's owner or keeper to confine the dog pending an administrative hearing. Failure to obey said order constitutes a violation of this section at which time the Village may have the dog impounded at an Animal Control Facility approved for that purpose, at the owners expense pending an administrative hearing.**

**b. Whenever a Police Officer or Animal Control officer has reason to believe a dog is vicious under this Chapter, that Police Officer or Animal Control Officer will immediately impound said dog at the owners expense, in an Animal Control Facility approved for that purpose by the County Animal Control Director pending an administrative hearing. A dog impounded under this section will not be returned to the owner or keeper or any other person unless, following an administrative hearing the dog is found not to be vicious. Dogs found to be vicious will be euthanized by the County Animal Control. Any owner or keeper shall further be responsible for all costs incurred by the Village in euthanizing the vicious dog.**

**c. Administrative Hearing to be conducted. An administrative hearing shall be conducted to determine whether or not the dog is dangerous or vicious.**

**d. Notice and time for hearing. The owner or keeper of the dog shall be served with a notice of administrative hearing, either personally or by first class mail to the owner or keeper's last known address. The administrative hearing shall be held promptly not less than five (5) working days nor more than fifteen (15) working days following service of the notice upon the owner or keeper of the dog.**

**e. Conduct of hearing. The administrative hearing shall be open to the public and shall be recorded by a tape recorder, stenographer, or other reliable means. The Village Administrator shall serve as the hearing officer. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and**

**live testimony. The hearing officer shall determine, based upon a preponderance of the evidence, whether or not the dog is dangerous or vicious.**

**f. Notice of determination. The dog's owner or keeper shall be notified in writing of the hearing officer's determination either personally or by first class mail to the owner or keeper's last known address.**

**(1) If the hearing officer determines that the dog is neither dangerous or vicious, owner or keeper may redeem the dog, if impounded, as otherwise provided in this chapter. The owner or keeper shall not be required to pay those daily impoundment fees that are attributable solely to the administrative hearing but shall be required to pay all other fees. If the dog has been determined to be a dangerous dog, the owner or keeper shall comply with all restrictions for a dangerous dog in section 11 of this ordinance.**

**(2) If the hearing officer determines that the dog is vicious, the animal may not be redeemed, and the notice of determination shall also state that the dog shall be euthanized within five (5) working days of the date of the notice unless the owner or keeper requests a stay of ten (10) working days during which to file a complaint for a court review of the hearing officers determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto.**

**g. Failure to appear. If the dog's owner or keeper cannot be found or fails to appear in person or by legal counsel for the administrative hearing, the hearing officer shall make a determination by default, without the need of any testimony or other evidence, that the dog is vicious or dangerous, as well as abandoned, and the dog shall be euthanized without further notice to the owner or keeper.**

**h. Time for euthanasia – stay. Upon the hearing officers determination that the dog is vicious, it shall be euthanized after five (5) working days from the date of the notice of determination to the owner or keeper, unless the owner or keeper within that time period delivers to the office of the Chief of Police a request to stay the euthanasia for a period of ten (10) working days for the purpose of filing a complaint for court review of the hearing officer's determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto. If, at the end of that period, the Village has not received notice that a complaint has been filed, the dog shall be euthanized without further notice to the owner or keeper.**

**i. Appeal. Any person aggrieved by the hearing officer's decision may appeal to the Circuit Court pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto.**

**j. Vicious Dog. It shall be unlawful for any person to keep, or suffer to be kept, any dog determined to be vicious within the limits of the Village of Coal Valley.**

**Section 13. VACCINATIONS**

**Every owner of a dog or cat four (4) months of age, within the Village of Coal Valley, shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian and shall keep current such vaccinations as long as the dog or cat is within the Village limits. Evidence of such rabies inoculation shall be entered on a certificate, which shall be signed by**

**the veterinarian administering the vaccine and name of the clinic, hospital, or facility with which said veterinarian is affiliated.**

**Section 14. PENALTY.**

**A person convicted for a violation of any of the provisions of this chapter will be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each separate offense. Each day a violation is permitted or allowed to continue shall be considered a separate offense. The owner of any dog that injures another person or domestic animal, in violation of this code, is responsible for the cost of all reasonable medical or veterinary attention received by the injured party.**

## CHAPTER 5: CONTROLLED SUBSTANCES

**Section 1. DRUG PARAPHERNALIA.**

**a. DEFINITIONS:**

**The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100.**

**Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is controlled substance or from which a controlled substance can be derived;**

**Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;**

**Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;**
**Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;**

**Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;**

**Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;**

**Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marihuana;**

**Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;**

**Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;**

**Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;**

**Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally administering controlled substances into the human body;**

**Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; carburetion tubes and devices; water pipes; smoking and carburetion masks; roach clips; meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand; miniature cocaine spoons, and cocaine vials; chamber pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers.**

**b. DETERMINATION:**

**In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:**

**Statements by an owner or by anyone in control of the object concerning its use;**

**Prior convictions, if any, of any owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;**

**The proximity of the object, in time and space, to a direct violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100;**

**The proximity of the object to controlled substances;**

**The existence of any residue of controlled substances on the object;**

**Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intends to use the object to facilitate a violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100; the innocence of an owner, or of anyone in control of the object, as to a direct violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100, shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;**

**Instructions, oral or written, provided with the object concerning its use;**

**Descriptive materials accompanying the object which explain or depict its use;**

**National and local advertising concerning its use;**

**The manner in which the object is displayed for sale;**

**Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;**

**Direct or circumstantial evidence of the ratio of sales of the objects(s) to the total sales of the business enterprise;**

**The existence and scope of legitimate uses for the objects in the community;**

**Expert testimony concerning its use;**

**c. POSSESSION OF DRUG PARAPHERNALIA**

**It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Illinois Compiled Statutes.**

**d. MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.**

**It is unlawful for any person to deliver, possess with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Illinois Compiled Statutes.**

**e. DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.**

**Any person eighteen (18) years of age or over who violates Title 6, Chapter 5, Section 1(d), by selling or delivering drug paraphernalia to a person under eighteen (18) years of age, for commercial consideration, is guilty of a special offense, for which, upon conviction, that person shall be subject to a penalty in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley**

**f. ADVERTISEMENT OF DRUG PARAPHERNALIA.**

**It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.**

**g. PENALTY.**

**Any person violating the provisions of this Section shall be subject to a fine in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley**

**h. FORFEITURE.**

**All drug paraphernalia as defined by Title 6, Chapter 5, Section 1(a), of this Code shall be subject to forfeiture as provided in 560 Illinois Compiled Statutes 550/12 and 570/505.**

**Section 2. POSSESSION OF CANNABIS**

**a. Definitions. All the terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act (720 Illinois Compiled Statutes 550/1 et seq.) and amendments thereto; except, should the term "person" be limited therein to natural persons who have attained the age of eighteen (18) years or more, said limitations is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.**

**b. Offense of Possession of Cannabis. A person commits the offense of possession of cannabis by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 Illinois Compiled Statutes 550/1 et seq.)**

**c. Any person violating the provisions of this Section shall be subject to a fine in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley**

## CHAPTER 6: CURFEW

**Section 1. TERMS.**

**No person less than 17 years of age shall be present at or upon any public assembly, Building, place street or highway at the following times:**

**a. Between 12:01 a.m. and 6:00 a.m. Saturday;**

**b. Between 12:01 a.m. and 6:00 a.m. Sunday;**

**And**

**c. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day, unless:**

**1. Accompanied or supervised by a parent, legal guardian, or other responsible companion of the age of 21 years of age approved by a parent or legal guardian, or,**

**2. Participating in, going to, or returning from:**

**a. lawful employment; or**

**b. a school sanctioned activity; or**

**c. a religious event; or**

**d. any emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage; or**

**e. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution for Article 1, Section 3, 4 and 5 of the Constitution of the State of Illinois, or both, such as religious freedom, freedom of speech and the right of assembly; or**

**f. an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or**

**1. Engaged in interstate or international travel from a location outside Illinois to another location outside Illinois."**

**Section 2. PERMITTING CHILDREN TO VIOLATE CURFEW.**

**It shall be unlawful for any person having the legal care and custody of a child under 18 years of age to allow or permit the child to go or be upon any public street, alley or public assembly, building or highway in the Village in the night time as restricted in the preceding section, except in case of necessity.**

**Section 3. DETAINING CHILD.**

**Every member of the Police Department while on duty is authorized to detain any such minor willfully violating the provisions of this Chapter until the parent or guardian of the child shall take him or her into custody. The officer shall immediately upon taking custody of the child communicate with the parent or guardian.**

**Section 4. DELINQUENT OR MENDICANT CHILDREN.**

**If it shall appear that any child taken into custody for a violation of Section 1 of this Chapter is growing up in mendicancy, or vagrancy or is incorrigible, for the lack of proper parental care or has no home, proper proceedings shall be taken to have the child placed in the care of appropriate and legally constituted agencies of the State of Illinois for the care of such minor child.**

**Section 5. PENALTY.**

**Any person violating any provision of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.**

## CHAPTER 7: ABANDONED AND DERELICT VEHICLES

**Section 1. DEFINITIONS.**

**For the purpose of this Chapter, the following words shall have the meanings ascribed to them as follows:**

**ABANDONED All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its present condition; or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.**

**DERELICT Any inoperable, unregistered or discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 1 of this Chapter.**

**Section 2. VILLAGE POLICY.**

**The Board of Trustees finds that derelict and abandoned vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village of Coal Valley; represent a resource out of place and an energy loss to the Coal Valley economy, and require governmental attention, in order to assure the expeditious removal and recycling of the derelict and abandoned vehicles.**

**The Board of Trustees declares that it is the policy of the Village of Coal Valley, to:**

a. Prohibit the abandonment of vehicles and the retention of derelicts, and enforced such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles.

b. Encourage the development of procedures and techniques to facilitate the expeditious removal of derelict and abandoned vehicles from public or private premises.

**Section 3. STORING, PARKING OR LEAVING DERELICT OR ABANDONED VEHICLES PROHIBITED; AND DECLARED NUISANCES; EXCEPTIONS**

a. Storing, Parking or Leaving Vehicles. It is a violation for any person to park, store, leave or permit the parking, storing or leaving of any motor vehicles of any kind which, as defined above, is a "derelict vehicle" or an "abandoned vehicle," whether attended or not, upon any property, private or public, within the Village limits, for a period of time in excess of 72 hours. The presence of a derelict or abandoned vehicle, or its parts, on private or public property, is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this Chapter.

1. This Section, relating to the declaration and abatement of nuisances, is enacted pursuant to the powers vested in the Village of Coal Valley by and through the provisions of 65 ILCS 5/11-60-2, entitled, "Definition and Abatement of Nuisances," and Title Six, Chapter 3, Coal Valley Code of Ordinances, entitled, "Public Health Nuisances."

b. Not Applicable. This Section shall not apply to any vehicle enclosed within a building on private property or to any vehicle stored or parked on the premises of a business enterprise, actively operated with an office on the subject premises, and being properly operated in the appropriate business zone, pursuant to the zoning ordinances of the Village, or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways.

**Section 4. NOTICE TO REMOVE.**

Whenever it comes to the attention of the Chief of Police that any nuisance (as defined in this Chapter) exists in the Village of Coal Valley, a notice in writing giving notice of the existence of the nuisance and demanding its removal shall be given as provided in Section 6 of this Chapter.

**Section 5. RESPONSIBILITY FOR REMOVAL.**

Upon proper notice and opportunity to be heard, the owner of the derelict or abandoned vehicle and the owner or occupant of the private property on which the same is located, whichever having been so notified, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

**Section 6. NOTICE PROCEDURE.**

The Chief of Police shall give notice of removal to the registered owner of the vehicle, if the owner can be ascertained and to the owner or occupant of the private property where the vehicle is located at least 10 days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted upon the vehicle itself or on a conspicuous place upon the

**private property on which the vehicle is located and duplicate copies are sent by registered mail to the registered owner of the vehicle if the owner can be ascertained and the owner or occupant of the private property at his last known address.**

**Section 7. CONTENT OF NOTICE.**

**The notice shall contain the request for removal within the time specified in this Chapter, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.**

**Section 8. REQUEST FOR HEARING.**

**The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Village Board of Trustees within the 10 day period of compliance for the defending the charges by the Village.**

**a. Practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least 3 days in advance. At any such hearing the Village and the person(s) to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.**

**Section 9. REMOVAL OF MOTOR VEHICLE FROM PROPERTY.**

**If the violation described in the notice has not been remedied within the 10 day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Board of Trustees, then the Chief of Police or his designee shall have the right to take possession of the derelict or abandoned vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.**

**Section 10. NOTICE OF REMOVAL.**

**Within 48 hours of the removal of the vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle, or vehicles, has been impounded and stored for violation of this Chapter. The notice shall give the location of where the vehicle(s), is stored and the costs incurred by the Village for removal.**

**Section 11. DISPOSITION OF VEHICLES.**

**Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with the disposal procedures of 625 ILCS 5/4-203.**

**Section 12. PENALTY.**

**Any person in violation of this Chapter shall be guilty of a misdemeanor and upon conviction, the person shall be subject to a fine of not more than $750.00. Each act in violation of any of the provisions shall be deemed a separate offense.**

## CHAPTER 8: PENALTIES

**Section 1. WHERE NO PENALTY PROVIDED.**

**a. Whenever in any Section or Title the doing of any act is declared to be forbidden, and no fine or penalty is specifically provided, any person convicted of any violation shall be judged to pay a penalty in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense**

**b. When any act is declared to be forbidden, a police officer or other Village Official charged with the enforcement of that provision may, in lieu of making an arrest or causing a complaint to be filled in the Circuit Court, issue a Compliance ticket to the person found in violation. Any person receiving a Compliance ticket from a police officer or Village Official charged with the enforcement of a provision of this Code may then thereafter pay a penalty fee of $45.00 at the Office of the Village Clerk and consider the matter settled. If said penalty fee is not received at the Office of the Village Clerk within 14 days from the issuance of the Compliance Ticket the matter shall be considered contested and the Chief of Police or his representative shall cause a complaint to be filed with MUNICES or in the Circuit Court of proper jurisdiction charging the violator with a violation of the appropriate provision of this Code of Ordinances and the matter shall proceed as provided by law.**

**Nothing herein shall prohibit the filing of a complaint in the Circuit Court for a subsequent violation of the same provision. The Chief of Police by his authority may reasonably extend the period by which the penalty fee called for on this section may be paid. The Chief of Police has the authority to void any Compliance Ticket issued for a violation of the Code of Ordinances if after careful consideration he deems such action is in the best interest of the Village.**

**Section 2. HOW ACTIONS ARE BROUGHT.**

**All actions and prosecutions to recover any fine or to enforce any penalty under any ordinance of this Village shall be brought and the proceedings conducted as provided by law in such cases; and when there is no provision relating, then, as near as may be, in the manner prescribed by law in other cases before the court of this jurisdiction.**

**Section 3. HOW COSTS ARE FIXED.**

**The presiding judge before whom any such actions may be tried shall be entitled to recover the same costs as are fixed by the statutes of the State of Illinois for similar cases.**

**Section 4. PUNISHING OFFENSES.**

**In all cases when the same act or offense may be punishable under different ordinances or different clauses of the same ordinance of the Village, the prosecuting officer may elect under which ordinances or clauses to proceed, but no more than one recovery shall be had against the same person for the same offense.**

**Section 5. PUBLIC SERVICE WORK.**

**A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.**

# TITLE VII – HEALTH AND SANITATION

## DIVISION I TRASH AND YARD WASTE

## CHAPTER 1 GARBAGE AND REFUSE

### Section 1 - DEFINITIONS

**“Bulk Item” shall be defined as a large item such as a couch, chair, mattress, table, etc.**

**"Commercial waste" shall mean waste material resulting from the operation of business enterprises and institutions.**

**"Construction waste" shall mean waste from building construction, alteration, demolition or repair, including, but not limited to excavated earth, stones, brick, concrete, plaster, lumber and roofing.**

**“Container” any cart/tote provided by the Waste Hauler for residential waste, refuse, garbage, rubbish and recycling collection.**

**"Disposal" shall include the storage, collection, disposal or handling of refuse.**

**"Garbage" shall mean all animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods. All residential garbage shall be drained of surplus liquids.**

**"Hazardous waste" shall mean waste, a combination of waste and other discarded material, which, because of its quality, concentration or physical, chemical or infectious characteristics, pose a substantial present or potential hazard to human health or the environment.**

**"Household bulk waste" means, by way of example, chairs, sofas, carpet, furniture, as well as construction and yard waste in lengths of no more than four (4) feet and weighing, as a unit, no more than fifty (50) pounds, and similar items approved by the waste hauler.**

**"Recycle" means the collection of items such as plastics, tin, aluminum, newspaper, magazines, cardboard, glass, and stationery paper, approved for collection and recycling by the waste hauler.**

**"Refuse" shall mean all solid waste, except animal and human excrement, and shall include garbage and rubbish as defined in this Section.**

**"Resident" means any person residing in a dwelling, including multi-family dwellings.**

**"Residential refuse" shall mean refuse and trash generated from normal household use. Residential refuse does not include commercial waste, construction waste, hazardous waste, residential yard waste, dead animals, e-waste, tires, ashes, and white goods.**

**"Residential yard waste" shall mean yard waste generated from households including grass clippings, leaves and trimmings from shrubs, trees or bushes. Residential yard waste does not include tree limbs over four (4) inches in diameter or tree stumps.**

**"Rubbish" shall include glass, metal, paper, plant growth, wood, or non-putrescible solid wastes except**

**for those items approved for collection and recycling by the Waste Hauler.**

**"Trash Bill" shall mean the monthly combined trash and recycle bill that is billed to the residents by the Village of Coal Valley.**

**"Waste Hauler" shall mean a duly licensed waste hauler authorized to do business in the State of Illinois, and contracted with the Village of Coal Valley to provide waste hauling, disposal and recycling services for residential customers.**

**"Yard Waste Bag" means any kraft paper bag designed and designated for holding/containing yard waste that is purchased by residents from vendors who sell such bags.**

**Section 2 – STORAGE, PLACEMENT AND REMOVAL OF REFUSE/RECYCLE CONTAINERS**

**2.1 No resident shall store or place garbage, trash, refuse, recycle containers and yard waste on Village Rights-of-Ways and streets except as allowed by the provisions of Section 2.2 below.**

**2.2 Refuse, recycle containers, and yard waste may be placed street or curbside no sooner than 5:00 pm the day before collection, and must be in place at the street or curb by 6:00 am the day of collection, and removed from the street or curb by 7:00 pm on collection day. All containers shall be placed and kept so contents shall not be spilled or scattered upon public grounds, streets, alleys, or spilled upon private property.**

**Section 3 – CONTAINERS REQUIRED**

**3.1 All residents within the Village are required to obtain a residential refuse container through the Village from the Waste Hauler for refuse, and upon request from the resident for recycling collection. There will be an additional charge required by the Waste Hauler for each container past the first one they provide for refuse and recycle collection. The additional charge(s) would be added to the resident's monthly bill as specified in the Waste Hauler's contract with the Village of Coal Valley. Recycling services through the Village must use the recycling container provided by the Waste Hauler.**

**3.2 Single-use bags for yard waste shall be of sufficiently sturdy material as to prevent breaking or tearing of the bags prior to collection. Bags meeting the requirements of the Waste Hauler or sold by the Waste Hauler or other commercial sources are presumed to meet the requirements of this Ordinance. All yard waste bags will have a yard waste sticker, purchased from the Village, attached to each yard waste bag.**

**3.3 The Waste Hauler will provide a recycle container to those Village residents who request to participate in recycling. Recycle containers will be picked up on the same day as normal trash collection on a bi-weekly basis. All residents will be charged for recycling regardless if they utilize recycling or not.**

**3.4 Residents can choose from three different size refuse/recycle containers (35 gal/65/gal/95 gal) provided by the Waste Hauler. The number of and size of containers are arranged through the Village. If residents do not make a selection of a refuse container by default they will receive a 95 gal refuse container. Residents that request a recycle cart will be given a 65 gal recycle container by default.**

**3.5 All residential refuse and recycle material must fit in the container(s)/cart(s) provided by the**

**Waste Hauler. If it fits in the Waste Hauler's container(s) it will be picked up by the Waste Hauler. Residents who have excessive residential waste or recycle material that does not fit into the Waste Hauler's containers must call the Village to start the process to arrange a special pickup by the Waste Hauler. This special pickup is direct billed to the resident by the Waste Hauler. Each bag or container requiring special pickup cannot exceed fifty (50) pounds in weight. Residents who have excessive (does not fit into the Waster Hauler's containers) residential refuse or recycle material, and have not arranged for a special pickup, can be considered in violation of this Ordinance and subject to the penalties found in Section 8 of this Ordinance.**

**3.6 All residents will be allowed to have one "bulk item" pick up once a month as defined in Section 1 Definitions.**

**Section 4 – RESIDENTIAL YARD WASTE NOT PLACED IN YARD WASTE BAG**

**Residential yard waste not placed in a yard waste bag shall be securely baled, tied, bundled or packaged so as not to exceed forty-eight (48) inches in length, and fifty (50) pounds in weight.**

**Section 5 – COLLECTION BY WASTE HAULER**

**5.1 The Village shall contract with the Waste Hauler for the exclusive collection of residential trash, recycle material and yard waste within the Village. No other waste hauler shall collect residential trash, recycle material and yard waste within the Village while the Village is under contract with the Waste Hauler.**

**5.2 The Waste Hauler shall collect residential refuse and recycling on the day(s) established by the contract between the Waste Hauler and the Village of Coal Valley.**

**5.3 The Waste Hauler shall not collect hazardous waste; refuse or garbage which has not been drained of excessive amounts of liquid; commercial waste; construction waste, and residential yard waste not properly bagged, bundled and/or weighing over fifty (50) pounds.**

**5.4 The Waste Hauler contracted with the Village is the exclusive provider of residential waste hauling, disposal and recycling of all residential refuse, garbage, recyclables, and yard waste within the Village. This Ordinance applies to all residences in the Village except for those residences located in B-2 zoned areas. Each owner of a residence in B-2 Zoned areas may opt out of the Village's residential waste and recycle program by notifying the Village in writing of their desire to not participate. No resident, except for those exempted in B-2 Zoned areas, shall contract with any other waste hauler for the pickup and disposal of residential waste, refuse, garbage or the pickup of recyclables. Any such contract or contracts or receipt of services for the same with any entity engaged in the business of residential waste hauling, recycling and yard waste removal, other than the Waste Hauler contracted with the Village, is a violation of this ordinance, and shall be considered null and void by the Village and subject to penalties as outlined in this Ordinance.**

**5.5 Village residents may haul and dispose of household refuse and recyclable material outside of the Village. Residents shall not otherwise contract for residential waste hauling service, recycling and yard waste services within the Village with another provider other than the Waste Hauler the Village has on contract. Village residents disposing of refuse outside the Village will still be charged for monthly trash and recycling collection.**

**5.6** **Village residents are responsible for cleaning up their spilled refuse, trash, recycle material, and yard waste caused by animals, weather, or humans prior to pickup by the Waste Hauler.**

**Section 6 – EXEMPT ENTITIES**

**Commercial businesses, including but not limited to, restaurants, retail sales establishments, manufacturers, manufacturing facilities and businesses, and commercial agricultural operations are exempt from the provisions of this ordinance, except this does not include businesses located in a residential home unless otherwise exempted in this Ordinance. Country clubs, mobile home parks, and governmental entities, including fire departments and schools, are also exempt from the requirements and provisions of this Ordinance. Churches are also exempt, except for residential homes (rectories, parsonages, etc.) associated with the church except when they meet the requirements in section 5.4.**

**Section 7 – RATES, BILLINGS, PAYMENTS AND DELINQUENT BILLS**

**7.1** **The monthly rates for curbside refuse collection, recycling, and yard waste shall be established by the contract between the Waste Hauler and the Village. The total costs for these collection services, to include the Village's Administrative Fees, are identified in Appendix A to this Chapter.**

**7.2** **All charges for curbside refuse collection and shall be collected by the Village with its monthly utility billing to each residential customer.**

**7.3** **Any owner or occupant expecting to be absent from the Village for a period of two consecutive complete months, or more, and who desires to discontinue refuse collection and recycling service during this absence must notify the Village of the expected absence, which notice must be given at least ten (10) days prior to the first day of the full month in which service is desired to be discontinued. Discontinuance of service may only commence on the first day of any month, and shall re-commence upon written or verbal notice and request from the resident. Restart of service will commence on the first day of the month following the request for resumption of services or as previously agreed to between the resident and Village prior to the discontinuance of service.**

**7.4** **It is the responsibility of the owner to notify the Village, with 10 days prior notification when a residence is going to be vacated (home sale, renter moving, foreclosure, etc) and not require refuse collection. Failure to notify the Village does not waive the owner's responsibility to pay for trash collection.**

**7.5** **Renters must sign up for trash collection at Village Hall. In the event a renter fails to pay his trash collection bill, said payment will become the responsibility of the owner of record of that residence.**

**7.6** **Delinquent Bills – The provisions of Chapter 8 of Title VII of the Village Code of Ordinances apply to trash collection bills. Past due bills will be assessed a monthly 10% penalty on the total amount of the Water, Sewer and Trash Bill due. Failure to pay the trash bill, that is 30 days past due, can result in water service being turned off to the residence and can only be turned on once the resident/owner has made payment or payment arrangements with Village Hall. There is a $20.00 charge to turn off the water supply and a $20.00 charge to turn on the water supply. Those residents who do not have water and or sewer service supplied by the Village, and do not pay their delinquent trash bill, will be issued an Ordinance Violation Citation with penalty fees in accordance with Title I, Division V, Chapter 1, Section 3 of the Code of Ordinances for the Village of Coal Valley for each month**

**the bill is not paid.**

**Section 8 – PENALTY/CIVIL INFRACTION**

**Any person who shall violate any provision of this Chapter shall be guilty of a municipal code violation and shall be subject to a fine in accordance with Title I, Division IV, Chapter 1, Section 3 of the Code of Ordinances for the Village of Coal Valley. Each day this Ordinance is violated shall be considered a separate violation unless otherwise specified in this Ordinance.**

**Section 9 - ENFORCEMENT**

**The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal civil infraction citations to alleged violators of this Chapter. Failure to pay the trash bill can also result in a Mechanics Lien being placed upon the property.**

**Section 10 - NUISANCE**

**A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se, and is declared to be offensive to the public health, safety and welfare.**

**Section 11 – INJUNCTIVE RELIEF**

**In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings through the Municipal Code Enforcement System (MUNCIES) or in the Circuit Court of Rock Island or Henry County to abate or eliminate the nuisance per se or any other violation of this Chapter.**

**Section 12 - VALIDITY**

**If any section, provision or clause of this Chapter or the application thereof to any resident or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Chapter, which can be given effect without the invalid portion or application.**

## CHAPTER 3 – LITTERING

**Section 1- LITTERING**

**It shall be unlawful for any person to throw, place or deposit any filth, offal, garbage, refuse, recycle material and yard waste, or any other offensive matter in any street, alley, creek, ditch, public right-of-way or upon any public ground in the Village, or upon any private property in the Village without the express permission of the property owner.**

**Section 2 - PENALTY**

**Any person violating any section of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.**

**APPENDIX A**
**TO COAL VALLEY ORDINANCE TITLE VII – HEALTH AND SANITATION-CHAPTER 1, GARBAGE AND REFUSE**

**TOTAL MONTHLY COSTS FOR SINGLE SOURCE TRASH & RECYCLE COLLECTION WITH VILLAGE'S ADMINMISTRATIVE FEES INCLUDED AS A PART OF THE TOTAL MONTHLY COSTS. VILLAGE ADMINISTRATIVE FEES IDENTIFIED BY ( ) FOR EACH YEAR.**

| YEAR* | TRASH/RECYCLE 1 CART EACH** | FOR EACH ADDED CART** | FOR EACH ADDED RECYCLE CART*** | YARD WASTE STICKER |
|---|---|---|---|---|
| 2015 | $13.60 ($2.33) | ADD $4.00 EACH | $2.88 | $1.75 ($0.25) |
| 2016 | $14.27 ($2.45) | ADD $4.00 EACH | $2.98 | $1.75 ($0.25) |
| 2017 | $14.75 ($2.58) | ADD $4.00 EACH | $3.08 | $1.75 ($0.25) |
| 2018 | $15.24 ($2.71) | ADD $4.00 EACH | $3.18 | $1.75 ($0.25) |
| 2019 | $15.75 ($2.84) | ADD $4.00 EACH | $3.29 | $1.75 ($0.25) |
| 2020 | $16.26 ($2.97) | ADD $4.00 EACH | $3.39 | $1.75 ($0.25) |
| 2021 | $16.79 ($3.10) | ADD $4.00 EACH | $3.50 | $1.75 ($0.25) |

## DIVISION II - WATER SYSTEM

## CHAPTER 4 WATERWORKS AND SEWAGE SYSTEMS

**Section 1. PERMITS.**

**No person shall dig, excavate, remove, cut or in any manner tunnel under or break the surface of any street, highway, avenue, alley or right-of-way within the corporate limits of the Village for the purpose of connecting to the public water and or sewerage system without first having obtained from the Village the proper tap on permit.**

**Section 2. INSPECTION.**

**No person connected to the public water system in the Village under a permit as stated above, shall cover the connection without first having the correction inspected and approved by the Village.**

**Section 3. APPLICATION.**

**Any person who connects his, her, any house, building or property to the public water system of the Village within 60 days after the availability of water service to the property, shall pay to the Village, prior to the use of the system, the sum of $10.00 as an inspection fee to cover the cost of inspection of the connection to the public water system. No person shall begin use of the water system without first having the correction inspected by the proper Village authority.**

**Section 4. CONNECTION CHARGE.**

**For tap on permit charges see Appendix A to TITLE IX, DIVISION II, CHAPTER 1, Section 1, Rates, Fees and Charges of this Ordinance.**

**Section 5. IDENTIFICATION.**

**Any inspector meter reader or any other employee of the Village or its authorized agents whose duty it may be to enter upon private premises to make inspection and examinations in connection with the public water system will be provided with identification identifying them as a representative of the Village. It shall be the duty of each and every such officer, agent or employee of the department upon resignation or dismissal to surrender and deliver to the department credentials for purposes of identifying the person within the division.**

**Section 6. LICENSED PLUMBER REQUIRED.**

**No person other than a plumber licensed by the State of Illinois shall attempt to connect to the public water system in the Village.**

**Section 7. ENTRANCE TO PREMISES.**

**Any authorized representative of the Village shall, upon presentation of proper identification, have free access at any time during all reasonable hours to any premises, supplied by the public water system for the purpose of making any inspection or taking, a meter reading pertaining to the public water system.**

**Section 8. TERMINATION OF SERVICES: NOTICE.**

**Any authorized representative of the Village refused or hindered admittance to any premise, or prevented from making such examination or readings of the meters as necessary, the Village may cause the public water supply to be turned off from the premises, after giving 24 hours notice to the owner or occupant of the premises.**

**Section 9. USE.**

**No person shall use the public water system for the purposes of watering of lawns or non-commercial washing of motor vehicles or both as determined during those periods of time when there exists in the Village an inadequate supply of water due to weather conditions or other causes.**

**Section 10. INADEQUATE WATER SUPPLY.**

**An inadequate supply of water shall be deemed to exist when the public water system pumping facilities are unable to pump an amount of water equal to or more than the water usage for any 24-hour period because of high usage of water due to the weather conditions, or because the public water system facilities have become inadequate to provide the necessary water due to other causes.**

**Section 11. DETERMINATION AND NOTIFICATION.**

**It shall be the duty of the Village President to make a determination that an inadequate supply of water exists in accordance with Section 10. After making a determination, the provisions of this Division shall not be enforced until the Village President informs the news media of the determination, so that the residents of the Village will be notified. If conditions permit a delay in the enforcement of any part of this Division I, a notice shall be published in the newspaper of general circulation in the Village indicating the effective dates of this ban on the usage of water.**

**Section 12. PROHIBITION.**

**The Village President may determine that a prohibition may apply only to the non-commercial washing of motor vehicles shall be prohibited. It shall not be necessary to enforce both classifications at the same time.**

**Section 13. SERVICE LINES.**

**13.1 All service pipes and fixtures from the Village water and sewer main to the premises shall be installed at the expense of the property owner.**

**All pipes and fixtures from the curb stop box or property line to the premises shall be maintained at the expense of the property owner.**

**Any leaks or other defects in the service pipes shall be promptly repaired by the property owner. If not promptly repaired the village shall turn off the water until such repairs have been made.**

**Section 14 SEPARATE CONNECTIONS**

**There shall be separate service pipes placed from the main to each building wherever there is a watermain in front, rear, or side of such building. Such service pipes shall be placed on a straight line at right angles to the water main and connections made within two lines drawn parallel to the dides of the building to be served or within three (3) feet thereof. In all cases each building or unit thereof served by individual meters must have an independent outside service control valve on Village owned right-of-way or easement.**

## DIVISION III - SEWERAGE SYSTEM

## CHAPTER 1 REQUIRED USE OF PUBLIC SEWERS

**Section 1. DISCHARGE OF SEWAGE PROHIBITED - EXCEPTION**

**It shall be unlawful to discharge to any natural outlet within the Village or in any area under the jurisdiction of the Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and appropriate regulatory agencies.**

**Section 2. CONSTRUCTION OF PRIVIES,ETC. PROHIBITED.**

**Except as hereinafter provided, it shall be unlawful to construct use or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.**

**Section 3. TOILET FACILITIES REQUIRED.**

**The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so,**

**provided that said public sewer is within 300 feet of the property line of the property on which such building or structure to be served is located.**

## CHAPTER 2 PRIVATE SEWAGE DISPOSAL

**Section 1. NON-AVAILABLE.**

**Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with all requirements imposed by the Rock Island or Henry Counties' Departments of Public Health.**

**Section 2. AVAILABLE.**

**At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection paid for by the owner shall be made to the public sewer in compliance with this Ordinance within (90) days and any septic tanks, cesspools, and the private sewage disposal facilities shall be closed and disposed of as required by the Rock Island and Henry Counties' Departments of Public Health.**

**Section 3 MAINTAINING.**

**The Owner shall operate and maintain the private sewage disposal facilities in a safe, healthful and sanitary manner at all times, and at no expense to the Village.**

**Section 4 STATEMENT.**

**No statement contained in this Division II shall be construed to interfere with any additional requirements that may be imposed by the Rock Island and Henry Counties Departments of Public Health and the laws of the State and Federal Governments.**

## CHAPTER 3 BUILDING SEWERS AND CONNECTIONS

**Section 1. AUTHORIZATION.**

**No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.**

**Section 2. DISPOSAL.**

**All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent Stale and local standards.**

**Section 3. INSPECTION FEE.**

**Any person who connects their house, building or property to the public sewer system of the Village shall pay to the Village, prior to the use of the system, the sum of $15.00 as an inspection fee to cover the cost of inspection of the connection to the public sewer system. No person shall**

begin use of the sewer system without first having the connection inspected by the proper Village authority.

**Section 4. PERMIT CLASSES.**

a. There shall be two (2) classes of sewer permits: one for residential and commercial service, and a second for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a form furnished by the Village. A Tap On permit shall be obtained and paid to the Village prior to start of any work.
b. For tap on permit charges, see Appendix A to TITLE IX, DIVISON II, CHAPTER 1, Section 1, Rates, Fees and Charges of this Ordinance.
c. For industrial operations, as a condition of permit authorization must provide information describing its waste water constituents, characteristics, and type of activity.

**Section 5. PERMIT.**

A building sewer permits will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer pump stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**Section 6. COSTS.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the Village from any loss or damage the may directly or indirectly be occasioned by the installation of the building sewer. Following installation, the Owner is responsible for the maintenance of a building sewer, including its connection to the public sewer, from the public sewer toe the building it serves.

**Section 7. SEPERATE CONNECTIONS.**

A separate and independent building sewer shall be provided for every building, except the where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

**Section 8. OLD BUILDING SEWERS.**

Old building sewers may, be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this Ordinance.

**Section 9. INSTALLATION.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials add procedures set forth in appropriate specifications of the American Society of Testing and Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

**Section 10. ELEVATION.**

**Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 2, and discharged to the building sewer.**

**Section 11. DOWNSPOUTS AND SUMP PUMPS.**

**No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.**

**Section 12. CONNECTING.**

**The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the American Society of Testing and Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.**

**Section 13. NOTIFICATION.**

**The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village.**

**Section 14. EXCAVATION.**

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

## CHAPTER 4 USE OF THE PUBLIC SEWERS

**Section 1. STORMWATER.**

**No person shall discharge, or cause to be discharged, any stormwater surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.**

**Section 2. DISPOSAL.**

**Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Village. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer, combined sewer, or natural outlet.**

**Section 3. HAZARDOUS MATERIAL.**

**No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:**

**3.1** **Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas**

**3.2** **Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.**

**3.3** **Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.**

**3.4** **Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch, manure, hair and fleshing, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage, grinders.**

**Section 4. PROHIBITED MATERIAL.**

**No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the village that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:**

**4.1** **Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 degrees F), (65 degrees C).**

**4.2** **Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150 degrees F), (0 and 65 degrees C).**

**4.3** **Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76.hp metric) or greater shall be subject to the review and approval of the Village.**

**4.4** **Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.**

**4.5** **Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.**

**4.6** **Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or**

**other public agencies of jurisdiction for such discharge to the receiving waters.**

**4.7 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.**

**4.8 Any waters or wastes having a pH in excess of 9.5.**

**4.9 Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.**

**4.10 Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.**

**4.11 Materials, which exert or cause:**

**A. Unusual concentrations of inert suspended solids (such as), but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);**

**B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);**

**C. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;**

**D. Unusual volume of flow or concentrations of wastes constituting “slugs" as defined herein.**

**E. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.**

**Section 5. PRETREATMENT.**

**If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Division II, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Village may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:**

**5.1 Reject the Wastes;**

**5.2 Require pretreatment to an acceptable condition for discharge to the public sewers.**

**5.3 Require control ever the quantities and rates of discharge; and/or;**

**5.4 Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 45 of this Division II.**

5.5 If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and subject to the requirements of all applicable codes, ordinances and laws.

**Section 6. PRELIMINARY TREATMENT.**

Grease, oils, and sand interceptors shall be provided when, in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling, units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.

**Section 7. PRELIMINARY MAINTENANCE.**

Where preliminary treatment or flow equalizing, facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**Section 8. CONTROL MANHOLE.**

Each industry shall be required to install a control manhole and, when required by the Village, the Owner of any property: serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**Section 9. OWNER TESTING.**

The Owner of any property serviced by a building sewer carrying industrial waste shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the Owner shall be as stipulated by the village, but no less than once per year the industry must supply a complete analysis Or the constituents of the wastewater discharged to assure that compliance with the Federal, State, and local standards are being met. The Owner shall report the results of measurements and laboratory analyses to the Village at such time and in such manner as prescribed by the village. The Owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary, the Village reserves the rights to take measurements and samples for analysis by an outside laboratory service.

**Section 10. TEST.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the

effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

**Section 11. STATEMENT.**

No statement contained in this Article shall be construed as preventing any specia1 agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System.

## CHAPTER 5 PROTECTION OF SEWER WORKS FROM DAMAGE

**Section 1. DAMAGE.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

# DIVISION IV – DEFINITIONS, POWERS AND PENALTIES

## CHAPTER 1 DEFINITIONS

**Section 1. DEFINITIONS**

Clarification of word usage: "Shall" is mandatory; "may" is permissible.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1.1 "Approving Authority" means the Village of Coal Valley or its authorized representative.

1.2 "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

1.3 "Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters outside the inner face of the building wall).

1.4 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

1.5 "Combined Sewer" shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

**1.6** **"Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.**

**1.7** **"Easement" shall mean an acquired legal right for the specific use of land owned by others.**

**1.8** **"Effluent Criteria" are defined in any applicable "NPDES Permit". "Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Con-Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243) and any subsequent amendments thereto.**

**1.9** **"Federal Act" means the Federal Water Pollution Control act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Con-Act of Amendments of 1972 (Pub. L. 92-500) and (Pub.L. 93-243) and any subsequent amendments there to.**

**1.10** **"Floatable Oil" is oil, fat, or, grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.**

**1.11** **"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.**

**1.12** **"Industrial User" shall mean any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, l972, Office of Management and Budget, as amended and supplemented, under the following divisions:**

**A. Division A - Agriculture, Forestry, and Fishing**

**B. Division 3 - Mining**

**C. Division D - Manufacturing**

**D. Division E - Transportation, Communications, Electric, Gas and Sanitary Services**

**E. Division 1 - Services**

**A user in the Divisions listed may be excluded if it is determined by the village that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.**

**1.13** **"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing, of any natural resource as distinct from sanitary sewage.**

**1.14** **"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that:**

**A. has a flow of 50,000 gallons or more per average work day; or**

**B. has a flow greater than ten percent of the flow carried by the municipal system receiving the waste or**

**C. has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307 (a) of the Federal Act; or**

**D is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.**

**1.15 "Milligrams per liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.**

**1.16 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.**

**1.17 "NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant 402 of the Federal Act.**

**1.18 "Ordinance" means this ordinance.**

**1.19 "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.**

**1.20 "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".**

**1.21 "Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .17 pounds of BOD and .22 pounds of suspended solids.**

**1.22 "ppm" shall mean parts per million by weight**

**1.23 "Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.**

**1.24 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.**

**1.25 "Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though these sewers may not have been constructed with Village Funds.**

**1.26 "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.**

**1.27** **"Residential or Commercial" or "Non-industrial" user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.**

**1.28** **"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwater's or unpolluted industrial wastes are not intentionally admitted.**

**1.29** **"Sewage" is used inter changeably with "wastewater."**

**1.30** **"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.**

**1.31** **"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.**

**1.32** **"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four 194) hour concentration or flows during normal operation.**

**1.33** **"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the examination of Water and Wastewater" Published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation,**

**1.34** **"State Act" means the Illinois Anti-Pollution Bond Act of 1970.**

**1.35** **"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.**

**1.36** **"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.**

**1.37** **"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.**

**1.38** **"Useful Life" shall mean the estimated period during which the collection system and /or treatment works will be operated and shall be 20 years from the date of start-up of an wastewater facilities constructed with a State grant.**

**1.39** **"User Class" shall mean the type or user either "residential or commercial" (non-industrial) or "Industrial" as defined herein.**

**1.40** **"Village" means the Village of Coal Valley.**

**1.41** **"Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.**

**1.42 "Wastewater Facilities shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial Wastes and transport effluent to a watercourse.**

**1.43 "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or " wastewater treatment" or pollution control plant."**

**1.44 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.**

**1.45 "Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.**

## CHAPTER 2 POWERS AND AUTHORITY OF INSPECTORS

**Section 1. PERMITED TO ENTER.**

**The Village and duly authorized representatives of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Village or its representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.**

**Section 2. SAFETY.**

**While performing the necessary work on private properties referred to in Section 1 above, the Village or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by the Village and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section .**

**Section 3. EASEMENT.**

**The Village and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.**

## CHAPTER 3 PENALTIES

**Section 1. VIOLATION.**

**Any person found to be violating any provision of this Ordinance except Chapter 5 Section 1 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any prevision of this ordinance.**

**Section 2. FEE.**

**Any person who shall continue any violation beyond time limit provided for in Chapter 8 Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $500 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.**

**Section 3. LIABLE.**

**Any person violating any of the provisions of this Ordinance shall become liable to the Village by reason of such violation.**

**Section 3. DELINQUENT BILLS.**

**In the event the charges for service are not paid within 30 days after rendition of the bill for such service, charges shall be declared to be delinquent; and the delinquencies shall constitute liens upon the real estate for which such service is supplied. The Village Clerk is authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Rock Island and/or Henry Counties, Illinois, and the filing of such statement shall be deemed notice for the payment of such charges for such service.**

**Section 4. DISCONTINUATION.**

**If the rates or charges for such services are not paid within thirty (30) days after the rendition of the bill for such services, services shall thereafter be discontinued, subject to notice and hearing as provided hereinafter, and shall not be reinstated until all past due bills, including the penalties hereon, are paid in full together with payment of $40.00 for reinstating a residential service and $70.00 for reinstating a commercial service.**

**Ten (10) days prior to the discontinuance of service, a notice shall be sent a user delinquent in the payment of required rates and charges indicating: the balance of payment due; the date service will be discontinued; the amount of the charge for reinstatement of service; and that prior to the discontinuance of service the user may request a hearing before a Village hearing officer to discuss any charges the customer feels are erroneous or improper. Following the hearing of evidence, the decision of the hearing officer shall be final.**

**Section 5. CONNECTION AND DISCONNECTION.**

**Any user desiring to temporarily discontinue service for a period of absence from a premises, shall make application therefore to the Village. Each time there is a discontinuance of service requested by a user, there shall be a charge of $20.00 to shut off the service and $20.00 to turn on such service. The temporary discontinuance of service at**

the request of the user will not avoid the imposition of and the liability for the payment for the minimum charge provided for herein.

**Section 6. COLLECTION OF BILLS.**

It is the duty of the Village Treasurer to render bills for service and for all rates and charges in connection with the service and to collect all monies due.

6.1 Returned Check Charge. Any user whose check for payment of rates and charges due under this Chapter is returned to the Village because of insufficient funds or other reasons shall be liable for and shall have included on such users next bill an additional charge of $25.00 for the return of the check.

**Section 7. REVENUES.**

All revenues and moneys derived from the operation of the combined waterworks and sewerage system shall be held by the Village Treasurer separate and apart from the Treasurer's private funds and separate and apart from all other funds of the Village.

**Section 8. SPECIAL FUND.**

The Village Treasurer shall receive all such revenues from the combined waterworks and sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to the Treasurer. The Treasurer shall deposit all revenues in a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Coal Valley." The treasurer shall administer such fund in every respect in the manner provided by the applicable provision of Division 139 of Article II of the Illinois Municipal Code, 1961, and all laws amendatory and supplementary and as provided for in this Chapter.

**Section 9. NO CHARGE SERVICE.**

No free service of any of the services supplied by the combined waterworks and sewerage system shall be supplied by the Village to the Village or to any other person, public or private.

## DIVISION V – OPEN BURNING

## CHAPTER 1 BURNING OF LEAVES, OTHER LANDSCAPE WASTE AND REFUSE

**Section 1. BURNING LEAVES AND OTHER LANDSCAPE WASTE.**

It shall be lawful to burn dry leaves and/or other dry landscape waste, such as grass, tree limbs, shrub trimmings and other materials accumulated as a result of the care of lawns, shrubbery, vines and trees, in the Village between the hours of 9:00 a.m. and 6:00 p.m. Following the foregoing designated burning times, fires resulting from burning leaves and other landscape waste shall be completely extinguished and shall not be allowed to continue to smolder beyond the designated burning time.

**Section 2. ATTENDANCE.**

Burning of leaves and other landscape waste shall be constantly attended by a competent person until the fire is completely extinguished.

**Section 3. LOCATION.**

**Burning of leaves and other landscape waste shall take place only on the premises from which such leaves and other landscape waste was derived.**

**Section 4 – DEPOSITING AND BURNING LEAVES, OTHER LANDSCAPE WASTE, AND REFUSE ON VILLAGE RIGHT-OF-WAYS, STREETS, AND SIDEWALKS**

**It shall be unlawful to deposit and/or burn leaves, landscape waste, or refuse on any Village Right-of-Ways, concrete or asphalt surfaced streets or sidewalks in the Village (See also Section 26, Chapter 1 Streets, Division 1 Streets, Title IX, STREETS, PUBLIC WAYS AND PUBLIC PROPERTY).**

**Section 5. COMMUNITY BURNING SITE.**

**At times when a substantial quantity of tree limbs and other landscape debris are on the ground, such as following a wind storm or heavy snow, the Village may designate a community burning site to which the Village and its residents may take tree limbs and other landscape debris for burning under the supervision and control of the Village.**

**Section 6. ADVERSE ATMOSPHERIC CONDITIONS.**

**The Mayor or his designee may prohibit burning of leaves and other landscape waste when atmospheric conditions or other local circumstances make such burning hazardous to the health and welfare of residents of the Village.**

**Section 7. BURNING REFUSE.**

**It shall be unlawful at any time to burn rubbish or trash, including but not limited to waste paper products and garbage, or waste material from construction, demolition or renovation of buildings.**

**Section 8. PENALTY.**

**Any person violating any provision of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense. Each day of violation shall be a separate offense".**

# TITLE VIII – ALCOHLIC REGULATIONS

## CHAPTER 1 ALCOHOLIC BEVERAGES

**Section 1. DEFINITIONS.**

**For the purpose of this Chapter the following definitions shall apply:**

**LIQUOR**

**Includes any and all distilled or rectified spirits, alcohol, brandy, whiskey, rum, in or similar distilled alcoholic beverages, including all dilutions and mixtures of one or more of the foregoing, containing more than one-half of one percent of alcohol by weight.**

**WINE**

**Includes wine, both still and sparkling, and fruit juice containing more than 3.8 percent of alcohol by weight.**

**BEER**

**A beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes among other things, beer, ale, stout, lager beer, porter and the life, containing more than one-half of one percent of alcohol by weight.**

**SELL AT RETAIL or SALE AT RETAIL**

**Refers to and means sales to a consumer, or to any person or any purpose other than for resale.**

**PERSON**

**Includes any individual, firm, partnership, corporation or club, or any other association of individuals.**

**ORIGINAL PACKAGE**

**Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to carry or convey any alcoholic liquor.**

**LICENSEE**

**Any person, form, partnership, club, association or corporation who receives a license under this Chapter by original application, transfer or renewal.**

**RESTAURANT**

**Shall mean a place of business whose gross sales have more than 50% derived from selling prepared foods.**

**MINOR**

**Shall mean any person under the age of twenty-one (21).**

**POSSESSION**

**Shall include direct possession or in the control of a person whether direct possession or indirect (in a vehicle or other area where the person has access) [AND there is no person 21 years of age or older in the vicinity] or [ when it can be determined the alcohol was NOT in the possession of a person at least 21 years of age] . A person is presumed to be in possession if the alcohol concentration is greater than .01 when measured by a portable breath screening device approved by the Department of State Police.**

**ALCOHOL CONCENTRATION**

**Shall mean grams of alcohol per 210 liters of breath; or grams of alcohol per 100 milliliters of blood.**

**Section 2. LICENSES.**

**Licenses issues by the Village shall be of the following classes, namely:**

**Retailer's Class A License**
**Retailer's Class B License**
**Retailer's Class C License**
**Retailer's Class D License**
**Retailer's Class E License**
**Retailer's Class F License**
**Retailer's Class G License**
**Retailer's Class H License**
**Retailer's Class I License**

**2.1 Class A, F and G Licenses. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of any liquor, wine, or beer, within the corporate limits of the Village, where the same is sold, or offered for sale at retail for consumption on the premises licensed unless first having secured a Retailer's Class A, F or G License and paid a license fee to the Village Clerk.**

**2.2 Class B or D License. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of any liquor, wine or beer, within the corporate limits of the Village, where such sales are made in original packages only, and not for consumption on the licensed premises, unless he shall have first secured a Retailer's Class B or Class D License for the same and paid to the Village Clerk a license fee. This section shall not be construed to prohibit the holder of a Retailer's Class B License from making sales in the ordinary course of business in wholesale lots in the original packages.**

**2.3 Class E License. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail, of beer only by the drink, to be consumed on premises only of a restaurant, within the corporate limits of the Village where the same is sold, or offered for sale for consumption on the premises licensed unless first having secured a Retailer's Class E License for the same and the licensee fee to the Village Clerk.**

**2.4 Class H License. No person shall sell, keep, or offer for sale at retail, or conduct any place for the sale of retail of any liquor, wine or beer, within the corporate limits of the Village, either on site or off site, whether the location is licensed or unlicensed, as an incidental part of food service, unless first having secured a Retailer's Class H License, and paid a license fee to the Village Clerk.**

**2.5 Class C License. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of any liquor, wine, or beer, within the corporate limits of the Village, where the same is sold, or offered for sale at retail for consumption in or off the premises unless first having secured a Retailer's Class C License and paid a license fee to the Village.**

**2.6 Class I License. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of any liquor, wine, or beer, within the corporate limits of the Village, where the same is sold, or offered for sale at retail for consumption outside on private or public property adjacent to a premises holding a valid Class C License without first having secured a Retailer's Class I License and paid a license fee to the Village.**

**Section 3. LICENSE TERM-FEE.**

**The official licensing year shall begin on May 1st in each year and expire on the 30th day of April of the next succeeding calendar year unless otherwise noted below. The license fees provided for shall be reduced in proportion to the number of full calendar months which have expired in the official license year, prior to the issuance of such licenses, but the full license fee shall be charged for any license issued at any time in during the first month of such license year. No license shall be issued for any term less than the balance of the unexpired license year and all license fees shall be payable in advance semi-annually. Class C license holders, who also hold a State of Illinois video gaming license, shall pay a $25.00 annual Village fee for each video gaming terminal (machine). This fee is payable in full before the video gaming machines are installed and then is payable in full before the start of the following licensing year (May 1st) and before May 1st of every succeeding licensing year.**

**3.1 Retailer's Class A: The license shall be $600.00 and shall entitle the licensee to sell, keep, or offer for sale at retail on the premises licensed, any liquor, wine or beer, whether the same is to be consumed on or off the licensed premises. The license shall not be construed to prohibit sales in the original package.**

**3.2 Retailer's Class B: The license shall be $450.00 and shall entitle the licensee to sell, keep or offer for sale at retail, on the premises licensed, any liquor, wine or beer in the original package only, and only when the same is not to be consumed on the premises. This section shall not be construed to prohibit the holder of a Retailer's Class B license from selling in wholesale lots in the original package.**

**3.3 Retailer's Class C: The license shall be $1,000.00 and shall entitle the licensee to sell**

**or offer for sale at retail on the premises licensed, any liquor, wine or beer, whether the same is to consumed on or off the licensed premises. The license shall not be construed to prohibit sales in the original package.**

**A. A licensee holding the Retailer's Class C license shall be permitted to have entertainment in the premises and shall be permitted to allow dancing, singing, vaudeville and music during business hours as long as the entertainment as described is conducted in a lawful manner and so long as it does not disturb the peace and quiet of the surrounding neighborhood.**

**B. A licensee holding the Retailer's Class C license and a State of Illinois Video Gaming License shall be assessed an annual Village fee of $25.00 per video gaming terminal (machine). Said fee shall be payable to the Village prior to installation of any State of Illinois authorized video gaming devices, and then shall be payable in full prior to the start (May 1st) of each succeeding year.**

**C. A licensee holding a Retailer's Class C license shall be permitted to have entertainment outside and adjacent to the premises either on private or public property (having first obtained Village Board approval to use public property) and shall be allowed dancing, singing, and music during business hours but not to go past 12:00 am Midnight. The entertainment, as described, shall not be conducted in an unlawful manner, and so long as it does not disturb the peace and quiet of the surrounding neighborhood.**

**3.4 Retailer's Class D: The license shall be $300.00 and shall entitle the licensee to sell, or offer for sale at retail on the premises of a retail food store of wine and beer, in the original packages only and not for consumption on the licensed premises. This license shall apply only to retail food stores.**

**A. A separate license shall be required for and with respect to each location or premises at which or upon which any liquor, wine or beer is to be sold or offered for sale at retail.**

**3.5 Retailer's Class E License. The license shall be $450.00 and shall entitle the licensee to sell or offer for sale, at retail, beer only by the drink, to be consumed on premises only of a restaurant; this license shall apply only to restaurants.**

**3.6 Retailer's Class F License. The license shall entitle the licensee to sell, keep, or offer wine or beer for sale at retail and consumption on the premises for a period up to ten (10) days. The fee for this license shall be $10.00 for each day that sale and/or consumption of wine or beer is to occur.**

**3.7 Retailer's Class G License. The license shall entitle the licensee to see, keep, or offer liquor, wine or beer for sale at retail and consumption on the premises for a period up to ten (10) days. The fee for this license shall be $20.00 for each day that sale and/or consumption of liquor, wine or beer is to occur.**

**3.8 Retailer's Class H License. Caterer Retailer. The license shall entitle the licensee to serve alcoholic liquor for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. The license fee for a Class H License shall be $200.00 per year.**

**3.9 Retailers Class I License. Outdoor Liquor Service Area. Only Class C license holders can obtain a Class I license. The license shall entitle the licensee to sell and serve alcoholic liquor for consumption outside on private or public property (having first obtained Village Board approval to use public property) adjacent to a Class C licensed premises. The Class I License shall be operational from 1 April to 1 November each calendar year. The license fee for a Class I License shall be $500 per year and is not prorated.**

**Section 4. RENEWAL.**

**A licensee may renew a license provided the licensee is qualified to receive a license and the premises for which the renewal license is sought are suitable for such purpose; provided that such renewal privilege shall only apply as long as the license in each case shall be kept in force continuously and uninterruptedly in the name of the licensee or his successor in interest, and nothing shall be construed as the vested right which shall in any case prevent the Village from decreasing the number of licenses to be issued.**

**Section 5. APPLICATION FOR LICENSE.**

**Before any retail licensees shall be issued, an application for such license under oath shall be filed with the Mayor stating:**

**A. The name and residence of the applicant.**

**B. The applicants place of birth, and if a naturalized citizen, the time and place of naturalization.**

**That the applicant, or his agent, is a resident of Rock Island or Henry Counties, Illinois and a legally qualified voter in said Counties.**

**D. That the applicant has never been convicted of a felony.**

**E. The location where the applicant proposes to sell at retail any liquor, wine or beer as herein defined.**

**F. That the proposed location is not within 100 feet of any church, school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station.**

**G. That the applicant is of good moral character.**

**H. That the applicant will not violate any of the laws of the State of Illinois, or of the United States, or any ordinances of the Village of Coal Valley, Illinois, in the conduct of the applicant's place of business.**

**I. A statement that the applicant is not a manufacturer, bottler, jobber or wholesaler of liquors, wine or beer; and the further statement that no manufacturer, bottler, jobber, or wholesaler of liquor, wine or beer, nor any agent nor any person, other than the applicant directly or indirectly supplied, furnished, gave or paid, or lent money, for any furnishing, fixtures, or equipment on the premises or place of business or license of the applicant; that no manufacturer, bottler, jobber or wholesaler of liquor, wine or beer or any agent thereof, or any person other than the applicant is directly or indirectly interested in the ownership, conduct or operation of**

**the business of such applicant.**

**J. A statement that the applicant agrees to permit any police officer or other official of the Village free and unrestricted access to the licensed premises for the purpose of inspecting the same.**

**K. That any licensee will not, nor any agent or servant for the licensee permit any dancing singing or theatricals or exhibition of any nature whatsoever on the premises sought to be licensed, except in the case of the licensee having a Retailer's Class C Liquor License.**

**L. That the applicant will abide by and obey the rules and regulations of the Village governing health and sanitation.**

**That the applicant has all of the qualifications necessary to receive a retail license from the State Department pursuant to requirements of Section 2 of Article VI of an Act of the Illinois General Assembly relating to alcoholic liquors.**

**Proof of Dram Shop insurance. All applicants shall provide a certificate of dram shop insurance with the following limits:**

| | |
|---|---|
| **Bodily injury, one person** | **$ 30,000.00** |
| **Bodily injury, one occurrence** | **$300,000.00** |
| **Injury to means of support** | **$100,000.00** |
| **Property damage** | **$100,000.00** |

**Prior to issuance/renewal of any license, with said certificate to cover the period of the license issued. Any licensee failing to maintain dram shop liability insurance on a current basis, with proof thereof filed with the Village of Coal Valley, shall be subject to prosecution for a violation of this Ordinance, with a fine of seventy five dollars ($75.00) for each day the violation continues.**

**5.1 Partnership or Corporation. In the case of a partnership or corporation, the information required from the applicant shall be furnished as to each partner and the principal officers of the corporation.**

**5.2 Revocation of License. The making of any false statement in the application or the violation by the applicant of any of the agreements or stipulations entered into in the application shall be sufficient ground for the revocation of any license granted, and shall further be deemed a violation of this Chapter and subject the person so offending to the penalties provided for.**

**Section 6. LOCATION.**

**No Retail Class A license or Retail Class B license shall be granted to any applicant for any premises within the corporate limits of the Village where the same is located in any block in the Village which, at the time of application, is devoted exclusively to residential purposes. For the purpose of the foregoing provisions, "block" shall be construed to mean the space from the intersection to intersection on the side of the street which the proposed location fronts.**

**Section 7. BOND.**

**Each person to whom a Retailer's license is about to be issued, under the provisions of this Chapter, shall execute a penal bond in form and with sureties acceptable to the President of the Village, in the sum of $200.00, conditioned upon the faithful performance and observance of the provisions of the laws of Illinois, and of this Chapter, and further conditioned upon the prompt payment of any fine which may be levied or assessed against any license for the violation of any of the penal provisions of the laws of Illinois , and this Chapter, and such bond shall upon approval be filed in the office of the Village President.**

**Section 8. INVESTIGATION - APPROVAL OF LICENSE.**

**All applications for retailer's licenses shall be filed with the Village President. The Village President shall investigate all the statements contained in each application, and if upon investigation he shall be satisfied that the matters and things contained in the application are true, and that the applicant is of good moral character and entitled to a license, and that applicant has complied with all the requirements of this Chapter, he shall approve the application. Upon receipt of the required license fee, the Village President shall issue a license in accordance with the provisions of this Chapter.**

**Section 9. POSTING LICENSE.**

**Every person licensed in accordance with the provisions of this Chapter shall immediately post and keep posted while in force, in a conspicuous place on the premises, the issued license. Whenever a license shall be lost or destroyed, a duplicate shall be issued in lieu by the Village President, upon application made by the licensee, who also shall make a verified statement of such loss or destruction.**

**Section 10. CERTAIN ACTS AND PRACTICES PROHIBITED.**

**10.1 Unobstructed View. The following requirements pertain to premises upon which the sale of alcoholic liquor for consumption is licensed:**

**A. No screen, blind, curtain, partition, article or thing shall be permitted in the windows, upon the doors, or inside which shall prevent a clear view into the interior from the street, road or sidewalk at all times.**

**B. No booth, screen, partition, or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior which shall prevent a full view of the entire interior from the street, road or sidewalk.**

**C. Premises must be located so there shall be a full view of the entire interior from the street, road or sidewalk.**

**D. All rooms where liquor is sold for consumption shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior shall be clearly visible.**

**10.2 Revocation of License. In case the view into a licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him willfully suffered to be obscured, or in any manner obstructed, then such license shall be subject to revocation in the manner provided in this Chapter.**

**10.3 Plans Filed. In order to enforce the provisions of this section, the Mayor shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.**

**10.4 Age limit. No person licensed under this Chapter shall sell, permit to be sold or give any liquor to any person under the age of 21 years or any person notoriously addicted by habit to abnormal use of same.**

**A. No person under the age of 21 years shall purchase, accept as a gift, ~~or~~ be in possession of, *or consume* any liquor, wine or beer as defined herein.**

**It shall be prima facia evidence that the minor was in possession of alcohol if the preliminary breath screening test using a portable device approved by the Department of State Police indicates blood alcohol concentration of the minor at the time alleged in excess .02**

**B. No person under the age of 21 years shall be permitted by and Licensee or agent, in that portion of the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Ordinance.**

**C. No person under the age of 21 year shall enter that portion of the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Ordinance.**

**D. Proof Of Age Required : If a licensee pursuant to this chapter or agent thereof shall believe that a sale or delivery of alcoholic liquor is prohibited because of the minority of the prospective recipient, he or she shall before making such sale or delivery demand presentation of some form of acceptable identification containing proof of age. The acceptance must be made in reasonable reliance that the person presenting the identification is in fact of legal age and the same person pictured on the ID. The following types of identification are acceptable forms of identification for purposes of entering a licensed establishment and/or purchasing or obtaining alcoholic liquor: vehicle operator's license; state photo identification card for non-drivers; passport or visa.**

**E. Proof Of Age; Refusal To Produce : No person when on premises licensed under this chapter shall refuse to show proof of his or her age when asked to do so by a police officer, the licensee, or agent thereof. Any person who fails to produce positive proof of age when so requested shall immediately be advised to leave the licensed premises.**

**F. Falsification Of Proof Of Age Prohibited: With respect to any identifying document containing proof of age issued by a public officer in the performance of official duties, no person shall:**

**Alter or deface such identifying document; or**
**Present identifying documents belonging to another person as his or her own; or**
**Carry or use a false or forged identification document; or**
**Obtain any document establishing identity by means of false information.**

**10.5 Gambling. There shall be no illegal card games or illegal gambling allowed on any premises licensed to sell alcoholic beverages, except for video gaming as authorized**

by the Illinois Legislature and as licensed by the Illinois Gaming Board, which shall be allowed.

10.6 Employees age. No person licensed under this Chapter shall employ any person under the age of 21 years as a waitress, bartender, barmaid, cashier or entertainer, whose duties would require his or her presence in that portion of the premises where alcoholic beverages are drawn or mixed in any premises licensed under this Chapter.

10.7 No Sale on Sunday. No person licensed under this Chapter, shall order or receive the delivery of any liquor, beer or wine on Sunday.

**Section 11. DANCING, MUSIC, EXHIBITIONS PROHIBITED.**

No person granted a Retailer's Class A or B license shall knowingly allow, suffer or permit any dancing, singing, vaudeville or any loud music of any nature whatsoever on or in and about the licensed premises. No person granted a license shall knowingly or unknowingly violate any ordinances of the Village of Coal Valley, Illinois, governing nuisances or public peace.

**Section 12. REVOCATION OF LICENSE.**

The Village President may suspend or revoke any license issued under any one or more of the following circumstances:

12.1. When the Village President is satisfied that the licensee has violated any of the provisions of this Chapter, or of any valid resolution enacted by the Board of Trustees, or any applicable rule or regulation established by the Village President that is consistent with law.

12.2. The violation by the licensee of any law of the State of Illinois relating to the regulation of the sale of liquor.

12.3. The willful making of any false statement by the licensee as to a material fact in an application for a license hereunder.

**Section 13. OPENING AND CLOSING TIME.**

No place, establishment or business authorized to sell at retail under its license shall be open for business before six (6:00) o'clock A.M. on weekdays or before twelve (12:00) o'clock Noon on Sundays, or remain open for business after two (2:00) o'clock A.M. on weekdays and two (2:00) A.M. on Sundays, except in the case of a licensee holding a Retailer's Class C License, the closing time shall be 3:00 o'clock A.M. on weekdays and on Sundays.

**Section 14. SHIFTING DEVICES PROHIBITED.**

The giving away of any liquor, wine or beer, or other shift or device to evade the provisions of this Chapter, shall be deemed to be an unlawful selling and shall be punished as such.

**Section 15. FINES.**

Any person violating the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal

**Valley for each offense in the discretion of the Village President, the license may be revoked. For the second offense, the Village President shall revoke the license issued.**

# TITLE IX – STREETS, PUBLIC WAYS AND PUBLIC PROPERTY

## DIVISION - 1 STREETS

## CHAPTER 1 STREETS

**Section 1. SUPERVISION.**

**All construction on and maintenance and repair of public streets, alleys, sidewalks, driveways and other public ways shall be under the supervision of the Village Superintendent. The Superintendent shall be charged with the enforcement of all provisions relating to public places, except traffic ordinances.**

**Section 2. CONSTRUCTION.**

**It shall be unlawful to construct or lay any pavements for any public street, sidewalk, alley, or other public way, or to repair the same, or to construct any private driveway across any public right of way without having first, secured a permit to do so. Applications for such permits shall be made to the Village Superintendent, and shall state the location and extent, of the intended construction or repair and the person who is to do the actual construction work. No such permits shall be issued except where the work will conform to the, ordinances of the Village.**

**Section 3. SPECIFICATIONS.**

**All street, sidewalk, and driveway design and pavements shall be made in conformity with specifications approved from time to time by the Village Board of Trustees.**

**Section 4. INJURY TO NEW PAVEMENTS.**

**It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft or newly laid pavement.**

**Section 5. REPAIRS.**

**All public streets, alley and sidewalk pavements shall be in good repair. Any repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the Village Supervisor.**

**Section 6. DEFECTS.**

**It shall be the duty of every city officer and employee becoming aware of any defect in any street, alley or sidewalk, or any obstruction to report the same to the Village Supervisor as soon as possible.**

**Section 7. OBSTRUCTIONS.**

**No person shall cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specified by ordinance or by the Village Supervisor.**

**Section 8. BARRICADES.**

**Any person laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same, shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work. The barricades shall be lighted or protected by a light in the nighttime. Any defect in any such pavement shall be barricaded to prevent injury; and any person, properly maintaining any opening or excavation while the pavement remains open shall guard the pavement with proper barricades and lights.**

**Section 9. DISTURBING BARRICADES.**

**It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement or excavation or opening in any public street, alley or sidewalk.**

**Section 10. PRIVATE USE.**

**No person shall use any street, sidewalk or other public place as space for the display of goods or merchandise for sale; or to write or make any sign or advertisement on any such pavement.**

**Section 11. ENCROACHMENTS.**

**It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.**

**Section 12. DRAINS.**

**It shall be unlawful to obstruct any drain in any public street or property.**

**Section 13. POLES AND WIRES.**

**It shall be unlawful to erect or maintain any poles or wires over any public place, street, alley or sidewalk or other public way without having first secured permission from the Village President and the Board of Trustees.**

**Section 14. GAMES.**

**It shall be unlawful to play any games upon any street, alley or sidewalk or other public place, where the games cause unnecessary noise or interfere with traffic or pedestrians.**

**Section 15. OPENINGS.**

**It shall be unlawful to construct or maintain any opening or stairway in any public street or sidewalk or alley without a permit from the Village Board of Trustees. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the Village Superintendent.**

**Section 16. PLANTING.**

**It shall be unlawful to plant any tree or bush in any public street or other public place without having secured a permit to do so. Applications for such permits shall be made to the Village Clerk and referred to the Village Superintendent before issuance. All trees**

and shrubs so planted shall be placed subject to the direction and the approval of the Village Board of Trustees.

**Section 17. REMOVAL.**

It shall be unlawful to remove or cut down any tree or shrub in any public place without having secured a permit to do so. Applications for permits shall be made to the Village Clerk and shall be referred to and approved by the Board of Trustees before issuance.

**Section 18. INJURY.**

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

**Section 19. ADVERTISEMENTS - NOTICES.**

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any such public place.

**Section 20. DANGEROUS TREES.**

Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel or is within 10 feet of a street or 7 feet of a sidewalk level, shall be trimmed by the owner of the premises abutting or of the premises on which the tree or shrub grows so that the obstruction shall cease.

20.1 Falling Tree, Limb. Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

20.2 Trimming, Removal. The Village Superintendent may trim any such tree or shrub or remove any such tree or branch thereof so that the obstruction or danger to traffic or passage shall be done away with.

**Section 21. WIRES.**

It shall be unlawful to attach any wire or rope to any tree or shrub in any public street or other public place without the permission of the Board of Trustees.

21.1 Company Owned. Any person which maintains poles and wires in the streets, alleys or other public places, shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near such wires and poles properly trimmed, subject to the supervision of the Village Superintendent, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

**Section 22. EXCAVATIONS.**

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

**Section 23. GAS PIPES.**

**Any person or company maintaining any gas pipe in the Village shall keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.**

**Section 24. DEPOSITS ON STREETS**

**24.1 Harmful Deposits. It shall be unlawful to deposit on any street any material which may be harmful to the pavement, or any waste material, or any glass, or other articles which may do injury to any person, animal or property.**

**24.2 Acceptable Deposits. Except as listed above, other materials may be deposited in streets preparatory to delivery or use, provided that the deposit does not reduce the usable width of the roadway at the point to less than eighteen feet, and provided that such material, other than material to be used in actual building construction, shall not be permitted to remain in such street for more than three hours.**

**24.3 Warning. Any such material shall be guarded by lights if the same remains upon any street after nighttime.**

**Section 25. DEPOSITS ON SIDEWALKS.**

**25.1 Harmful Deposits. It shall be unlawful to deposit on any public sidewalk any material which may be harmful to the pavement of any waste material, or any glass or other articles which might cause injury to persons, animals or property.**

**25.2 Acceptable Deposits. Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalk is not reduced to less than 4 feet; and provided that no such article shall remain on the walk for more than one half hour.**

**Section 26 – BURNING LEAVES, OTHER LANDSCAPE WASTE AND REFUSE**

**It shall be unlawful to burn any leaves, landscape waste and/or refuse on any Village Right-of-Ways, concrete or asphalt surfaced streets or sidewalks in the Village. (See also Section 4, Chapter 1 – Burning of Leaves, Other Landscape Waste and Refuse, Division V – Open Burning, Title VII – HEALTH AND SANITATION).**

**Section 27. PENALTY.**

**Any person violating any provision of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense each day of violation shall be a separate offense.**

**Section 28. SNOW REMOVAL**

**All abutting property owners shall be responsible**

**To remove within a reasonable time from the portion of any public sidewalk abutting said property all snow and ice.**

**To refrain from putting, pushing, blowing of otherwise depositing any snow removed from a public sidewalk of private property upon any improved public roadway.**

**For purposes of this Section, "reasonable time" shall mean that snow removal shall be within twenty-four (24) hours after cessation of a snowfall, or, if a snowfall ceases in the nighttime hours, within twenty-four (24) hours after sunrise.**

**PENALTY**

**Any person violating the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.**

**Section 29 STREET CUTTING**

**a.** **For construction of new facilities, the Village may require encasement of said facilities that will cross under major thoroughfares, newly constructed streets, or any street determined by the Village to remain undisturbed during the proposed construction. The Village will determine the type of facilities to be encased, dependent upon the type of carrier pipe or conduit, the type of product being conveyed, and the type of joints specified. As a minimum, the contractor shall accompany his permit request with this information.**

**b.** **The trench shall be backfilled with 100 % frost free trench backfill material (see standard specifications) placed in six (6) inch layers, each layer to be thoroughly compacted with a vibratory or other suitable mechanical tamper (hand tamping or jetting will not be permitted). The trench backfill shall be placed in this manner to the bottom of the existing sub-base or base. If sub-base is required, it shall be placed to the same depth as existing and with the type of material specified in the standard specifications, and shall be placed in two equal layers, each layer being compacted in the same manner as the trench backfill. If base is required it shall be placed to the same depth as existing (minimum of eight (8) inches) and with the same type of material stated in the standard specifications. In the case of Class B type streets, the base course shall be eight inches of Portland Cement Concrete.**

**c.** **The existing pavement shall be sawed and removed for a minimum distance of one (1) foot beyond the limits of the trench width.**

**d.** **The type of surface treatment required will depend upon the type of existing surface that was removed as follows:**

1. **Existing "seal coat" type surfaces – After the trench backfill, base, and sub-base has been placed, compacted and primed, the surface shall receive a minimum of Type A-3 surface treatment or three (3) inches of cold mixed asphalt.**
2. **Existing "class B" type surfaces – After the trench backfill, base and sub-base has been placed, compacted and primed, the surface shall receive a minimum of three (3) inches of Bituminous Surface Plant Mix (type B). Note: base to be Portland Cement Concrete (minimum of six (6) inches).**
3. **Existing "Portland Cement Concrete" type surfaces – after trench backfill, base, and subbase has been placed, compacted, and primed, the surface shall receive 7" of Portland Cement Concrete pavement.**
4. **Other existing surfaces – existing surfaces different than those above shall be repaired as directed by the Village Engineer.**
5. **In cases 1 through 4 above, if it is necessary to perform this work during the winter months, a cold mixed asphalt shall be used for a temporary overlay, provided it is removed and replaced with the appropriate surface as described above early in the following construction season.**

**e.** **Areas disturbed during the work, including, but not limited to curbs, surfaced shoulders sidewalks, and grassed areas, shall be replaced to their original condition.**

**f.** **The Village Engineer may perform, at the appropriate time, tests set forth I the Standard Specifications, or any other test the Village Engineer determines to be appropriate to assure conformance with the Standard Specifications.**

**g.** **The contractor shall not proceed with a given phase of construction until the previous phase has been approved by the Village Engineer or the Building Superintendent.**

**h.** **The contractor shall give at least 48 hours notice to the Village Engineer or the Building Superintendent as to the anticipated date of completion of a particular phase of construction so that the Village Engineer or the Building Superintendent can schedule the appropriate tests and inspections.**

**i.** **That should emergency repair work be required to protect the safety of the general public, such work may be performed without a permit, provided that notification is made to a Village Official as soon as possible and that a formal permit is obtained and a bond filed within three (3) business days after the emergency occurrence.**

**j.** **That work cannot be performed on Sundays and holidays except in emergency situations.**

**k.** **That work shall be done only during daylight hours and during normal working hours of Village Personnel, except in emergency situations.**

**Section 30. OPEN CUTTING OF STREETS**

**a.** **For construction of new facilities, the Village may require encasement of said facilities that will cross under major thoroughfares, newly constructed streets, or any street determined by the Village to remain undisturbed during the proposed construction. The Village will determine the type of facilities to be encased, dependent upon the type of carrier pipe or conduit, the type of product being conveyed, and the type of joints specified. As a minimum, the contractor shall accompany his permit request with this information.**

**b.** **The trench shall be backfilled with 100 % frost free trench backfill material (see standard specifications) placed in six (6) inch layers, each layer to be thoroughly compacted with a vibratory or other suitable mechanical tamper (hand tamping or jetting will not be permitted). The trench backfill shall be placed in this manner to the bottom of the existing sub-base or base. If sub-base is required, it shall be placed to the same depth as existing and with the type of material specified in the standard specifications, and shall be placed in two equal layers, each layer being compacted in the same manner as the trench backfill. If base is required it shall be placed to the same depth as existing (minimum of eight (8) inches) and with the same type of material stated in the standard specifications. In the case of Class B type streets, the base course shall be eight inches of Portland Cement Concrete.**

**c.** **The existing pavement shall be sawed and removed for a minimum distance of one (1) foot beyond the limits of the trench width.**

**d.** **The type of surface treatment required will depend upon the type of existing surface that was removed as follows:**

1. **Existing "seal coat" type surfaces – After the trench backfill, base, and sub-base has been placed, compacted and primed, the surface shall receive a minimum of Type A-3 surface treatment or three (3) inches of cold mixed asphalt.**
2. **Existing "class B" type surfaces – After the trench backfill, base and sub-base has been placed, compacted and primed, the surface shall receive a minimum of three (3) inches of Bituminous Surface Plant Mix (type B). Note: base to be Portland Cement Concrete (minimum of six (6) inches).**
3. **Existing "Portland Cement Concrete" type surfaces – after trench backfill, base, and subbase has been placed, compacted, and primed, the surface shall receive 7" of Portland Cement Concrete pavement.**
4. **Other existing surfaces – existing surfaces different than those above shall be repaired as directed by the Village Engineer.**

5. In cases 1 through 4 above, if it is necessary to perform this work during the winter months, a cold mixed asphalt shall be used for a temporary overlay, provided it is removed and replaced with the appropriate surface as described above early in the following construction season.

e. Areas disturbed during the work, including, but not limited to curbs, surfaced shoulders sidewalks, and grassed areas, shall be replaced to their original condition.

f. The Village Engineer may perform, at the appropriate time, tests set forth I the Standard Specifications, or any other test the Village Engineer determines to be appropriate to assure conformance with the Standard Specifications.

g. The contractor shall not proceed with a given phase of construction until the previous phase has been approved by the Village Engineer or the Building Superintendent.

h. The contractor shall give at least 48 hours notice to the Village Engineer or the Building Superintendent as to the anticipated date of completion of a particular phase of construction so that the Village Engineer or the Building Superintendent can schedule the appropriate tests and inspections.

# DIVISION II – WATER/ SEWER/PERMITS/CONNECTIONS/RATES

## CHAPTER 1 WATERWORKS AND SEWERAGE SYSTEMS: RATES

### Section 1. RATES, FEES AND CHARGES

a. MONTHLY CHARGES OR RATES FOR ALL USER CLASSIFICATIONS.

See Appendix A, TITLE IX, DIVISION II, CHAPTER 1, Section 1. RATES, FEES AND CHARGES of this Ordinance.

### Section 2. PAYMENT AND BILLING.

Bills for rates or charges for services shall be payable monthly no later than the close of business on the 10th of each month. The owner of the premises, the occupant and the user of the service shall be jointly and severally liable to pay for the Village provided services on such premises to the Village. All bills for service shall be provided by the Village to each customer on a monthly basis to be either mailed via US Postal Service or by e-mail on or before the first day of each month following the period for which the water/sewer services were provided. If payment is received after close of business on the 10th of the month, then a penalty of 10% of the total amount due for all the services provided shall be added.

2.1 Net payments received after the close of business on the 10th of the month will be credited "On Account" and unpaid penalties included on the following bill. Failure to receive bills will not entitle the owner, occupant or user to a remission of the penalty.

### Section 3. DELINQUENT BILLS.

In the event the charges for service are not paid within 20 days starting with the day after the close of business on the 10th of the month, charges shall be declared to be delinquent; and the delinquencies shall constitute a lien upon the real estate for which such services were supplied. The Village Staff is authorized and directed to

work with the Village Attorney to file liens on the property in the Office of the County Clerk in Rock Island County, and Henry County, Illinois as appropriate.

**Section 4. DISCONTINUATION.**

If the rates or charges for Village services provided are not paid within twenty (20) days after the 10th of the month for which the owner, occupant or user have been billed, such Village services shall thereafter be shut off subject to notice and hearing as provided hereinafter, and shall not be reinstated until all past due bills, including the penalties hereon, are paid in full. If services have been shut off by the Village, there will be an additional payment of $40.00 required for reinstating a residential service and $70.00 for reinstating a commercial service.

Ten (10) days prior to the shutting off of Village services, a notice will be sent to the user of record that the bill for services due is delinquent with the balance of payment due; the date services will be shut off; the amount of charges for the reinstatement of services; and that prior to shutting off of services the user may request a hearing before the Village Water & Sewer Billing Department to discuss any charges the user feels erroneous or improper. Following the hearing of evidence, the decision by the Water & Sewer Billing Department, if not to the user's satisfaction, can be appealed to the Village Administrator. A decision by the Village Administrator shall be final.

**Section 5. CONNECTION AND DISCONNECTION.**

Any user desiring to temporarily discontinue service for a period of absence from a premise, shall make application therefore to the Village. Each time there is a discontinuance of service requested by a user, there shall be a charge of $20.00 to shut off the service and $20.00 to turn on such service. The temporary discontinuance of service at the request of the user will not avoid the imposition of and the liability for the payment for the minimum charge provided for herein.

**Section 6. COLLECTION OF BILLS.**

It is the duty of the Village Treasurer to render bills for service and for all rates and charges in connection with the service and to collect all monies due.

6.1 Returned Check Charge. Any user whose check for payment of rates and charges due under this Chapter is returned to the Village because of insufficient funds or other reasons shall be liable for and shall have included on such users next bill an additional charge of $25.00 for the return of the check.

**Section 7. REVENUES.**

All revenues and moneys derived from the operation of the combined waterworks and sewerage system shall be held by the Village Treasurer separate and apart from the Treasurer's private funds and separate and apart from all other funds of the Village.

**Section 8. SPECIAL FUND.**

The Village Treasurer shall receive all such revenues from the combined waterworks and sewerage system and all other funds and moneys incident to the operation of such

system as the same may be delivered to the Treasurer. The Treasurer shall deposit all revenues in a separate fund designated as the "Waterworks and Sewerage Fund of the Village of Coal Valley." The Treasurer shall administer such fund in every respect in the manner provided by the applicable provision of Division 139 of Article II of the Illinois Municipal Code, 1961, and all laws amendatory and supplementary and as provided for in this Chapter.

**Section 9. NO CHARGE SERVICE.**

No free service of any of the services supplied by the combined waterworks and sewerage system shall be supplied by the Village to the Village or to any other person, public or private.

## CHAPTER 2 - INSPECTION AND READING OF METERS

**Section 1. INSPECTION AND INSPECTORS.**

Inspectors, foremen, meter readers or any other employee of the combined waterworks whose duty it may be to enter upon private premises to make inspection and examinations of water meters, pipes and fixtures, for any reason whatsoever in connection with the Village of Coal Valley water supply will be provided with identification identifying them as an agent or representative of the Water Department.

1.1 Entrance to Premises. Any officer, inspector, foreman, meter reader or authorized agent, or employee of the combined water works shall upon presentation of proper identification have free access at any and all reasonable hours to any premises, supplied by the combined water district, for the purpose of making any inspection or taking a meter reading pertaining to combined water department.

**Section 2. INSPECTION.**

Any authorized agent or employee of the combined water works refused or hindered admittance to any premises, or prevented in making such examination or readings of the meters as necessary in the discretion of the waterworks department, the waterworks may cause the Village water supply to be turned off from the premises, after giving 24 hours notice to the owner or occupant of the premises.

2.1 Identification. No person not authorized, as an agent by the waterworks department shall have any identification or credentials of the waterworks department. It shall be the duty of each and every such officer, agent or employee of the department, upon resignation or dismissal to surrender and deliver to the department credentials for purposes of identifying the person with the division.

## CHAPTER 3 - CONNECTION TO WATER AND SEWERAGE SYSTEM, ISSUING OF PERMITS AND BONDING OF CONTRACTORS

**Section 1. PERMITS.**

No person shall dig, excavate, remove, cut or in any manner tunnel under or break the surface of any street, highway, avenue, alley or right-of-way within the corporate limits of

**the Village for the purpose of connecting to the public water and or sewerage system without first having obtained from the Village the proper tap on permit.**

**Section 2. INSPECTION.**

**No person connected to the public water or public sewerage system in the Village under a permit as stated above, shall cover the connection without first having the connection inspected and approved by an official of the Village.**

**Section 3. BOND REQUIRED.**

**No person other than a plumber licensed by the State of Illinois, shall attempt to connect to the public water system or sewerage system in the Village, without first having executed to the Village of Coal Valley, Illinois, a bond in the penal sum of $10,000.00, with good and sufficient sureties to be approved by the Village President which shall be conditioned on the faithful performance of all duties required by the Village. It shall be a first condition of the Bond that the obligators will hold the Village harmless from any and all damages sustained by reason of neglect or incompetence on the part of person in the performance of work done or careless or improper guarding of excavations made or trenches dug, or by reason of any other cause whatsoever growing out of the negligence or carelessness of such person while acting under the authority of the permit described.**

**Section 4. PENALTIES.**

**Any person violating the provisions of this Division shall be subject to a fine of not less than $45.00 or more than $750.00. Each day of violation shall be considered a separate offense.**

## CHAPTER 4 - INSPECTION FEE AND CONNECTION CHARGE

**Section 1. INSPECTION CHARGE.**

**Any person/business that connects a dwelling, building, business or property to the public water system and sewerage system of the Village, shall pay to the Village, prior to connecting to the systems, an inspection fee in accordance with the Plumbing Code and/or Health and Sanitation Code. No person/business shall begin use of the water or sewer systems without first having a connection inspected by the proper Village authority.**

**Section 2. CONNECTION CHARGE**

**For tap on permit charges, see Appendix A to TITLE IX, DIVISON II, CHAPTER 1, Section 1, Rates, Fees and Charges of this Ordinance.**

**Section 3. PENALTY.**

**Any person violating the provisions of this Division shall be subject to a fine of not less than $45.00 or more than $750.00. Each day of violation shall be considered a separate offense.**

## DIVISION III – SEVERABILITY

**In the absence of specific language to the contrary, each Division, Chapter, Section and each provision, requirement or appendix to any part of this Title IX Ordinance shall be considered separable, and the invalidity of any portion of this Ordinance shall not affect the validity or enforceability of any other portion.**

## CHAPTER 5 - CROSS-CONNECTION CONTROL

**Section 1 BACK FLOW PREVENTORS.**

**That all plumbing installed within the Village of Coal Valley, shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgement of the Superintendent of Water, an approved back flow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and annually thereafter, at a minimum. The owner of the premises shall maintain records to document that testing, servicing and repairs are conducted as required.**

**Section 2 EMERGENCY WATER SUPPLY.**

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

**Section 3 SURVEYS AND INVESTIGATIONS.**

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

**Section 4 ENTRANCE OF PREMISES.**

**That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Coal Valley water supply for the purpose of verifying the presence or absence of cross-connections, and that the Water Superintendent or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or**

**distribution system of the Village of Coal Valley water supply for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information, which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.**

**Section 5 DISCONTINUE.**

**That the Superintendent of Water of the Village of Coal Valley water supply is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of the ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee of $50.00 (fifty dollars) is paid to the Village of Coal Valley. Immediate disconnection with verbal notice can be effected when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the Public Water Supply, the Superintendent of Water, or its agent or assigns shall be liable to any customer for any injury, damages, or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.**

**Section 6 PENALTY.**

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

## CHATPER 6 - USE OF VILLAGE WATER SUPPLY DURING SHORTAGES

**Section 1. USE.**

**No person shall use the Village water supply for the purposes of watering of lawns or non-commercial washing of motor vehicles or both as determine during those periods of time when there exists in the Village an inadequate supply of water due to weather conditions or other causes.**

**Section 2. INADEQUATE WATER SUPPLY.**

**An inadequate supply of water shall be deemed to exist when the Village pumping system is unable to pump an amount of water equal to or more than the water usage for any 24 hour period because of high usage of water due to the weather conditions, or because the Village water facilities have become inadequate to provide the necessary water due to other causes.**

**Section 3. NOTIFICATION.**

**It shall be the duty of the Village President and the Superintendent of the Water Works to make a determination that an inadequate supply of water exists or is being pumped in the Village when the supply of water exists in the manner described. After making a determination, the provisions of the Chapter shall not be enforced until the Village President informs the news media of the determination, so that the residents of the Village of Coal Valley will be notified. If conditions permit a delay in the enforcement of any part of this Chapter, a notice shall be published in the newspaper of general circulation in the Village indicating the effective dates of this ban on the usage of water.**

**Section 4. PROHIBITION.**

**The Village President and the Water Works Superintendent of the Village of Coal Valley may determine that a prohibition may apply only to the non-commercial washing of motor vehicles for a specific period of time or that both watering of lawns and non-commercial washing of motor vehicles shall be prohibited. It shall not be necessary to enforce both classifications at the same time.**

**Section 5. PENALTY.**

**Any person violating the provisions of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.**

## CHAPTER 7 RIGHT-OF-WAY

**Section 1. PURPOSE.**

**In order to facilitate the improvement of the streets of the Village, it is necessary to regulate encroachments on the right of way for improvements.**

**Section 2. DEFINITIONS.**

**For the purpose of this Chapter, the following definitions shall apply**

**ENCROACHMENT**

**Any building, fence, sign, or any other structure or object of any kind, with the exception of utilities and public road signs, which is placed, located or maintained in, on, under or over, any portion of the roadway right of way.**

**ROADWAY RIGHT OF WAY**

**Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.**

**Section 3. SCOPE.**

**It shall be unlawful for any person to erect or retain an encroachment within the limits of the roadway right of way.**

**Section 4. PENALTY.**

**Any person violating this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.**

## CHAPTER 8 UTILITIES USE OF RIGHT-OF-WAYS

**Section 1. PURPOSE AND SCOPE.**

**a) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.**

**b) Intent. In enacting this Chapter, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:**

**1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;**
**2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;**
**3) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;**
**4) protect against environmental damage, including damage to trees, from the installation of utility facilities;**
**5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;**
**6) preserve the character of the neighborhoods in which facilities are installed;**
**7) preserve open space, particularly the tree-lined parkways that characterize certain neighborhoods, districts, and corridors;**
**8) prevent visual blight from the proliferation of facilities in the rights-of-way; and**
**9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.**

**c) Facilities Subject to This Chapter. This Chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement. Additionally, all facilities lawfully established prior to the effective date of this Chapter shall comply with the requirements of this Chapter within sixty (60) days of the expiration date of any applicable franchise, license or similar agreement. If no such agreement exists, an established facility must comply with the requirements of this Chapter within sixty**

**(60) days of the effective date of this Chapter. The Director of Public Works may waive certain requirements of this Chapter for lawfully established facilities if such requirements are unduly burdensome or are not feasible given that the facilities have already been established.**

**d) Franchises, Licenses, or Similar Agreements. The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Chapter.**

**e) Effect of Franchises, Licenses, or Similar Agreements.**

**1) Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.**

**2) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Chapter and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.**

**f) Conflicts with Other Articles. This Article and its Chapter 4 supersede all Articles or parts of Articles adopted prior hereto that are in conflict herewith, to the extent of such conflict.**

**g) Conflicts with State and Federal Laws. In the event that applicable Federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Chapter to the maximum extent possible without violating Federal or State laws or regulations.**

**h) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.**

**Section 2. DEFINITIONS.**

**As used in this Chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.**

**(1) "AASHTO" - American Association of State Highway and Transportation Officials.**
**(2) "ANSI" - American National Standards Institute.**
**(3) "Applicant" - A person applying for a permit under this Article.**
**(4) "ASTM" - American Society for Testing and Materials.**
**(5) "Backfill" - The methods or materials for replacing excavated material in a trench or pit.**
**(6) "Bore" or "Boring" - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.**
**(7) "Cable operator" - That term as defined in 47 U.S.C. 522(5).**
**(8) "Cable service" - That term as defined in 47 U.S.C. 522(6).**

**(9)** **"Cable system" - That term as defined in 47 U.S.C. 522(7).**

**(10)** **"Carrier Pipe" - The pipe enclosing the liquid, gas or slurry to be transported.**

**(11)** **"Casing" - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.**

**(12)** **"Village" - The Village of Coal Valley.**

**(13)** **"Clear Zone" - The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.**

**(14)** **"Coating" - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.**

**(15)** **"Code" - The City of East Moline Code of Ordinances.**

**(16)** **"Conductor" - Wire carrying electrical current.**

**(17)** **"Conduit" - A casing or encasement for wires or cables.**

**(18)** **"Construction" or "Construct" - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.**

**(19)** **"Cover" - The depth of earth or backfill over buried utility pipe or conductor.**

**(20)** **"Crossing Facility" - A facility that crosses one or more right-of-way lines of a right-of-way.**

**(21)** **"Director of Public Works" - The Village Director of Public Works or his or her designee.**

**(22)** **"Disrupt the Right-of-Way" - For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.**

**(23)** **"Emergency" - Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.**

**(24)** **"Encasement" - Provision of a protective casing.**

**(25)** **"Equipment" - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.**

**(26)** **"Excavation" - The making of a hole or cavity by removing material, or laying bare by digging.**

**(27)** **"Extra Heavy Pipe" - Pipe meeting ASTM standards for this pipe designation.**

**(28)** **"Facility" - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Chapter. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.**

**(29)** **"Freestanding Facility" - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.**

**(30)** **"Frontage Road" - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.**

**(31)** **"Hazardous Materials" - Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Director of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or**

**petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.**

**(32)** **"Highway Code" - The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.**

**(33)** **"Highway" - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.**

**(34)** **"Holder" - A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.**

**(35)** **"IDOT" - Illinois Department of Transportation.**

**(36)** **"ICC" - Illinois Commerce Commission.**

**(37)** **"Jacking" - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.**

**(38)** **"Jetting" - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.**

**(39)** **"Joint Use" - The use of pole lines, trenches or other facilities by two or more utilities.**

**(40)** **"J.U.L.I.E." - The Joint Utility Locating Information for Excavators utility notification program.**

**(41)** **"Major Intersection" - The intersection of two or more major arterial highways.**

**(42)** **"Occupancy" - The presence of facilities on, over or under right-of-way.**

**(43)** **"Parallel Facility" - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.**

**(44)** **"Parkway" - Any portion of the right-of-way not improved by street or sidewalk.**

**(45)** **"Pavement Cut" - The removal of an area of pavement for access to facility or for the construction of a facility.**

**(46)** **"Permittee" - That entity to which a permit has been issued pursuant to Sections 6-1104 and 6-1105 of this Article.**

**(47)** **"Practicable" - That which is performable, feasible or possible, rather than that which is simply convenient.**

**(48)** **"Pressure" - The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).**

**(49)** **"Petroleum Products Pipelines" - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.**

**(50)** **"Prompt" - That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.**

**(51)** **"Public Entity" - A legal entity that constitutes or is part of the government, whether at local, state or federal level.**

**(52)** **"Restoration" - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.**

**(53)** **"Right-of-Way" or "Rights-of-Way" or "Rights-of-Ways or Right-of-Ways"- Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. Right-of-Way shall not include any real or personal City property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.**

**(54)** **"Roadway" - That part of the highway that includes the pavement and shoulders.**

**(55)** **"Sale of Telecommunications at Retail" - The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.**

**(56)** **"Security Fund" - That amount of security required pursuant to Chapter 4, Section 10.**

**(57)** **"Shoulder" - A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.**

**(58)** **"Sound Engineering Judgment" - A decision(s) consistent with generally accepted engineering principles, practices and experience.**

**(59)** **"Telecommunications" - This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.**

**(60)** **"Telecommunications Provider" - Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.**

**(61)** **"Telecommunications Retailer" - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.**

**(62)** **"Trench" - A relatively narrow open excavation for the installation of an underground facility.**

**(63)** **"Utility" - The individual or entity owning or operating any facility as defined in this Chapter.**

**(64)** **"Vent" - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.**

**(65)** **"Video Service" - That term as defined in section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).**

**(66)** **"Water Lines" - Pipelines carrying raw or potable water.**

**(67)** **"Wet Boring" - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.**

**Section 3. ANNUAL REGISTRATION REQUIRED.**

**Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Director of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in Section 8 of this Chapter, in the form of a certificate of insurance.**

**Section 4. PERMIT REQUIRED; APPLICATIONS AND FEES.**

**a) Permit Required. No person shall construct (as defined in this Chapter) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Chapter), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Director of Public Works and obtaining a permit from the Village therefore, except as otherwise provided in this Chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way. No permit shall be required for any right-of-way use by the Village.**

**b) Permit Application. All applications for permits pursuant to this Chapter shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.**

**c) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:**

**1) The utility's name and address and telephone and telecopy numbers;**

**2) The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;**

**3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;**

**4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;**

**5) Evidence that the utility has placed on file with the Village:**

**i) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and**

**ii) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to**

**the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;**

**6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;**
**7) Evidence of insurance as required in Section 8 of this Chapter;**
**8) Evidence of posting of the security fund as required in Section 10 of this Chapter;**
**9) Any request for a variance from one or more provisions of this Article (See Section 21 of this Chapter); and**
**10) Such additional information as may be reasonably required by the Village.**

**d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection (c) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:**

**1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;**
**2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;**
**3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, and the Village have been satisfied;**
**4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and the Village, have been satisfied; or**
**5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.**

**e) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.**

**f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Chapter shall be accompanied by a fee in the amount of $560.00, which amount may be amended from time to time by action of the Village Board. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act. No application fee is required to be paid by any telecommunications utility that is paying the municipal telecommunications tax pursuant to the Simplified Municipal Telecommunications Tax Act.**
**Unless otherwise provided by franchise, license, or similar agreement or unless prohibited by preemptive law, each permittee shall pay an annual fee of one dollar**

**and fifty cents ($1.50) per lineal foot of the facilities located in the public right-of-way, up to a maximum of ten thousand dollars ($10,000) per year. Any discrepancy in lineal footage actually installed shall be reconciled by the parties upon submission of as built drawings at the conclusion of the project. Such fees shall serve as reimbursement for the City's costs in connection with reviewing, inspecting, and supervising the use and occupancy of the public right-of-way on behalf of the public and existing or future users.**

**Section 5. ACTION ON PERMIT APPLICATIONS.**

**a) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Director of Public Works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall reject such application in writing, stating the reasons therefor. If the Director of Public Works is satisfied that the proposed work conforms to the requirements of this Chapter and applicable ordinances, codes, laws, rules, and regulations, the Director of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Director of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this Chapter.**

**b) Additional Village Review of Applications of Telecommunications Retailers.**

**1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The Director of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.**

**2) In the event that the Director of Public Works fails to provide such specification of location to the telecommunications retailer within either (i) ten (10) days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Chapter.**

**3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 4 of this Chapter the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (a) of this Section.**

**c) Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007. Applications by a utility that is a**

holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted forty-five (45) days after submission to the City, unless otherwise acted upon by the City, provided the holder has complied with applicable City codes, ordinances, and regulations.

**Section 6. EFFECT OF PERMIT.**

a) Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Chapter on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

b) Duration. No permit issued under this Chapter shall be valid for a period longer than six (6) months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

c) Pre-construction meeting required. No construction shall begin pursuant to a permit issued under this Chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

d) Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

**Section 7. REVISED PERMIT DRAWINGS.**

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within ninety (90) days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Chapter, it shall be treated as a request for variance in accordance with Section 21 of this Chapter. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

**Section 8. INSURANCE.**

a) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X,"

**"C," and "U" coverages) and products-completed operations coverage with limits not less than:**

**2)**

**i) One million dollars ($1,000,000) for bodily injury or death to each person;**

**ii) One million dollars ($1,000,000) for property damage resulting from any one accident; and**

**iii) One million dollars ($1,000,000) for all other types of liability;**

**iv) Two million dollars ($2,000,000) aggregate;**

**2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars ($1,000,000) for personal injury and property damage for each accident;**

**3) Worker's compensation with statutory limits; and**

**4) Employer's liability insurance with limits of not less than one million dollars ($1,000,000) per employee and per accident.**

**If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.**

**b) Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.**

**c) Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village within ten (10) days following receipt of a written request therefor from the Village.**

**d) Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:**

**"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ten (10) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Administrator of such intent to cancel or not to renew."**

**Within ten (10) days after receipt by the Village of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.**

**e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection (a) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection (a), or the requirements of Subsections (b), (c) and (d) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection (a) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.**

**f) Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited**

by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

g) Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. [All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.]

Section 9. INDEMNIFICATION.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Chapter by the Village, its officials, officers, employees, agents or representatives.

Section 10. SECURITY.

a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

1) The faithful performance by the permittee of all the requirements of this Chapter;
2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Chapter; and
3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Chapter to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Chapter or any other applicable law.

b) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the City, or an unconditional letter of credit in a form acceptable to the Village. Said forms are attached to this Chapter as Appendices 1 and 2. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

1) Provide that it will not be canceled without prior notice to the Village and the permittee;
2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

c) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Director of Public Works , and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Director of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase.

d) Withdrawals. The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

1) Fails to make any payment required to be made by the permittee hereunder;
2) Fails to pay any liens relating to the facilities that are due and unpaid;
3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
4) Fails to comply with any provision of this Chapter that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

e) Replenishment. Within fourteen (14) days after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection c) of this Section.

f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection c) of this Section.

g) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Chapter or other applicable law. In

**the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.**

**h) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.**

**Section 11. PERMIT SUSPENSION AND REVOCATION.**

**a) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:**

**1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;**
**2) Non-compliance with this Chapter;**
**3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or**
**4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.**

**b) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 11.**

**c) Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:**

**1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;**
**2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation; or**
**3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation.**

**The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.**

**d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection (a) of this Section.**

**e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection (c) of this Section, the Village or its designee may, at the option of the Village: (1) correct the deficiencies; (2) upon not less than twenty (20)**

**days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.**

**Section 12. CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.**

**a) Notification of Change. A utility shall notify the Village no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this Chapter, with respect to the work and facilities in the right-of-way.**

**b) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.**

**c) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.**

**Section 13. GENERAL CONSTRUCTION STANDARDS.**

**a) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances (including, but not limited to, the Village of Coal Valley supplemental specifications), codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:**

**1) Standard Specifications for Road and Bridge Construction;**
**2) Supplemental Specifications and Recurring Special Provisions;**
**3) Highway Design Manual;**
**4) Highway Standards Manual;**
**5) Standard Specifications for Traffic Control Items;**
**6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);**
**7) Flagger's Handbook; and**
**8) Work Site Protection Manual for Daylight Maintenance Operations.**

**b) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Chapter, the Director of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Director of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.**

**Section 14. TRAFFIC CONTROL.**

**a) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control**

**Devices and this Code.**

**b)** **Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.**

**c)** **Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.**

**d)** **Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Section 20 of this Chapter, the utility shall provide such notice as is practicable under the circumstances.**

**e)** **Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the City.**

**Section 15. LOCATION OF FACILITIES.**

**a)** **General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.**

**1)** **No Interference with Village Facilities. No utility facilities shall be placed in any location if the Director of Engineering determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.**

**2)** **Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way. Facilities shall be placed underground whenever feasible.**

**3)** **No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.**

**4)** **No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.**

**5)** **Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.**

**6)** **Screening. Screening shall be required for all units equal to or greater than four feet in height as measured from existing grade, with the exception of street light and traffic signal controller cabinets.**

**i)** **Where screening is required, it shall be provided in accordance with Zoning Ordinance, Article IV – General Provisions, Section 10, Landscaping.**

**ii)** **Equipment shall be located so that its visual impact is minimized. Equipment shall not be permitted to be located within the parkway area between the public sidewalk and street curb, unless another feasible location is not available within or outside of the right-of-way.**

**The equipment shall be positioned to maximize the effectiveness of the screening, including locating the equipment so that the access panel is located on the side that is least visible; however, boxes shall not be placed to impede views for pedestrians, cyclists, or drivers.**

**Screening requirements may be waived by the Director of Public Works where installation of screening may have negative impacts on the public safety, such as impeding views for pedestrians, cyclists, and drivers on the adjacent roadways, sidewalks, bikepaths, and driveways, or if such installation would be unduly burdensome.**

**All screening must be maintained by the permittee.**

**b) Parallel Facilities Located Within Highways.**

**1) <u>Overhead Parallel Facilities</u>. An overhead parallel facility may be located within the right-of-way lines of a highway only if:**

**i) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;**

**ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;**

**iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;**

**iv) No pole is located in the ditch line of a highway; and**

**v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.**

**2) <u>Underground Parallel Facilities</u>. An underground parallel facility may be located within the right-of-way lines of a highway only if:**

**i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line;**

**ii) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and**

**iii) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five (5) feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.**

**c) Facilities Crossing Highways.**

**1) <u>No Future Disruption</u>. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement**

**or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.**

**2) Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.**

**3) 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable.**

**4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:**

**i) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);**

**ii) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and**

**iii) Overhead crossings at major intersections are avoided.**

**5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:**

**i) The design materials and construction methods will provide maximum maintenance-free service life; and**

**ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.**

**6) Markers. The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989).**

**d) Facilities to be Located Within Particular Rights-of-Way. The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.**

**e) Freestanding Facilities.**

**1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.**

**2) The Village may require any freestanding facility located within a right-of-way to be screened from view.**

**f) Facilities Installed Above Ground. Above ground facilities may be installed only if:**

**1) No other existing facilities in the area are located underground;**

**2) New underground installation is not technically feasible; and**

**3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.**

**g) Facility Attachments to Bridges or Roadway Structures.**

**1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that**

**are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.**

**2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:**

**i) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;**
**ii) The type, length, value, and relative importance of the highway structure in the transportation system;**
**iii) The alternative routings available to the utility and their comparative practicability;**
**iv) The proposed method of attachment;**
**v) The ability of the structure to bear the increased load of the proposed facility;**
**vi) The degree of interference with bridge maintenance and painting;**
**vii) The effect on the visual quality of the structure; and**
**viii) The public benefit expected from the utility service as compared to the risk involved.**

**h) Appearance Standards.**

**1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.**
**2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.**

**Section 16. CONSTRUCTION METHODS AND MATERIALS.**

**a) Standards and Requirements for Particular Types of Construction Methods.**

**1) Boring or Jacking.**

**i) <u>Pits and Shoring</u>. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.**
**ii) <u>Wet Boring or Jetting</u>. Wet boring or jetting shall not be permitted under the roadway.**
**iii) <u>Borings with Diameters Greater Than 6 Inches</u>. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed**

**the outside diameter of the following pipe by more than one inch (25 mm).**

**iv) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.**

**v) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved or protected shall be bored under or around the root system.**

**2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction".**

**i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Director of Public Works.**

**ii) Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.**

**iii) Drip Line of Trees. The utility shall not trench within the drip line of any tree designated by the Village to be preserved.**

**3) Backfilling.**

**i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.**

**ii) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Director of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Director of Public Works.**

**4) Pavement Cuts. Pavement cuts for facility installation or repair shall be**

**permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph 4 is permitted under Section 21, the following requirements shall apply:**

**i)** **Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Director of Public Works.**

**ii)** **Restoration of pavement, in kind, shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.**

**iii)** **All saw cuts shall be full depth.**

**iv)** **For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.**

**v)** **For PCC pavement restoration, pavement shall be replaced in full panels.**

**5)** **Encasement.**

**i)** **Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.**

**ii)** **The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.**

**iii)** **In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.**

**iv)** **In the case of gas pipelines, of 60 psig or less, encasement may be eliminated.**

**v)** **In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;**

**vi)** **If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.**

**6)** **<u>Minimum Cover of Underground Facilities</u>. Cover shall be provided and maintained at least in the amount specified in the following table for**

**minimum cover for the type of facility:**

| TYPE OF FACILITY | MINIMUM COVER |
|---|---|
| Electric Lines | 30 Inches (0.8 m) |
| Communication, Cable or Video Service Lines | 18 to 24 Inches (0.6 m, as determined by City) |
| Gas or Petroleum Products | 30 Inches (0.8 m) |
| Water Line | Sufficient Cover to Provide Freeze Protection |
| Sanitary Sewer, Storm Sewer, or Drainage Line | Sufficient Cover to Provide Freeze Protection |

**b) Standards and Requirements for Particular Types of Facilities.**

**1) Electric Power or Communication Lines.**

**i) Code Compliance. Electric power or communications facilities within City rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines," and the National Electrical Safety Code.**

**ii) Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.**

**iii) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.**

**iv) Burial of Drops. All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten (10) business days after placement.**

**2) Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:**

i) the use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;
ii) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
iv) tunneling with vented encasement, but only if installation is not possible by other means.

3) Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a City approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

4) Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

5) Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

6) Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Director of Public Works. With the approval of the Director of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

c) Materials.

1) General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

2) Material Storage on Right-of-Way. No material shall be stored on the right-of-way without the prior written approval of the Director of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.

3) **Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.**

**d) Operational Restrictions.**

1) **Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.**
2) **These restrictions may be waived by the Director of Public Works when emergency work is required to restore vital utility services.**
3) **Unless otherwise permitted by the Village, the hours of construction are those set forth by the Director of Public Works.**

**e) Location of Existing Facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq*.)**
**Any utility that constructs facilities in the right-of-way within the Village must become a member of J.U.L.I.E. and mark the location of its facilities when alerted to do so as a participating member of J.U.L.I.E. The Village shall have no obligation to mark the location of any utility's facilities nor shall it be obligated to alert any utility to proposed work by itself or others.**

**Section 17. VEGETATION CONTROL.**

**a) Electric Utilities – Compliance with State Laws and Regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.**
**b) Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.**
**c) Chemical Use.**

1) **Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.**
2) **Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the**

**Director of Public Works that such spraying is the only practicable method of vegetation control.**

**Section 18. REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.**

**a) Notice. Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.**

**b) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:**

**1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;**
**2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;**
**3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or**
**4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.**

**c) Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.**

**d) Abandonment of Facilities. Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Director of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.**

**Section 19. CLEAN-UP AND RESTORATION.**

**The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction**

**of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Director of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Director of Public Works for good cause shown.**

**Section 20. MAINTENANCE AND EMERGENCY MAINTENANCE.**

**a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.**

**b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:**

**1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.**

**2) In an emergency, the utility shall, as soon as possible, notify the Director of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.**

**3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.**

**c) Emergency Repairs. The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.**

**Section 21. VARIANCES.**

**a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Chapter must do so in writing, and accompanied by the appropriate variance request fee, to the Village's Planning and Zoning Commission through the Director of Public Works as a part of the permit application. The request shall identify each provision of this Chapter from which a variance is requested and the reasons why a variance should be granted.**

**b) Authority to Grant Variances. The Village's Planning and Zoning Commission shall**

**decide whether a variance is authorized for each provision of this Chapter identified in the variance request on an individual basis.**

**c)** **Conditions for Granting of Variance. The Village's Planning and Zoning Commission may authorize a variance only if the utility requesting the variance has demonstrated that:**

**1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and**

**2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.**

**d)** **Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village's Planning and Zoning Commission may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Chapter but which carry out the purposes of this Chapter.**

**e)** **Right to Appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the City's Administrative Hearing Officer under the provisions of this Chapter shall have the right to appeal in circuit court pursuant to the Illinois Administrative Review Law.**

**Section 22. PENALTIES.**

**Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Chapter shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Chapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.**

**Section 23. ENFORCEMENT.**

**Nothing in this Chapter shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Chapter.**

**Section 24. SEVERABILITY.**

**If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.**

**APPENDIX 1**

**LETTER OF CREDIT**

**(name of bank)**

**(City bank's location), (State)**

**Irrevocable Credit No._____ Date:_____, 20____**

**City of _____, Illinois**

**All drafts must be marked:**
**"Drawn under Credit No._____,**
**dated_____, 20____"**

**To the Village of Coal Valley:**

**We hereby open an Irrevocable Letter of Credit in the amount of _____ ($_____) in your favor for the account of (Utility), for the construction of (type of utility), on public right-of-way, for the benefit of the citizens of the Village of Coal Valley. Said money hereunder shall be available by your drafts at sight drawn on us drawn in the name of the Village of Coal Valley. All drafts must be marked "Drawn under (name of bank), Credit No._____ dated _____, 20____."**

**Drafts must be accompanied by a signed statement by the Director of Public Works of the Village of Coal Valley, Illinois, that the request is for the installation and/or construction of utilities required pursuant to plans, specifications, and cost estimates dated _____, 20__, and approved by the Village of Coal Valley, Illinois, and on file with the Director of Public Works. Further, all requests for disbursements under this Letter of Credit made prior to (must be 6 months after filing), 20____, shall be submitted by Utility and accompanied by a certified estimate of units and value of work completed with Utility's sworn statement and waiver of mechanics' liens, all approved by the Utility's engineer and the Director of Public Works of the Village of Coal Valley, Illinois. It is understood as to all disbursements that the Director of Public Works shall approve all installation and/or construction of utilities only as long as there remains a sufficient balance to the Credit to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Director of Pubic Works, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if (Utility) fails to perform such restoration.**

**In the event that all of the work for the installation and/or construction is not completed to the satisfaction of the Village on or before (one day short of six months after filing), 20____, or there are any outstanding payments owed to the Village or other lien holders by (Utility), or the (Utility) otherwise fails to comply with the Village's Code of Ordinances and such failure can be remedied by an expenditure of an amount from these funds, the funds remaining under this Letter of Credit shall be available to the Village of Coal Valley, Illinois, upon presentation of their draft at sight drawn on us in the name of the Village of Coal Valley, Illinois, do hereby certify that work on required right-of-way has not been completed to the satisfaction of the Village of Coal Valley on or before (one day short of six months after filing),20____.**

**This Credit shall expire on (six months after filing), 20____; provided, however, the undersigned shall notify the Director of Public Works, by certified mail, return receipt requested, at least ninety (90) days prior to expiration date that this Letter of Credit is about to expire and provided, however, in no event shall this Credit expire except upon prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision.**

**The undersigned further agrees that this Credit shall remain in full force and effect and pertain to any and all amendments and modifications which may be made from time to time to the specifications, and agreements for the installation and/or construction of utilities, without notice from the Village of the amendments or modifications.**

**All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.**

**We hereby engage with the drawers, endorsers, and bona fide holders of drafts, drawn under and in compliance with the terms of this Credit, that same shall be honored upon presentation to the drawer. This Credit must accompany any draft which exhausts the Credit and must be surrendered concurrently with the presentation of such draft.**

**We hereby undertake and engage that all demands made in conformity with this Credit will be honored upon presentation. If, within ten (10) days of the date any demand made in conformity with this Credit is presented, we fail to honor same, we agree to pay all attorney's fees, court costs, and other expenses incurred by the Village of Coal Valley in enforcing the terms of this Credit.**

**Dated:_____, 20____.**

**_____ (name of bank)**

**_____**

**By:_____**

**(title)**

**Attest:**

**_____**

**(title)**

**APPENDIX 2**

## PERFORMANCE BOND

**KNOW ALL MEN BY THESE PRESENTS, that _____, as PRINCIPAL, _____ _____, as SURETY, and _____, as ADDITIONAL SURETY, are held and firmly bound unto the Village of Coal Valley, Illinois, as OBLIGEE, in the sum of _____ Obligee, the Principal and the Surety, and Additional Surety find themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly to these presents:**

**SIGNED, SEALED AND DATED, THIS ____ day of _____, 20____.**

**WHEREAS, application was made to the Obligee for approval of the installation and/or construction of utilities on public right-of-way in the Village of Coal Valley, Counties of Rock Island and Henry, Illinois, shown on the attached site plan, filed with the Director of Public Works of the Village of Coal Valley , Illinois, on _____, 20____, said site plan may be approved upon certain conditions, one of which is that a performance bond in the amount of _____($_____ _____), to be filed with the Village Clerk to guarantee certain installation and/or construction of utilities on public right-of-way.**

**NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the above-named Principal shall, within six months from the date hereof, well and truly make and perform the installation and/or construction of utilities on public right-of-way in accordance with the specifications of the Village of Coal Valley Public Works Department and the public right-of-way regulations of the Village of Coal Valley, then this obligation shall be void; otherwise to remain in full force and effect.**

**The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights, may withdraw an amount from the Performance Bond provided that the Principal has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the Principal:**

1) **Fails to make any payment required to be made by the Principal hereunder;**

2) **Fails to pay any liens relating to the facilities that are due and unpaid;**

3) **Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the Principal; or**

4) **Fails to comply with any provision of the Village Code of Ordinances or other applicable regulations that the Village determines can be remedied by an expenditure of an amount in the Performance Bond.**

**APPENDIX A**

**TITLE IX, DIVISION II, CHAPTER 1, SECTION 1**
**VILLAGE OF COAL VALLEY**
**WATER/SEWER/METER/TAP-ON RATES/FEES**
**EFFECTIVE 1 MARCH 2014/2015**
**RESIDENCES/BUSINESSES LOCATED WITHIN THE VILLAGE**

| | CURRENT Fixed/Per 1000 | 2014/2015 Fixed/Per 1000 | 2015/2016 Fixed/Per 1000 |
|---|---|---|---|
| 100 Residential user of water and sewer (1) | $8.50/$9.29 | $10.50/$12.00 | $11.50/$13.50 |
| 110 Residential user of water only | $4.25/$4.16 | $5.00/$6.00 | $5.50/$6.75 |
| 115 Residential user of sewer only - metered | $4.25/$5.13 | $5.50/$6.00 | $6.00/$6.75 |
| 120 Residential user of sewer only – no meter (2) monthly flat rate charge | $37.44 | $50.00 | $50.00 |
| 125 2nd Meter – External Water Use Only | None | $10.50/$7.50 | $11.50/$8.00 |
| 300 Commercial user of water and sewer | $21.00/$14.71 @1000/3000 $7.88/1000 | $23.00/$17.50 @1000/3000 $8.50/1000 | $24.00/19.00 @1000/3000 $9.00/1000 |
| 310 Commercial user of water only | $21.00/$7.85 @1000/3000 $4.36/1000 | $23.00/$9.00 @1000/3000 $5.50/1000 | $24.00/$9.50 @1000/3000 $6.00/1000 |
| 320 Commercial sewer only – no meter (2) monthly flat rate charge | $82.81 | $100.00 | $100.00 |
| 330 Commercial sewer only - metered | $12.75/$6.86 | $23.00/$8.50 | $24.00/$9.50 |
| 340 New Meter Charge (3) | $250.00 - 5/8” Residential<br>$350.00 - 1” Residential/Commercial<br>$1,900.00 - 2” Commercial<br>$2,600.00 - 3” Commercial<br>$3,400.00 - 4” Commercial | | |
| 500 Mobile Home Park Water & Sewer (Fixed is per mobile home site) | $8.50/$8.18 | $9.50/$9.00 | $10.00/$10.00 |

**TAP-ON FEES – Inside Village**

| | |
|---|---|
| Sewer | $450.00 |
| Water | $450.00 |

## APPENDIX A

## VILLAGE OF COAL VALLEY

### WATER/SEWER/METER/TAP-ON RATES/FEES – 1 March 2014/2015 (Cont'd)

### RESIDENCES/BUSINESSES LOCATED OUTSIDE THE VILLAGE

| | CURRENT | 2014/2015 | 2015/2016 |
|---|---|---|---|
| | Fixed/Per 1000 | Fixed/Per 1000 | Fixed/Per 1000 |
| 200 Residential user of water) and sewer (1) | $25.50/$27.87 | $31.50/$36.00 | $34.50/$40.50 |
| 210 Residential user of water only (1) | $12.75/$12.48 | $15.00/$18.00 | $16.50/$20.25 |
| 220 Residential user of sewer only (metered) | $12.75/$15.39 | $16.50/$18.00 | $18.00/$20.25 |
| 230 Residential user sewer only - no-meter (2)monthly flat rate charge | $112.32 | $150.00 | $150.00 |
| 400 Commercial user of water and sewer | $63.00/$44.13 @1000/3000 $23.64/1000 | $69.00/$52.50 @1000/3000 $25.50/1000 | $72.00/$57.00 @1000/3000 $27.00/1000 |
| 410 Commercial user of water only | $63.00/$23.55 @1000/3000 $13.08/1000 | $69.00/$27.00 @1000/3000 $16.50/1000 | $72.00/$28.50 @1000/3000 $18.00/1000 |
| 420 Commercial user of sewer only | $38.25/$20.58 | $69.00/$25.50 | $72.00/$28.50 |

430 New Meter Charge (3)

$350.00 – 5/8" Residential
$450.00 – 1" Residential/Commercial
$2,000.00 – 2" Commercial
$2,700.00 – 3" Commercial
$3,500.00 – 4" Commercial

**TAP-ON FEES – Outside of Village**

| | |
|---|---|
| Sewer | $500.00 |
| Water | $500.00 |

## APPENDIX A

## VILLAGE OF COAL VALLEY

### WATER/SEWER/METER/TAP-ON RATES/FEES – 1 March 2014/2015 (Cont'd)

**ADDITIONAL CHARGES/FEES:**

**Curb boxes are Village property, therefore, shut off and turn on of Village curb boxes will only be done by Village employees or licensed plumbers who have their current license, bond and insurance on file with the Village. There is a $20.00 charge for a curb box shut off and a $20.00 charge for a curb box turn on done by Village employees.**

**Water meters are Village property so there is a $25.00 charge to have a Village water meter pulled and a $25.00 charge to have a Village water meter re-installed by Village employees. These charges are in addition to any shut off or turn on of curb boxes by Village employees.**

**Footnotes:**

1. **The Water Monthly Fixed Charge is applied to all water users who retain a Village water meter in their residence or building even if their curb box is shut off due to vacation or failure to pay water/sewer fees. Example: Village residents would pay $5.00 per month starting 1 March 2014.**
2. **All residential and commercial users (inside and outside of the Village) of Village Sanitary Sewer and /or Water Systems will be metered. All meters to be purchased from the Village.**
3. **New meter charge applies to all new construction (residential/commercial) or requests for a new meter on or after 1 March 2014. All meters to be purchased from the Village.**

# TITLE X TRAFFIC

## DIVISION I - PARKING REGULATIONS

## CHAPTER 1 - GENERAL PROVISIONS

**Section 1. SCOPE.**

**No person shall park, stop, or leave standing, any vehicle, whether attended or unattended, upon the roadway, when it is practicable to stop, park, or so leave such vehicle off such part of roadway. But in every event, an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon the roadway.**

**Section 2. VILLAGE REGULATION.**

**The Village with respect to any alley, street, road, or highway under its jurisdiction, of which it is responsible, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where such stopping, standing, or parking is dangerous to those using the alley, street, road, or highway or, where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic. Any regulations adopted by the Village regarding the stopping, standing, or parking of vehicles upon any specific alleys, streets, or highways become effective at the time of the erection of appropriate signs indicating such regulations. Any such signs may be erected whether by the Village on any alley, street, or roadway, or upon any highway, with the approval of the Illinois Department of Transportation.**

**Section 3. DISABLED VEHICLE.**

**This section does not apply to the driver of any vehicle which is disabled while on the roadway in such a manner and to such extent, that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. At least one door of any motor vehicle permitted to stand unattended on the roadway shall be left unlocked.**

**Section 4. POLICE DUTIES.**

**Whenever a police officer finds a vehicle standing upon a highway in violation of any of the provisions of this Chapter, the officer is authorized to have the vehicle, or require the driver, or person in charge of the vehicle, to move it to a position off the paved, improved, or main traveled part of the alley, street, road, or highway.**

**Section 5. REMOVAL OF VEHICLES.**

**Any police officer is authorized to remove or cause to be removed to a place of safety, at the expense of the owner, any unattended, abandoned, or disabled vehicle left standing upon any alley, street, road, or highway within the corporate Village limits, after finding the vehicle in such position or such circumstances as to obstruct the normal movement of the traffic, or any vehicle left standing on any alley, street, road, or highway inside the corporate Village limits for a period of 24 hours or more. The same authority is granted regarding any vehicle found upon any alley, street, road, or highway within the corporate Village limits when:**

**A. A report has been made that such vehicle has been stolen or taken without the consent of its**

owner.

B. The person or persons in charge of such vehicle are unable to provide for its custody or removal.

C. The person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper judicial official without unnecessary delay.

Section 6. SPECIFIED PROHIBITIONS.

Stopping, standing, or parking, is prohibited in specified places. Except when necessary to avoid conflict with other traffic, or in compliance with law or other directions of a police officer or official traffic control device, no person shall:

6.1. Stop, stand, or park vehicle:

A. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double park).

B. On a sidewalk.

C. Within an intersection.

D. On a cross walk.

E. Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.

F. Upon any area of any place where official signs indicate prohibiting stopping, standing, or parking.

6.2. Stop, stand, or park a vehicle, whether occupied or not, except momentarily, to pick up or discharge passengers

A. Within 15 feet of a public or private driveway.

B. Within 15 feet of a fire hydrant.

C. Within 20 feet of an intersection.

D. Within 30 feet upon approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a street, road, or highway within the Village limits.

E. Within 20 feet of a driveway entrance to any fire station, and on the side of a street opposite to the entrance of any fire station within 75 feet of such entrance (when properly posted).

F. At any place where official signs prohibit parking, stopping, standing upon any alley, street, road, or highway in the corporate Village limits.

6.3. Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in loading or unloading merchandise or passengers, at any place where official signs prohibit parking, stopping, or standing. No person, other than a police officer,

**as provided in this Chapter, shall move a vehicle into any such prohibited area, or away from a curb such distance as it is unlawful: or move the levers, brake, starting device, gears, or other mechanism of a parked vehicle to a position other than that in which it was left for the owner or driver of such vehicle, or attempt to do so.**

**6.4 It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of 625 ILCS 5/ Further refered to as the Illinois Vehicle Code, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. Disability license plates and parking decals and devices are not transferable from person to person. Proper usage of the disability license plate or parking decal or device requires the authorized holder to be present and enter or exit the vehicle at the time the parking privileges are being used. It is a violation of this Section to park in a space reserved for a person with disabilities if the authorized holder of the disability license plate or parking decal or device does not enter or exit the vehicle at the time the parking privileges are being used.**

**A. The parking space shall be identified and enforced as handicap parking ONLY if it is properly posted in compliance with ADA guidelines and has a sign underneath indicating a fine of $350.00.**

**B. Property owners shall properly establish and maintain handicap parking areas on their properties in accordance with ADA guidelines.**

**C. A Village police officer OR the owner of the property where the violation of 6.4 of this chapter has occurred shall have the authority to have the vehicle removed to a secure location after first notifying the Coal Valley Police Department. Any person found guilty of violating this ordinance shall be responsible for payment of the assessed fine of $350.00 in addition to any fees for removal and storage of the vehicle in violation of this ordinance. (625 ILCS 11-1301.3)**

**6.5 PARKING PROHIBITED DURING SNOW REMOVAL**

**It shall be unlawful for any person to allow a vehicle to remain on any Village Street, Avenue, alley, cul de sac or village parking lot within the Village following a snowfall occurrence of two inches or more:**

**a. Whenever the Village Administrator, Village President, or Chief of Police, perceives an emergency to exist in the Village; or in any section or sections thereof, because of snow, freezing rain, sleet, ice, snowdrifts or other natural phenomena which create hazardous conditions or impede the free movement of fire, police, health, emergency or other vehicular traffic or otherwise endanger the safety and welfare of the public, the Village Administrator, Village President, or Chief of Police may declare an emergency to exist. Primary notification will be made by sending notification of Snow Emergency to the local media with a request to broadcast the emergency.**

**b. Any agent or employee of the village designated to enforce the parking ordinances of the city is hereby authorized to cause any motor vehicle parked in violation of this section to be towed from any street, alley, cul-de-sac, or village parking lot. In such a case, the owner of the vehicle may be assessed the cost of towing and any storage charges in relation thereto, subject to the owner's right of appeal to the Village Administrator, Village President, or Chief of Police.**

**Section 7. PROPER PARKING.**

**Except when otherwise provided by local ordinance, every vehicle stopped or parked upon any alley, street, road, or highway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway.**

**Section 8. PENALTY.**

**8.1 Violations and Fines. Any alleged violator, upon parking, stopping or standing any vehicle in violation of this Chapter, shall receive a parking violation ticket. If paid within seven (7) days, the ticket shall cost as follows for the indicated violations:**

| | | |
|---|---|---|
| a. | Fire Hydrant | $10.00 |
| b. | Stop Sign | $ 10.00 |
| c. | Improper Parking | $ 10.00 |
| d. | Double Parking | $ 10.00 |
| e. | Handicapped Parking | $350.00 |
| f. | Fire Lane | $ 10.00 |
| g. | All Other | $ 10.00 |

**After seven (7) days, the parking violation ticket becomes past due and shall be increased an additional $10.00 for delinquent penalty.**

**8.2 Failure to Pay. Failure to pay traffic parking summons after seven days after proper notice may result in the signing of a complaint for the parking violation in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense *other than Section 8 paragraph 8.1(e). Citations issued under Section 8, paragraph 8.1 (e) which are not paid within seven (7) days from the date of issue shall be referred to a violation of state statute with the citation mailed to the registered vehicle owner.***

## DIVISION I - GENERAL PROVISIONS

## CHAPTER 2 TRAFFIC REGULATIONS

**Section 1. DEFINITIONS.**

**For the purpose of this Chapter, the following definitions shall apply:**

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

**EMERGENCY VEHICLE** **Vehicles of the police or fire departments; ambulances; any vehicle conveying a Village official or**

| | |
|---|---|
| | **employee in response to any official emergency call.** |
| **PARK** | **To stand a vehicle, whether occupied or not, for a period of time greater than is reasonable necessary for actual loading or unloading of persons.** |
| **ROADWAY** | **That portion of a street designed or ordinarily used for vehicular traffic.** |
| **SAFETY ZONE** | **That portion of a roadway reserved for the exclusive use of pedestrians, suitably marked or elevated.** |
| **SIDEWALK** | **That portion of a street between the curb line and the adjacent property line.** |
| **VEHICLE** | **Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, including bicycles but not including perambulators or toy vehicles.** |

**Section 2. CLASSIFICATION OF VEHICLES.**

**For the purpose of this Chapter, motor vehicles shall be divided into two divisions:**

**A. Vehicles, which are designed for the carrying of no more than seven passengers.**

**B. Those vehicles which are designed and used for pulling and carrying freight and also vehicles designed and used for carrying more than seven passengers.**

**Section 3. OBEDIENCE TO POLICE.**

**Members of the Police Department are authorized to direct all traffic in accordance with the provisions of this Chapter or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by the Chief of Police to direct or attempt to direct traffic.**

**Section 4. SIGNS AND SIGNALS.**

**It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the President and Board of Trustees or in accordance with the laws of the State of Illinois.**

**Section 5. LIGHT SIGNALS.**

**Whenever traffic at an intersection is regulated by the type of signal commonly known as a stop and go signal, the following colors shall indicate the following commands:**

**A. Red requires that traffic faced by this color shall stop and remain standing.**

**B. Green requires that traffic faced by this color shall move and continue to move, except when stopped for the purpose of avoiding an accident or when stopped at the command of a policeman.**

**C. Amber or yellow indicates preparation for a change in the direction of traffic movement.**

**D. When red lens is illuminating rapid intermittent flashes, drivers of vehicles shall stop before**

**entering the intersection.**

**E. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed into the intersection only with extra caution.**

**Section 6. UNAUTHORIZED SIGNS.**

**It shall be unlawful for any person to place, maintain or display any device, other than 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 limitation of any official warning or direction sign or signal, or directs or purports to direct traffic. Any unauthorized sign or device is declared to be a nuisance and may be removed by any policeman.**

**Section 7. INTERFERENCES WITH SIGNS.**

**No person shall deface, or injure any official traffic sign or signal.**

**Section 8. ANIMALS OR BICYCLES.**

**Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provision of this Chapter applicable to the driver of a vehicle, except those provisions which can have no application to riding a bicycle or driving or riding an animal.**

**Section 9. EXCEPTIONS.**

**The provisions of this Chapter regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver is engaged in the performance of emergency duties. Nor shall such provisions apply to persons engaged in repairing or otherwise improving the street under authority of the Village Board or the State of Illinois.**

**Section 10. NEIGHBORHOOD VEHICLES**

**A. PURPOSE:**

**Whereas the Village of Coal Valley, after considering volume, speed and character of traffic on streets within the Village of Coal Valley, find that neighborhood vehicles as defined herein, may safely travel on and across the streets within the Village, authorized under this article, and subject to the regulations set forth herein; and, that public safety will not be jeopardized by the operation of said vehicles in accordance with said regulations and the provisions of the State of Illinois under Vehicle Code section 625 ILCS 5/11-1426.1 and its subsequent revisions or amendments as enacted into law by the General Assembly.**

**B. DEFINITIONS: The following shall apply to the interpretation and enforcement of this article.**

**NEIGHBORHOOD VEHICLE** is a sub class of non-highway vehicles **defined as a self-propelled, electrically powered, four-wheeled motor vehicle, or a self-propelled gasoline powered four-wheeled motor vehicle with an engine displacement under 1,200 cubic centimeters, which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hours, and which** does not **conform to federal regulations under Title 49 C.F.R. Part 571.500.**

**LOW SPEED VEHICLE is Any 4-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that conforms with the federal motor vehicle safety standards set forth in 49 C.F.R. Part 571.500.**

**C. GENERAL AUTHORIZATION: Except as prohibited in this section, it shall be lawful for any person who holds a valid drivers license issued in this or any other state to operate a neighborhood vehicle on any street maintained by the Village of Coal Valley with a posted speed limit of less than 35 miles per hour.**

**D. GENERAL LIMITATIONS:**

**1. No person shall operate a neighborhood vehicle on any street having a posted speed limit of 35 miles per hours or greater, provided that nothing herein shall prohibit a person from driving a neighborhood vehicle across a street with a posted speed limit of 35 miles per hour or greater.**

**2. All persons operating a neighborhood vehicle shall comply with the provisions of Section 11-1426.1 of the Vehicle Code, 625 ILCS 5/100 et seq., hereinafter referred to as the Vehicle Code.**

**3. No neighborhood vehicle may be operated on a Village street unless, at a minimum, it has the following:**

**brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals.**

**When operated on a roadway, a neighborhood vehicle shall have its headlamp and tail lamp(s) lighted as required under section 12-201 of the Vehicle Code.**

**4. A person who drives, or is actual physical control of a neighborhood vehicle, while under the influence, is subject to Sections 11-500 through 11-502 of the Vehicle Code.**

**5. No neighborhood vehicle shall be left on the roadway in such a way that it disrupts the normal flow of traffic. All costs related to the removal of any neighborhood vehicle shall be the responsibility of the owner.**

**6. Except as otherwise provided in this Section, it is lawful for any person to drive or operate a low-speed vehicle upon any street in this State where the posted speed limit is 30 miles per hour or less**

**7. Low-speed vehicles may cross a street at an intersection where the street being crossed has a posted speed limit of not more than 45 miles per hour. Low-speed vehicles may not cross a street with a speed limit in excess of 45 miles per hour unless the crossing is at an intersection controlled by a traffic light or 4-way stop sign.**

**8. No low-speed vehicle may be operated on any street unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100**

**feet from the rear, brake lights, and turn signals. When operated on a street, a low-speed vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of the Illinois Vehicle Code. The low-speed vehicle shall also have signs or decals permanently and conspicuously affixed to the rear of the vehicle and the dashboard of the vehicle stating "This Vehicle May Not Be Operated on Streets With Speed Limits in Excess of 30 m.p.h." The lettering of the sign or decal on the rear of the vehicle shall be not less than 2 inches in height. The lettering on the sign or decal on the dashboard shall be not less than one-half inch in height.**

**9. A person may not operate a low-speed vehicle upon any street in Coal Valley unless he or she has a valid driver's license issued in his or her name by the Secretary of State or a foreign jurisdiction.**

**10. The operation of a low-speed vehicle upon any street is subject to the provisions of Chapter 11 of the Illinois Vehicle Code concerning the Rules of the Road, and applicable local ordinances.**

**11. Every owner of a low-speed vehicle is subject to the mandatory insurance requirements specified in Article VI of Chapter 7 of the Illinois Vehicle Code.**

**12. Before operating a neighborhood vehicle, the owner must register the neighborhood vehicle with the Chief of Police and present proof of liability insurance. A valid liability policy must be in effect any time a neighborhood vehicle is operated on a Village street. A one-time registration fee of $100.00 is due upon registration for each vehicle. Registrations are not transferable between vehicles or owners.**

## Section 11. BICENTENNIAL SCHOOL PROPERTY

**Whereas the Village of Coal Valley, after considering volume, speed and character of traffic at Bicentennial Elementary School within the Village of Coal Valley, find that certain traffic controls must exist to enhance safety of the students, faculty, pedestrians, and vehicular traffic in the vicinity of Bicentennial School Property within the Village of Coal Valley .**

**The Moline/Coal Valley School District authorizes traffic and parking enforcement actions by the Coal Valley Police Department on Bicentennial School Property to include all paved and unpaved areas.**

**1. All Parking and Traffic limitations shall be in effect when the school zone is in effect.**

**2. All Vehicular traffic entering school parking area of Bicentennial School from the North shall turn RIGHT into the North Parking Lot. All vehicular traffic exiting the NORTH parking lot of Bicentennial School shall turn Left onto First Street into the North Bound driving lane when safe to do so.**

**3. All Vehicular traffic entering the school parking area of Bicentennial School from the South shall turn Left into the South Center lane for the East Parking Lot. All Vehicular traffic exiting the East parking lot of Bicentennial School shall turn Right into the south bound traffic lane of First Street when safe to do so.**

**4. No person shall park in a space designated for handicap parking without proper documentation and authorization issued by the Secretary of State.**

## DIVISION II - PROHIBITED PARKING AREAS

## CHAPTER 1 PARKING REGULATIONS

**Section 1. TWENTY-THIRD AVENUE (U.S. ROUTE 150).**

**Automobiles, trucks and other vehicles shall be prohibited from parking on public right-of-way along either side of twenty-third Avenue, marked U.S. Route 150, within the corporate limits of Coal Valley.**

**Section 2. FIRST STREET.**

**Automobiles, trucks and all other vehicles shall be prohibited from parking on public right-of-way along the west side of that portion of First Street (Rock Island County Highway 29) that lies south of Second Avenue and north of 22nd Avenue, and on public right-of-way along either side of First Street within thirty (30) feet of the school signal within the limits of the intersection of U.S. Route 150 and First Street in the corporate limits of Coal Valley.**

**2.1 Parking is prohibited on the public right-of-way along either side of that portion of First Street that lies South of West 2nd Avenue and North of 4th Avenue.**

**2.2 Parking is prohibited on either side of First Street between West 18 Avenue and 22nd Avenue "A".**

**2.3 Parking is prohibited on West side of First Street between 23rd Avenue (U.S.Route 150) and 24th Avenue.**

**2.4 Parking is prohibited on the West side of First Street from a point 85' South of the Southwest corner of the intersection of 22nd Avenue "A" to 23rd Avenue (U.S. Route 150).**

**2.5 Parking is prohibited on the East side of First Street from the intersection of 23rd Avenue (U.S. Route 150) North 106 feet, and on the East side of First Street 148 feet North of the intersection of 23rd Avenue (U.S. Route 150) to the intersection of 22nd Avenue "A".**

**2.6 Parking is prohibited on the East side of First Street from the intersection with 23rd Avenue, (U.S. Route 150) to a point 85 feet South.**

**2.7 Parking is prohibited in those areas around Coal Valley Village Hall and Robert R. Jones Library building (900 1st Street) that have restrictive signage or curbs painted yellow.**

**Section 3. FIRST AVENUE (U.S. ROUTE 6).**

**Automobiles, trucks and other vehicles shall be prohibited from parking on public right-of-way along either side of First Avenue (marked U.S. Route 6) within the corporate limits of Coal Valley.**

**Section 4. WEST 24TH AVENUE.**

**Vehicles designed and used for pulling and carrying freight shall be prohibited from parking along either side of West 24th Avenue, within the corporate limits of the Village of Coal Valley, between the hours of 7:00 p.m. and 7:00 a.m.**

**Section 5. PARKING PROHIBITED ON BOTH SIDES OF CERTAIN RISIDENTIAL STREETS.**

**Automobile, trucks, and other vehicles shall be prohibited from parking on public right-of-way along either side of the following streets.**

**5.1. W.13th Avenue from W. 2nd Street west to cul-de-sac.**

**5.2. W.14th Avenue from W. 2nd Street west to cul-de-sac.**

**5.3. W.2nd Street from W. 15th Avenue north 900 feet.**

**5.4. E. 3rd Street from E. 17th Avenue north to cul-de-sac.**

**5.5. E. 4th Street from E. 17th Avenue north to cul-de-sac.**

**5.6. E. 3rd Street from E. 17th Avenue south to cul-de-sac.**

**5.7. W. 2nd Street Court from W. 28th Avenue north to cul-de-sac.**

**Section 6. PARKING PROHIBITED ON ONE SIDE OF CERTAIN RESIDENTIAL STREETS.**

**Automobile, trucks, and other vehicles shall be prohibited from parking on public right-of-way along one side of the following streets;**

**6.1. Parking is prohibited on the north side of E. 21 Avenue from E. 5th Street west 475 feet.**

**6.2. Parking is prohibited on the west side of E. 7th Street from E 12th Avenue south to E. 17th Avenue.**

**6.3 Parking is prohibited on the north side of West 5th Avenue**

**6.4 Parking is prohibited on the north and west side of East 3rd Street in Phase I of The Ridges**

**6.5 Parking is prohibited on the north and west side of West 6th Avenue in Phase II of the Ridges**

**6.6 Parking is prohibited on the South side of 22nd Avenue "A" for a distance of 40 feet from the intersection of 1st Street.**

**6.7 Parking is prohibited on the East side of East 3rd Street from the intersection of 23rd Avenue (U.S. Route 150) south to the corporate limits.**

**6.8 Parking is prohibited on the West side of East 3rd Street from 23rd Avenue (U.S. Route 150) 100 feet South.**

**Section 7. PENALTY.**

**Any person violating any of the provisions of this Chapter shall be fined not less than 10.00 not more than $100.00 for each offense. After seven (7) days, the parking violation ticket becomes past due and shall be increased an additional $10.00 for delinquent penalty.**

**7.1 Failure To Pay. Failure to pay traffic parking summons after proper notice may result in the signing of a complaint for the parking violation in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense**

## DIVISION II - PEDESTRIANS

## CHAPTER 2 TRAFFIC REGULATIONS

**Section 1. RIGHT OF WAY.**

**No driver of any vehicle shall drive onto any crosswalk without the exercise of due and proper care in view of the special use made by pedestrians.**

**1.1 Driving on Crosswalk It shall be unlawful to drive 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, when the pedestrian shall indicate intention to cross.**

**1.2 Stopping at Crosswalk 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.**

**Section 2. PEDESTRIANS USING ROADWAY.**

**At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk the pedestrian shall yield the right of way to all vehicles upon the roadway.**

**2.1 Loitering 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.**

**2.2 Soliciting a Ride 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.**

**Section 3. SIGNALS.**

**No pedestrian shall cross the roadway, other than with released traffic at intersections where traffic is directed by a policeman or by a stop and go signal.**

**Section 4. STANDING ON SIDEWALK.**

**No pedestrian shall stand upon any sidewalk except as near as reasonably possible to the building line or curb, if such standing interferes with the use of the sidewalk by other pedestrians.**

## DIVISION III - TRAFFIC SIGNALS

## CHAPTER 1 PARKING REGULATIONS

**Section 1. PURPOSE.**

**To provide protection to children going to and from school in Coal Valley, Illinois, there shall be installed a flashing school caution signal on the west side of First Street and north of Eighteenth Avenue in the Village of Coal Valley, Illinois. The signal shall have a flashing yellow light on all days on which school children are crossing First Street and at such times before, during and after school hours as shall be considered necessary to provide protection**

of children using and crossing the street in this location while going to and coming from school.

## DIVISION III - RULES FOR DRIVING

## CHAPTER 2 TRAFFIC REGULATIONS

**Section 1. METHOD FOR APPROACHING FOR LEFT TURN.**

The driver of any vehicle intending to turn 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.

**Section 2. METHOD OF APPROACHING FOR RIGHT TURN.**

The driver of any vehicle intending to turn to the right at any intersection shall approach the point of turning in the traffic lane nearest the right hand edge or curb of the roadway.

**Section 3. DRIVER'S SIGNALS.**

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 the driver's action.

3.1 Required Signals. The signals shall be given either by means of the hand and arm signal or by a signal lamp or other signal device, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such lamp or device.

3.2 Method of Signaling. Signals given by hand and arm signal shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

A. Left turn - hand an arm extended horizontally.

B. Right turn - hand and arm extended upward or waved with a sweeping motion from rear to the front.

C. Stop or decrease speed - hand and arm extended downward.

**Section 4. DRIVING FROM ALLEYS, DRIVEWAYS OR GARAGES.**

The driver of a vehicle emerging from any alley, driveway or garage shall stop the vehicle immediately prior to driving into a sidewalk or across a sidewalk line projected across such alley, sound the horn and shall exercise unusual care in driving the vehicle upon the sidewalk or across such line.

**Section 5. VEHICLE NOT TO BE DRIVEN ON SIDEWALKS OR SAFETY ZONES.**

No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone.

**Section 6. RIGHT OF WAY.**

Subject to the section on Exceptions, the driver of a vehicle shall give the right of way to the driver of a vehicle approaching along an intersecting street from the right, and shall have the right of way over those approaching from the left.

**Section 7. FOLLOWING FIRE APPARATUS FORBIDDEN.**

Upon the sounding of gongs or warning devices used upon fire apparatus of fire patrol vehicles, drivers shall draw their vehicle as near to the right hand curb as is reasonably possible and shall remain standing until such fire apparatus has passed.

7.1 Following Fire Vehicles It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus in response to a fire alarm, closer than one block, or to park any vehicle within the block where fire apparatus has stopped to answer a fire alarm.

7.2 Driving Over Hose. It shall be further unlawful for the driver of any vehicle to drive over any unprotected hose of the Fire Department without the consent of the Fire Chief or the assistant in command.

**Section 8. DRIVING ON THE RIGHT SIDE OF ROADWAY.**

Any driver of a vehicle upon meeting another vehicle shall turn to the right side of the roadway as far as may be necessary in order to avoid collision with such vehicle. Further provided, that it shall be unlawful to operate any vehicle upon the left side of any roadway except where necessary because of obstructions.

**Section 9. OVERTAKING.**

Any driver of a vehicle, upon overtaking another vehicle, shall pass on the left side of the overtaken vehicle. When requested to do so, any driver of a vehicle traveling upon any street shall, as soon as practicable, turn to the right, so as to allow any overtaking vehicle free passage to the left of the overtaken vehicle.

**Section 10. RECKLESS DRIVING.**

No person shall operate any vehicle in the Village in a reckless or wanton manner or so as to unnecessarily endanger life or property.

**Section 11. SPEED RESTRICTIONS.**

It shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the State of Illinois, or the County of Rock Island or Henry, within the limits of he Village of Coal Valley at a speed in excess of twenty (20) miles per incur, except that on 1st Street between U.S. Route 6 and U.S. Route 150 no person shall drive a motor vehicle at a speed in excess of thirty (30) miles per hour, or in an alley or mobile home park within the Village at a speed in excess of ten (10) miles per hour.

11.1 Special Hazards The fact that the speed of a vehicle is lower than the foregoing prima facie limits shall not relieve the driver from the duty to decrease speed: when approaching and crossing an intersection; when approaching and going around a curve; when approaching a hill crest; when traveling upon any narrow or winding roadway; or when special hazards exist with respect to pedestrians or ether traffic or by reason of weather or highway conditions. Speed shall also be decreased as may be necessary to avoid colliding with any person or vehicle, or on entering the highway in compliance with legal requirements and the duty of all persons to use due care.

**11.2 Provided that if the 'Village Board, by ordinance, sets other limits as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinance. The Public Works Director shall post appropriate signs showing such speed limits.**

**Section 12. 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.**

**Section 13. RIDING BICYCLES AND MOTORCYCLES.**

**No more than one person shall ride upon any bicycle propelled by human power upon any street, or for any person to ride upon any motorcycle other than upon a seat attached to the vehicle.**

**Section 14. UNATTENDED VEHICLES.**

**No vehicle shall be left unattended while the motor is running; and no vehicle shall be left without a driver on any hill or incline unless the vehicle is secured against moving.**

**Section 15. UNATTENDED ANIMALS.**

**No horse or other draft animal shall be left unattended in any street without having such animal securely fastened.**

**Section 16. CLINGING TO VEHICLES.**

**No person shall ride a bicycle, motorcycle or any toy vehicle on any street and cling to or attach oneself or the vehicle to any moving motor vehicle or wagon.**

**Section 17. TOY VEHICLES.**

**No person shall go upon any roadway other than a crosswalk, on skates coaster, sled or other vehicle.**

**Section 18. RIDING OR RUNNING BOARDS.**

**No person shall ride upon the fender, running board or outside step of any vehicle.**

**Section 19. THROUGH STREETS.**

**The following streets and part of streets are declared to be through streets: Main Street.**

**A. Every driver of a vehicle traversing any street intersecting with any through street shall stop such vehicle before entering upon the through street unless a go signal is given at such intersection by a traffic officer of a traffic signal.**

**Section 20. TRAFFIC SIGNALS AT RAILROADS.**

**The driver of a vehicle approaching a railroad grade crossing, when a signal devise gives a warning of the immediate approach of a train, shall stop within 50 feet but not less than 10 feet of the nearest tract of such railroad and shall not proceed until it can be done safely.**

**20.1 Remain Standing. The driver of a vehicle shall stop and remain standing and not traverse such grade crossing when a crossing gate is lowered or when a flagman gives a signal of the**

**approach of a train.**

**20.2 Stopping at Tracks. The driver of any motor vehicle carrying passengers for hire, or any school bus, or of any vehicle carrying explosives or inflammable liquid as cargo, shall stop such vehicle within 50 feet but no less than 10 feet from the tracks and shall listen and look in both direction from which a train might come, before proceeding across such tracks at a grade crossing. Provided that the provisions of this paragraph shall not apply when traffic at the crossing is directed by an officer or stop or go light.**

**Section 21. SNOWMOBILES**

**No person shall drive or operate any snowmobile within the confines of the Village of Coal Valley in the following ways:**

**A. At a rate of speed too fast for conditions and the fact that the speed of the snowmobile does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person or vehicle or object within legal requirements and the duty of all persons to use due care.**

**B. In a careless, reckless, or negligent manner.**

**C. In violation of the Illinois Snowmobile Registration and Safety Act.**

**D. At any time without at least one lighted headlamp and one lighted tail lamp on the snowmobile.**

**E. Within any Village park without the expressed consent of the Chief of Police.**

**F. On the tracks or right of way of an operating railroad.**

**A. On any public street within the confines of the Village.**

**B. Within ten (10) feet of any public roadway within the Village**

**C. On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the snowmobile from the premises.**

**D. Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for entry or use by others for snowmobiling, or to give warning of any condition, use, structure or activity on such premises. This subsection does not apply where permission to snowmobile is given for a valuable consideration other than to this State, any political subdivision or municipality thereof, or any landowner who is paid with funds from the Snowmobile Trail Establishment Fund. In the case of land leased to the Village, any consideration received is not valuable consideration within the meaning of this section. Nothing in this section limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.**

**E. Notwithstanding any other law to the contrary, an owner, lessee or occupant of premises who gives permission to another to snowmobile upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or assume responsibility for or incur liability for any injury to person or property caused by any act or omission of persons to whom the permission to snowmobile is granted. This subsection shall not apply where permission to snowmobile is given for a valuable consideration other than to this Village, or**

**any landowner who is paid with funds from the Snowmobile Trail Establishment Fund. In the case of land leased to the Village, any consideration received is not valuable consideration within the meaning of this section. Nothing in this section limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.**

**F. Within 100 feet of a person, including a skater not in or upon a snowmobile; within 100 feet of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the snowmobile; on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this State.**

**G. Within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile. This provision would not apply on private property where verbal or written consent of the owner or lessee has been granted to snowmobile upon such private property or frozen waters of the State of Illinois.**

**H. Notwithstanding any other law to the contrary, any owner, lessee or occupant of premises or any person or association who, with the permission of the owner of the premises, places, maintains or displays a sign, signal, marking or device to give warning of any unsafe condition on the premises for snowmobiling shall not be liable for any personal injuries allegedly caused by his or her acts or omissions in providing such warning unless the alleged misconduct was willful or malicious. This subsection shall not apply where the owner, occupant or lessee of the premises grants express permission for snowmobiling in exchange for valuable consideration. However, this subsection will apply where such consideration is given to such owner, occupant or lessee by the State or one of its political subdivisions.**

**1. Notwithstanding any other law or Section of this Act to the contrary, the State and the Village thereof owes no duty of care to keep the premises safe for entry or use by others for snowmobiling or to guard against or give warnings of any condition, use, structure or activity on property in which the State and any political subdivision or municipality thereof has any interest.**

**I. On any improved easement not adjacent to Route 6 or Route 150 after such time that snow has been removed from the improved easement.**

**J. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.**

**a. A person may not operate or be in actual physical control of a snowmobile within this State while:**

**1. The alcohol concentration in that person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11 501 of the Illinois Vehicle Code;**

**2. The person is under the influence of alcohol;**

**3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;**

**4. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;**

**5. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; or**

**6. There is any amount of a drug, substance, or compound in that person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, controlled substance listed in the Illinois Controlled Substances Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.**

**A. The fact that a person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them does not constitute a defense against a charge of violating this Section.**

## DIVISION IV - TIME LIMIT PARKING AREAS

## CHAPTER 1 PARKING REGULATIONS

**Section 1. FIRST STREET FROM 23RD AVENUE (U.S. ROUTE 150) TO 24TH AVENUE.**

**1.1 No vehicle shall be permitted to park on the East side of First Street from 23rd Avenue to 24th Avenue, nor on the West side of First street from the Southwest corner of the intersection of 22nd Avenue "A" to a point 85 feet South, for more than two (2) hours between the hours of 6:00 a.m. and 6:00 p.m.**

**1.2 No vehicile shall be permitted to park on either side of First Street between 4th Avenue and 18th Avenue for more than two hours.**

**Section 2. PENALTY.**

**Any person violating any of the provisions of the Chapter shall be fined not less than five dollars ($5.00) not more than one hundred dollars ($100.00) for each offense.**

## CHAPTER 3 - CONDITION OF VEHICLES

**Section 1. CLEAR VISION.**

**No person shall operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle which is constructed or loaded so that the driver's view of the roadway to the rear is obstructed shall be equipped with a mirror so attached as to give him a view of the roadway behind.**

**Section 2. UNNECESSARY NOISE.**

**It shall be unlawful to operate a vehicle upon the street which makes an unusually loud or unnecessary noise.**

**Section 3. HORN.**

**Every motor vehicle shall be equipped with a good and sufficient audible signaling device in efficient working order. Such signaling device shall be sounded when necessary to give timely warning of the approach of the vehicle, but such horn or other signaling device shall not be sounded for any purpose other than as a warning of impending danger.**

**3.1 Prohibited. No motor vehicle other than an emergency vehicle shall be equipped with a siren or gong-signaling device.**

**Section 4. GAS AND SMOKE.**

**No person shall operate any vehicle, which emits dense clouds of gas or smoke or such an amount of smoke or fumes as to dangerous to the health of persons or so as to endanger the drivers of other vehicles.**

**Section 5. PROJECTING LOADS – WIDTH.**

**The maximum width of any vehicle and its load shall not exceed 8 feet, excepting loads of loose straw, corn fodder or similar farm products, agricultural implements are threshing machines. Size limitations shall also include the following:**

**A. No passenger type vehicle shall be operated upon the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than 6 inches beyond the line of the fenders on the right side of the vehicle.**

**B. No vehicle, unloaded, or with a load, shall exceed a length of 35 feet extreme dimensions; a truck trailer and a semi-trailer shall be regarded as one vehicle for the purpose of determining length.**

**C. No combination of vehicles coupled together shall consist of more than 2 units, and no such combination shall exceed a total length of 40 feet, whether with or without a load; but such length limitation shall not apply to vehicles operating in the day time when transporting poles, pipes, machinery and other objects which cannot be readily dismembered, nor to such vehicles operated at night time by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.**

**D. No part of a load of a vehicle shall extend more than three feet in front portion of the vehicle.**

**Section 6. BRAKES.**

**No person shall drive any vehicle upon any street in the Village unless such motor vehicle is equipped with good and sufficient brakes in good working condition, as required by the State Traffic Law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanism operating the brakes of such vehicle.**

**Section 7. MUFFLER.**

**No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient working condition; and the use of a cutout is prohibited.**

**Section 8. LIGHTS.**

**It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the State Law.**

**Section 9. NON-SKID DEVICES.**

**It shall be unlawful to operate any motor vehicles upon any street equipped with a non-skid device so constructed that rigid or non-flexible portions come into contact with the pavement or roadway.**

**Section 10. TIRES.**

**It shall be unlawful to operate on any street any motor vehicle which is not equipped with tires conforming to the requirements of the State Traffic Law.**

**Section 11. WEIGHT.**

**No person shall drive on any street, any motor vehicle with a weight, including the weight of the load, in excess of that permitted by the State Traffic Law for driving on improved highways or with the weight distributed in a manner not conforming to such law.**

## CHAPTER 4 - REGULATIONS CONCERNING DRIVERS

**Section 1. AGE LIMIT.**

**No person under fifteen year of age shall operate any motor vehicle upon the street of the Village.**

**Section 2. LIQUOR-DRUGS.**

**No person who is a habitual user of narcotic drugs shall operate any motor vehicle in any street; and it shall be unlawful for any intoxicated person, or any person under the influence of alcoholic liquor or of a narcotic drug, to operate or attempt to operate any motor vehicle on any street.**

**Section 3. ACCIDENTS.**

**No driver of a vehicle which has collided with any vehicle, person or property in such a manner as to cause injury or damage shall fail or refuse to stop immediately to render such assistance as may be possible, to give his or her true name to the injured person or the owner of the property damaged, and to a policeman if one if present. A report of each accident shall be given to the Chief of Police by the driver of each vehicle concerned in it within 24 hours.**

**Section 4. PENALTY.**

**Any person violating any provision of this Chapter shall be in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense each day of violation shall be deemed a separate offense.**

## CHAPTER 5 - TRUCK REGULATIONS

**Section 1. TRUCKS PROHIBITED ON CERTAIN STREETS.**

**No person shall drive any truck, except for the purpose of making a delivery and then for one block only on any street so designated and properly sign-posted.**

**Section 2. FIRST STREET LOAD LIMIT.**

**No person shall operate any vehicle on First Street between 4th Avenue on the North and 22nd Avenue on the South with a gross vehicle weight of fifteen (15) tons or, except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for such purpose.**

**Section 3. WEST 4TH AVENUE FROM 1ST STREET WEST TO CORPORATE LIMITS.**

**No person shall operate any vehicle on West 4th Avenue from 1st Street west to the Village corporate limits with a gross vehicle weight of ten (10) tons or more, except for the purpose of making delivery or picking up a load, in which case such vehicle nay be driven on such street for not more than the minimum distance necessary for such purpose.**

## CHAPTER 6 - TRAFFIC SIGNALS AND SIGNS

**Section 1. TRAFFIC SIGNALS.**

**Traffic signals, designed and erected in accordance with the regulations of the Illinois Department of Transportation, shall be placed at the following locations in the Village.**

**1.1 First Street School Crossing Signal. There shall be a flashing yellow school-crossing signal on First Street approximately 250 feet north of west 15th Avenue, 1408 First Street.**

**Section 2. STOP SIGNS.**

**Stop signs, designed and erected in accordance with the regulations of the Illinois Department of Transportation shall be placed at the following in the Village.**

**2.1 At the intersection of E. 5th Street and E. 7th Avenue stopping both north and southbound on E. 5th Street at E. 7th Avenue and east bound on E. 7th Avenue at E.5th Street.**

**2.2 At the intersection of E. 5th Street and E. 8th Avenue stopping west bound traffic on E. 8th Avenue at E. 5th Street.**

**2.3** **At the intersection of E. 5th Street and E. 9th Avenue stopping east bound traffic on E. 9th Avenue at E. 5th Street.**

**2.4** **At the intersection of E. 5th Street and E. 10th Avenue stopping south bound traffic on E. 5th Street at E. 10th Avenue.**

**2.5** **At the intersection of E. 6th Street and E. 7th Avenue stopping west bound traffic on E 7th Avenue at 6th Street.**

**2.6** **At the intersection of E. 6th Street and E. 8th Avenue stopping east bound traffic on 8th Avenue at E. 6th Street.**

**2.7** **At the intersection of E. 6th Street and E. 9th Avenue stopping east bound traffic on E. 9th Avenue at E. 6th Street and west bound traffic on E. 9th Avenue at E. 6th Street.**

**2.8** **At the intersection of E. 7th Street and E.12th Avenue stopping east bound traffic on E. 12th Avenue at E. 7th Street and west bound traffic on E. 12th Avenue at E. 7th Street.**

**2.9** **At the intersection of E. 7th Street and E. 13th Avenue stopping east bound traffic on E. 13th Avenue at E.7th Street and west bound traffic on E. 13th Avenue at E. 7th Street.**

**2.10** **At the intersection of E. 20th Avenue and E. 5th Street stopping east bound traffic on E. 20th Avenue at E. 5th Street.**

**2.11** **At the intersection of E. 2nd Street and E. 3rd Avenue stopping south bound traffic on E. 2nd Street at E. 3rd Avenue.**

**2.12** **At the intersection of E. 6h Street and E. 3h Avenue stopping south bound traffic on E. 6d Street at E. 3rd Avenue.**

**2.13** **At the intersection of E. 7h Street and E. 3h Avenue stopping south bound traffic on E. 7th Street at E. 3rd Avenue.**

**2.14** **At the intersection of E. 3rd Avenue and 1st Street stopping west bound traffic on E. 3rd Avenue at 1st Street.**

**2.15** **At the intersection of E. 3rd Avenue and E. 5th Street stopping west bound traffic on E. 3rd Avenue at E. 5th Street.**

**2.16** **At the intersection of E. 4th Avenue and 1st Street stopping west bound traffic on E. 4th Avenue at 1st Street.**

**2.17** **At the intersection of E. 3rd Street and E.17th Avenue stopping south bound traffic on E. 3rd Street at E 17th Avenue.**

**2.18** **At the intersection of E. 3rd Street and E. 17th Avenue stopping north bound traffic on E. 3rd Street at *E. 17rd* Avenue.**

**2.19** **At the intersection of E. 17th Avenue and 1st Street stopping west bound traffic on E. 17th Avenue at 1st Street.**

**2.20** **At the intersection of E. 3rd Street and E.19th Avenue stopping south bound traffic on E. 3rd Street at E 19th Avenue.**

**2.21** **At the intersection of E. 4th Street and E.19th Avenue stopping south bound traffic on E. 4th Street at E. 19th Avenue.**

**2.22** **At the intersection of E. 4th Street A and E.19th Avenue stopping south bound traffic on E. 4th Street A at E. 19th Avenue.**

**2.23** **At the intersection of E. 5th Street and E.19th Avenue stopping south bound traffic on E. 5th Street at E. 19th Avenue.**

**2.24** **At the intersection of E. 5th Street and E.19th Avenue stopping north bound traffic on E.5th Street at E. 19th Avenue.**

**2.25** **At the intersection of E. 6th Street and E.19th Avenue stopping north bound traffic on E. 6th Street at E. 19th Avenue.**

**2.26** **At the intersection of E. 21st Avenue and 1st Street stopping west bound traffic on E. 21st Avenue at 1st Street.**

**2.27** **At the intersection of E. 22nd Avenue and 1st Street stopping west bound traffic on E. 22nd Avenue at 1st Street.**

**2.28** **At the intersection of E. 22nd Avenue A and 1st Street stopping westbound traffic on E. 22nd Avenue A at 1st Street.**

**2.29** **At the intersection of E. 22nd Avenue and E. 7th Street stopping west bound traffic on E. 22nd Avenue at E. 7th Street.**

**2.30** **At the intersection of E. 2nd Street and E.22nd Avenue stopping south bound traffic on E. 2nd Street at E 22nd Avenue and north bound traffic on E. 2nd Street at E. 22nd Avenue.**

**2.31** **At the intersection of W. 2nd Street and W 2nd Avenue stopping south bound traffic on W. 2nd Street at W. 2nd Avenue.**

**2.32** **At the intersection of W. 3rd Street and W. 2nd Avenue stopping south bound traffic on W. 3rd Street at W. 2nd Avenue.**

**2.33** **At the intersection of W. 4th Street And W. 2nd Avenue stopping south bound traffic on W. 4th Street at W. 2nd Avenue.**

**2.34** **At the intersection of W. 5th Street And W. 2nd Avenue stopping south bound traffic on W. 5th Street at W. 2nd Avenue.**

**2.35** **At the intersection of W. 2nd Avenue and 1st Street stopping east bound traffic on W. 2nd Avenue at 1st Street.**

**2.36** **At the intersection of W. 4th Avenue and 1st Street stopping east bound traffic on W. 4th Avenue at 1st Street.**

**2.37** **At the intersection of W. 15th Avenue and 1st Street stopping east bound traffic on W. 15th Avenue at 1st Street.**

**2.38** **At the intersection of W. 15th Avenue and W. 5th Street stopping east bound traffic on W. 15th Avenue at W. 5th Street.**

**2.39 At the intersection of W. 16th Avenue and 1st Street stopping east bound traffic on W. 16th Avenue at 1st Street.**

**2.40 At the intersection of W. 16th Avenue and W. 5th Street stopping west bound traffic on W 16th Avenue at W 5th Street.**

**2.41 At the intersection of W 16th Avenue and W 5th Street stopping east bound traffic on W. 16th Avenue at W. 5th Street.**

**2.42 At the intersection of W 18th Avenue and 1st Street stopping east bound traffic on W. 18th Avenue at 1st Street.**

**2.43 At the intersection of W 18th Avenue and W. 3rd Street stopping west bound traffic on W 18th Avenue at W. 3rd Street.**

**2.44 At the intersection of W. 3rd Street and W. 16th Avenue stopping north bound traffic on W.3rd Street at W 16th Avenue.**

**2.45 At the intersection of W. 2nd Street Court and W. 28th Avenue stopping south bound traffic on W. 2nd Street Court at W. 28th Avenue.**

**2.46 At the intersection of E. 7th Street and E. 19th Avenue stopping south bound traffic on E. 7th Street at E. 19th Avenue.**

**2.47 At the intersection of E. 17th Avenue and E. 5th Street stopping east bound traffic on E. 17th Avenue *at* E. 5th Street.**

**2.48 At the intersection of E. 17th Avenue and E. 5th Street stopping west bound traffic on E. 17th Avenue at E. 5th Street.**

**2.49 At the intersection of East 17th Avenue and East 7th Street stopping west bound traffic on East 17th Avenue at East 7th Street.**

**2.50 At the intersection of East 17th Avenue and East 7th Street stopping east bound traffic on East 17th Avenue at East 7th Street.**

**2.51 At the intersection of East 15th Avenue and East 5th Street stopping north bound traffic on East 5th Street at East 15th Avenue.**

**2.52 At the intersection of East 15th Avenue and East 7th Street stopping east bound traffic on East 15th Avenue at East 7th Street.**

**2.53 At the intersection of East 16th Avenue Court and East 5th Street stopping east bound traffic on East 16ht Avenue Court at East 5th Street.**

**2.54 At the intersection of East 14th Avenue Court and East 7th Street stopping east bound traffic on East 14th Avenue Court at East 7th Street.**

**2.55 At the intersection of Sawgrass Drive and Oakmont Drive stopping east bound traffic on Sawgrass Drive at Oakmont Drive.**

**2.56 At the intersection of Pinehurst Court and Oakmont Drive stopping west bound traffic on Pinehurst Court at Oakmont Drive.**

**2.57 At the intersection of Oakmont Drive and Bay Hill Court stopping north bound traffic on**

**Oakmont Drive at Bay Hill Court.**

**2.58** **At the intersection of Oakmont Drive and Oakwood Circle stopping south bound traffic on Oakmont Drive at Oakwood Circle.**

**2.59** **At the intersection of East 6th Street and East 12th Avenue stopping south bound traffic on East 6th Street at 12th Avenue. Replacing the yield sign with a stop sign.**

**2.59** **At the intersection of East 17th Avenue and East 7th Street stopping south bound traffic on East 7th Street at East 17th Avenue.**

**2.60** **At the intersection of East 17th Avenue and East 7th Street stopping the north bound traffic on East 7th Street at East 17th Avenue.**

**2.61** **At the intersection of E. 7th Street and E. 12th Avenue stopping south bound traffic on E. 7th Street at E. 12th Avenue.**

**2.62** **At the intersection of E. 12th Avenue and E. 7th Street stopping east bound traffic on E.12th Avenue at 7th Street.**

**2.64** **At the intersection of E. 12th Avenue and E. 7th Street stopping west bound traffic on E.12th Avenue at E. 7th Street.**

**2.65** **At the intersection of East 12th Avenue and East 7th Street stopping north bound traffic on E. 7th Street at E 12th Avenue."**

**2.66** **At the intersection of E. 7th Street and E. 22nd Avenue stopping north bound traffic on E. 7th Street at E. 22nd Avenue.**

**2.67** **At the intersection of E. 7th Street and E. 22nd Avenue stopping traffic south bound traffic on E. 7th Street at E. 22nd Avenue**

**2.68** **Intentionally Left Blank**

**2.69** **At the intersection of W. 5th Avenue and 1st Street stopping east bound traffic on W. 5th Avenue at 1st Street**

**2.70** **At the intersection of W. 2nd St. Ct. and W. 5th Avenue stopping south bound traffic on W. 2nd St. Ct. at W. 5th Avenue**

**2.71** **At the intersection of W. 5th Ave. Ct. and W. 3rd Street stopping south bound traffic on W. 5th Ave. Ct. at W. 3rd Street**

**2.72** **At the intersection of W. 6th Ave. Ct. and W. 3rd St. stopping east bound traffic on W. 6th Avenue Ct. at W. 3rd Street**

**2.73** **At the intersection of W. 6th Avenue and 1st Street stopping east bound traffic on W. 6th Avenue at 1st Street**

**2.74** **At the intersection of E. 6th Street A and E. 19th Avenue stopping south bound traffic on E. 6th Street A. at E. 19th Avenue**

**2.75** **At the intersection of W. 6th Avenue Place and W. 3rd Street stopping east bound traffic on W. 6th Avenue Place at W. 3rd Street**

**2.76** **At the intersection of W. 6th Avenue and W. 3rd Street stopping west bound traffic on W. 6th Avenue at W. 3rd Street**

**2.77** **At the intersection of E. 9th Avenue and E. 7th Street stopping east bound traffic on E. 9th Avenue at E. 7th Street**

**2.78** **At the intersection E. 12th Avenue of and E. 5th Street stopping south bound traffic on E. 5th Street at E. 12th Avenue**

**2.79** **At the intersection of W. 15th Avenue and W. 5th Street stopping west bound traffic on W. 15th Avenue at W. 5th Street**

**2.80** **At the intersection of W. 18th Avenue and 1st Street stopping east bound traffic on W. 18th Avenue at 1st Street**

**2.81** **At the intersection of the frontage road between W. 2nd Avenue and W. 4th Avenue at 1st Street stopping east bound traffic at 1st Street.**

**Section 3.** **YIELD SIGNS.**

**Yield signs, designed and erected in accordance with the regulations of the Illinois Department of Transportation, shall be placed at the following locations in the Village.**

**2.1** **At the intersection of E. 4th Street and E. 9th Avenue directing south bound traffic on E. 4th Street to yield to traffic on E. 9th Avenue.**

**2.2** **At the intersection of E. 5th Street and E. 12th Avenue directing south bound traffic on E. 5th Street to yield to traffic on E.12th Avenue.**

**2.3** **At the intersection of E.6th Street and E. 12th Avenue directing south bound traffic on E. 6th Street to yield to traffic on E.12th Avenue.**

**2.4** **At the intersection of E. 19th Avenue and E. 7th Street directing south bound traffic on E. 19th Avenue to yield to north bound traffic on E. 7th Street and to east bound traffic on E. 19th Avenue.**

**2.5** **At the intersection of E. 21st Avenue and E. 5th Street directing west bound traffic on E. 21st Avenue to yield to traffic on E. 5th Street.**

**2.6** **At the intersection of E. 21st Avenue and E. 5th Street directing east bound traffic on E. 21st Avenue to yield to traffic on E. 5th Street.**

**2.7** **At the intersection of E. 22nd Avenue and E. 5th Street directing west bound traffic on E. 22nd Avenue to yield to traffic on E. 5th Street.**

**2.8** **At the intersection of E. 22nd Avenue and E. 6th Street directing east bound traffic on E. 22nd Avenue to yield to traffic on E. 6th Street.**

**2.9** **At the intersection of W. 2nd Street and W. 18th Avenue directing north bound traffic on W. 2nd Street to yield to traffic on W. 18th Avenue.**

**2.10** **At the intersection of W. 3rd Street and W. 19th Avenue directing south bound traffic on W. 3rd Street to yield to traffic on W. 19th Avenue.**

**2.11 At the intersection of W. 19th Avenue and W. 2nd Street directing west bound traffic on W. 19th Avenue to yield to south bound traffic on W. 2nd Street and east bound traffic on W. 19th Avenue.**

**Section 4. PENALTY.**

**Any person violating any provision of this Chapter shall be fined not less than $75.00 nor more than $750.00.**

## CHAPTER 7 - ENFORCEMENT OF TRAFFIC REGULATIONS ON PRIVATE STREETS AND ROAD

**Section 1. PRIVATE STREETS.**

**The private streets or roads within a mobile home park, consisting of ten or more single family units, used for the purpose of vehicular traffic, are hereby considered to be "highways" as defined in the Illinois Vehicle Code, only for the enforcement purposes of this Section.**

**Section 2. CORORATE AUTHORITIES.**

**The corporate authorities of any mobile home park consisting of ten or more single family units, may request in writing, the enforcement of the provisions of this Code and the provisions of the Illinois Vehicle Code, by the Police Department, on the private streets or roads within such mobile home park, per Chapter 95 1/2, Section 11-209.1, of the Illinois Revised Statutes.**

**Section 3. POLICE PATROL.**

**Upon receipt by the Village Clerk of the written request for enforcement as set forth herein, the Police Department may patrol the streets or roads of a mobile home park and enforce the provisions of this Code and the Illinois Vehicle Code as they relate to the movement and regulation of traffic.**

**Section 4. WITHDRAWN REQUEST FOR PATROL.**

**The corporate authorities of a mobile home park as defined in this Section may withdraw their request for traffic enforcement as provided by State Statute. Said notice must be filed with the Village Clerk and will take effect on the next first day of January.**

# TITLE XI – WIRELESS COMMUNICATION FACILITY

## CHAPTER 1 WIRELESS COMMUNICATION FACILITIES

**Section 1. PURPOSE**

**The Village of Coal Valley recognizes that the Village of Coal Valley desires to encourage the orderly development of wireless communication technologies for the benefit of the Village and its citizens. The Village of Coal Valley also recognizes the character of the communities of the Village of Coal Valley.**

**As a matter of public policy the Village of Coal Valley aims to encourage the delivery of new wireless technologies throughout the Village while controlling the proliferation of communication towers. Such development activities will promote and protect the health, safety, prosperity and general welfare of persons living in the Village of Coal Valley, Illinois.**

**Specifically, this WIRELESS COMMUNICATION FACILITY TELECOMMUNICATIONS OVERLAY DISTRICTS ARE designed to achieve the following:**

**1.1 Provide a range of locations for Wireless Communication Facilities in various zoning districts;**

**1.2 Encourage the location of Wireless Communication Facilities onto existing structures to reduce the number of new communication towers needed within the Village of Coal Valley;**

**1.3 Encourage Collocation and Site Sharing of new and existing Wireless Communication Facilities;**

**1.4 Control the type of tower facility constructed, when towers are permitted;**

**1.5 Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the community quickly, effectively and efficiently;**

**1.6 Protect residential, historic preservation areas, and scenic corridors from the uncontrolled development of Wireless Communication Facilities by requiring reasonable siting conditions;**

**1.7 Promote the use of suitable sites (public and private) for the location of wireless antenna, towers, and/or Wireless Communication Facilities;**

**1.8 Insure the harmonious, orderly and efficient growth and development of the Village of Coal Valley;**

**1.9 Stabilize the economy of the Village of Coal Valley through the continued use of the Village's suitable public resources;**

**1.10 Provide Overlay Districts in which the zoning regulations permit the development of Wireless Communication Facilities which are consistent with the requirements of the Telecommunications Act of 1996 and in the best interest of the future of the Village of Coal Valley.**

**1.11 Provide clear performance standards addressing the siting of Wireless Communication**

**Facilities; and**

**1.12 Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996.**

**Section 2. CERTAIN USES NOT COVERED BY THIS ORDINANCE**

**Nothing in this ordinance shall reduce any of the permitted uses of any zoned property within the Village of Coal Valley. Nothing in this ordinance shall effect the right of a property owner to use or develop their property consistent with existing zoning regulations. Nothing in the ordinance shall affect the right of a property owner to continue any legal non-conforming use.**

**Section 3. INTERPRETATION AND DEFINITIONS**

**3.1 Construction of other ordinances. To the extend this ordinance conflicts with the Zoning Ordinance, Sign Ordinance or any other ordinance of the Village of Coal Valley, this ordinance shall control.**

**3.2 Rules for words and phrases. For the purposes of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended" or arranged to be used or occupied; and the word "person" includes a firm association, organization, partnership, trust, foundation, company or corporation as well as an individual.**

**3.3 Definitions. For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Section III. The Zoning Administrator shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region.**

**For the purpose of this Ordinance, all definitions defined herein are in addition to all definitions in the Village of Coal Valley Zoning Ordinance.**

**Antenna Array. An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include Omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.**

**Attached Wireless Communication Facility. An attached WIRELESS COMMUNICATION FACILITY is an Antenna Array that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.**

**Collocation/Site Sharing. Collocation/Site Sharing shall mean use of a common WIRELESS COMMUNICATION FACILITY or common site by more than one wireless communication license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WIRELESS COMMUNICATION FACILITY on a structure owned or operated by a utility or other public entity.**

**Equipment Facility. An Equipment Facility is any structure used to contain ancillary equipment for a WIRELESS COMMUNICATION FACILITY, which includes cabinets, shelters, a building out of an existing structure. pedestals, and other similar structures.**

**Federal Aviation Administration. FAA**

**Federal Communications Commission. FCC**

**FTA. Federal Telecommunications Act of 1996.**

**Height. When referring to a WIRELESS COMMUNICATION FACILITY, height shall mean the distance measured from ground level to the highest point on the WIRELESS COMMUNICATION FACILITY, excluding the Antenna Array.**

**Setback. Setback shall mean the required distance from the property line of the parcel on which the WIRELESS COMMUNICATION FACILITY is located to the base of the Support structure and equipment shelter or cabinet where applicable, or' in the case of guy-wire supports, the guy anchors.**

**Support Structure. A Support Structure is a structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire-support tower and other similar structures. Any device (Attachment Device) which is used to attach an Attached WIRELESS COMMUNICATION FACILITY to an existing building or structure (Attachment Structure) shall be excluded from the definition of and regulations applicable to Support Structures.**

**Temporary Wireless Communication Facility (Temporary WIRELESS COMMUNICATION FACILITY). A permit issued by the Village of Coal Valley specifically for the location, construction and use of a WIRELESS COMMUNICATION FACILITY subject to an approved site plan and any special conditions determined by the Zoning Administrator to be appropriate under the provisions of this Ordinance.**

**Wireless Communications. Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist.**

**Wireless Communication Facility (WIRELESS COMMUNICATION FACILITY). A WIRELESS COMMUNICATION FACILITY is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, Connection Cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.**

**Section 4. DESIGNATION AND APPLICABILITY**

**The Village of Coal Valley shall be divided into two WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICTS. Said districts shall include all lands situated within the Village of Coal Valley.**

**WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1 shall include only those areas described in Appendix A hereto and any areas subsequently added thereto less any areas subsequently deleted therefrom. Attached Wireless Communication Facilities with support structure shall be permitted as provided herein in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1.**

**WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2 shall consist of all lands not included in WIRELESS COMMUNICATION FACILITY TELECOMMUNICATIONS OVERLAY DISTRICT 1, which are located within the Village of Coal Valley. Attached Wireless Communication Facilities shall be permitted as setout herein in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2. Wireless Communications Facilities with support structure shall not be permitted under this ordinance in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 2.**

**Permit Required. No person, firm or corporation shall install or construct any Wireless Communication Facility unless and until a Tower Use Permit (TUP) has been issued pursuant to the requirements of this ordinance.**

**Pre-existing Wireless Communications Facility. Wireless Communications Facilities for which a permit has been issued prior to the effective date of this Ordinance shall be considered a nonconforming and shall not be required to meet the requirements of this Ordinance.**

**Amateur Radio Exclusion. This Ordinance shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennae. Such installations shall comply with any other applicable provisions f the Zoning Code.**

**Relationship to Other Ordinances. This Ordinance shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of Wireless Communication Facilities.**

**Airport Zoning Any Wireless Communication Facility located or proposed to be located in airport areas governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.**

**Building Codes. Construction of all Wireless Communication Facilities shall comply with the requirements of the Village of Coal Valley Building codes and permitting process in addition to the requirements of this Ordinance.**

**Section 5. ALLOWABLE USES/DEVELOPMENT CRITERIA**

**Allowable uses, subject to the limitations within each Overlay District, will include the underlying zoning district plus Wireless Communication Facilities in compliance with the following development criteria:**

**5.1 Height Standards. The following height standards shall apply to all Wireless Communications Facility installations:**

**a. Attached Wireless Communications Facilities. Attached Wireless Communication Facilities shall not add more than twenty (20) feet to the height of the existing building or structure to which is attached (Attachment Structure). However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum permitted height of that tower.**

**b. Wireless Communication Facilities with Support Structures shall have a maximum height as set out in Appendix A in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1.**

**5.2 Setback Standards. The following setback standards shall apply to all Wireless Communication Facility installations.**

**a.** **Attached Wireless Communication Facilities. Attached Wireless Communications Facilities are shall meet the setback provisions of the zoning district in which they are located. However, an Attached Wireless Communication Facility Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.**

**b.** **Wireless Communications Facilities with Monopole Support Structures. Wireless Communications Facilities with Monopole Support Structure shall meet the setback requirements for principle structures of the underlying zoning district in which they are located.**

**5.3** **Landscaping. The following landscaping requirements shall apply to all Wireless Communications Facility installations.**

**a.** **New Construction. New Wireless Communications Facilities with Support Structures and Attached Wireless Communication Facilities with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance that may now or hereafter be adopted.**

**b.** **Land Form Preservation. Existing mature tree growth and natural Land Form on the site shall be preserved to the extent feasible; provided however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed or removed.**

**C.** **Existing Vegetation. Existing vegetation on a Wireless Communication Facility site may be used in lieu of required landscaping where approved by the Zoning Administrator.**

**5.4.** **Aesthetics, Placement, Materials and Colors. Wireless Communications Facilities shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors, or camouflage technology.**

**5.5** **Lighting and Signage. The following lighting and signage requirements shall apply to all Wireless Communications Facility installations.**

**a.** **Artificial Illumination. Wireless Communications Facilities shall not be artificially illuminated, directly or indirectly, except for:**

**i.** **security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and**

**ii.** **such illumination of the Wireless Communications Facility as may be required by FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences.**

**iii.** **Unless otherwise required by the FAA or other applicable authority, the required light shall be red and shielded upward.**

**b.** **Signage. Wireless Communications Facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone**

**numbers and such other information as may be required by 1ocal state or federal regulations governing Wireless Communications Facilities.**

**5.5 Fencing. Wireless Communications Facilities with Support Structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than 6 feet in height. Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of State or Federal agencies.**

**5.6 Radio Frequency Emissions/Sound. The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations:**

**a. Radio Frequency Impact. The FTA gives the FCC jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.**

**b. FCC Compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.**

**Sound Prohibited. No unusual sound emissions such as alarms, bells, buzzers or like are permitted.**

**5.7 Structural Integrity. Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as it may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.**

**5.8 Collocation Agreement. All applicants for Wireless Communications Facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other Wireless Communications Facility users. The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition of issuance of a TUP (Tower Use Permit). A TUP shall not be issued unless the applicant complies with the collocation policy outlined in Section VIII of this ordinance.**

**Section 6. REVIEW PROCESS**

**6.1 The applicable Development Criteria referred to herein are those set forth in Section V of this Ordinance.**

**6.2 Permitting Procedures. Attached Wireless Communications Facilities with or without new building construction that meet the Development Criteria may be permitted by Administrative Review in all zoning districts except as hereinafter specified. All monopole type Wireless Communications Facilities with Support Structures that meet the development criteria and that are located on properties in WIRELESS COMMUNICATION FACILITY OVERLAY DISTRICT 1 (listed in Appendix A,) may be permitted by Administrative Review except hereinafter specified. All others, regardless of type or location shall be subject to the Planning Board hearing process and may not be approved by the Administrative**

**Review process.**

**Any Wireless Communications Facility (Attached or with a Support Structure), regardless of type, to be located within an established historic area, Historic District or other designated Overlay District will be subject to review by the appropriate District Commission and Planning Board. Review by a District Commission shall be in accordance with that District Ordinance administrative procedures for a certificate of appropriateness. All Wireless Communications Facility applications that do not conform to the Development Criteria or are otherwise not eligible for Administrative Review shall be subject to the Planning Board Review process.**

**6.3 Wireless Communications Facilities as a part of a Coordinated Development Approval. Wireless Communications Facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through those processes.**

**6.4 Wireless Communications Facilities for Temporary Term. Temporary Wireless Communications Facilities may be permitted by Administrative Approval for a term not to exceed 90 days. Once granted, a temporary Wireless Communications Facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the Administrative Review shall be expedited to the extent feasible.**

**Section 7. APPROVAL PROCESS**

**7.1 Application Submission. All requests for a Tower Use Permit, regardless of Wireless Communication Facility type shall submit an application in accordance with the requirements of this section.**

**a. Application Contents. Each applicant requesting a TUP under this Ordinance shall submit at least three possible site locations within areas where Wireless Communication Facilities are permitted within the Village, an analysis of each site (pros and cons), and the preferred location and why. Applications for areas outside of permitted areas must have the same analysis and explain why a TUP cannot be sited in a permitted area. The application shall be accompanied by the written consent of the owner of each of the alternative sites. The applicant shall submit a sealed complete set of drawings for each site location prepared by a licensed architect and engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the Wireless Communications Facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing Wireless Communication Facility shall include a Radio Frequency Intermodulation Study with their application.**

**b. Submission Requirements. Application for a TUP shall be submitted to the Village of Coal Valley on forms prescribed by the Village. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license. If Planning Board or District Commission review is required, the application and site plan shall be placed on the next available Commission agenda in accordance with the agenda deadlines established by the Village.**

**c. Application Fees. A plan review fee of $500.00 and a Radio Frequency Intermodulation Study review fee of $500.00 (collocation applicants only) shall accompany each application. These fees may be used by the Village to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).**

**d. Technical Assistance. In the course of its consideration of an application, the Village of Coal Valley, the Zoning Administrator, the Planning Commission or the Board of Trustees may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of Wireless Communication Facilities to assist the Village in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the Village not to exceed fifteen hundred dollars ($1,500.00) for the technical review and recommendation shall be reimbursed by the applicant prior to the final hearing on the TUP.**

**7.2 Administrative Review. The following administrative review process shall apply to all Wireless Communications Facility applications eligible for administrative review.**

**a. Review Authority. Review of Wireless Communication Facilities under this Section shall be conducted by the Zoning Administrator or his designee upon filing a Wireless Communication Facility application.**

**b. Review Criteria Each application shall be reviewed for compliance with the Development Criteria specified in Section V.**

**c. Timing of Decision. The Zoning Administrator shall render a decision on the Wireless Communication Facility application by written response to the applicant within ten (10) business days after receipt of the complete application, except that an extension may be agreed upon by the applicant. Any application that is not reviewed within ten (10) business days shaL1 be submitted to the Planning Commission for review.**

**d. Deferral. The Zoning Administrator may defer administrative approval of Wireless Communication Facilities for any reason. Deferral of Administrative approval shall require submission to the Planning Commission for review.**

**e. Application Denial. If Administrative approval is not obtained or is denied due to noncompliance with the Development Criteria, the applicant may appeal the denial by applying for Planning Commission review.**

**f. Application Approval. If the TUP application is in compliance with the Development Criteria and otherwise meets the requirements of this Section, the Zoning Administrator shall issue a Tower Use Permit.**

**7.3 Planning Commission Review. The following shall apply to all Tower Use Permit applications requiring submission to the planning Commission**

**a. Review Authority. The Planning Commission shall be the review authority for TUP applications not eligible for Administrative Review or otherwise referred to the Commission.**

**b. Notice. Notice of the application and the public hearing by the Planning Commission shall be accomplished in the same manner as a Special Use Permit under the Zoning**

**Ordinance.**

**c.** **Hearing The Planning Commission shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Planning Board shall consider the following in reaching a decision.**

**i.** **Development Criteria. The Tower Use Permit application shall be reviewed for compliance with the Development Criteria set forth in Section V; provided that the applicable Development Criteria may be amended or waived so long as the approval of the Wireless Communication Facility meets the goals and purposes of the Ordinance. The Planning Commission may recommend an alternative development criteria by specific inclusion in a motion for approval.**

**ii.** **Tower Siting Conditions. The Planning Commission may impose conditions and restrictions on the application or on the premises benefited by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the Wireless Communication Facility with the surrounding property, in accordance with the purposes and intent of this Ordinance. The violation of any condition shall be grounds for revocation of the TUP. The Planning Commission may recommend such conditions in addition to the Development Criteria upon the following findings:**

1. **The Wireless Communication Facility would result in significant adverse visual impact on nearby residences.**
2. **The conditions are based upon the purpose and goals of this Ordinance.**
3. **The conditions are reasonable and capable of being accomplished.**

**iii.** **Action. Following the public hearing and presentation of that evidence, the Planning Commission shall take one of the following actions:**

1. **Recommended the application as submitted;**
2. **Recommended the application with conditions or modifications;**
3. **Defer the application for additional information or neighborhood input; or**
4. **Deny the application in writing.**

**d.** **Findings. All decisions rendered by the Planning Commission concerning a Tower Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record.**

**e.** **Timing of Decision. The Planning Commission shall render its decision within sixty (60) days or less of the final submission of all required application documents and technical review, however, this time may be increased due to deferrals by either the applicant or the Planning Commission.**

**f.** **Appeals. The decision of the planning Commission may be appealed to the Board of Trustees under the following circumstances:**

**i.** **An appeal shall be filed no later than 30 days after the final action by the Zoning Administrator or the Planning Commission. Only the applicant and those who registered an object to the TUP in the record of the planning**

**Commission shall have standing to appeal.**

**ii. Only such evidence or testimony in support of or opposition to the issuance of the TUP which was provided to the Planning commission may be presented to the Board of Trustees unless the Board of Trustees by majority vote, decides to hear new information.**

**iii. Notice of appeal shall be accomplished by the appellant in the same manner as a special use permit under the Zoning Code.**

**Section 8. SHARED FACILITIES AND COLLOCATION POLICE**

**Collocation. All new wireless communication facilities shall be engineered designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing Wireless Communication Facilities and to accommodate the future collocation of other Wireless Communication Facilities. A TUP shall not be issued until the applicant proposing a new Wireless Communication Facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.**

**All Wireless Communication Facilities with Support Structure up to a height of 150 feel shall be engineered and constructed to accommodate at least three (3) antenna array. All Wireless Communication Facilities with Support Structures up to a height of more than 150 feet shall be engineered and constructed to accommodate at least four (4) antenna array.**

**Section 9. REMOVAL OF ABANDON WIRELESS COMMUNICATION FACILITIES**

**Wireless Communication Facilities in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (nonconforming Wireless Communications Facility) are subject to the following provisions:**

**9.1 Expansion. Nonconforming Wireless Communication Facilities may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance except as further provided in this section.**

**9.2 Additions. Nonconforming Wireless Communications Facilities may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under this Ordinance.**

**9.3 Repairs or Reconstruction. Nonconforming Wireless Communications Facilities, which become damaged due to its former use, location, and physical dimensions subject to the provisions of this Ordinance. Provided, however, that if the damage to the Wireless Communication Facility exceeds 50% of replacement cost, said wireless communication facility may only be reconstructed or repaired in compliance with this Ordinance.**

**9.4 Any Wireless Communications Facility not in use for six months shall be deemed abandoned and all rights as a nonconforming use shall cease.**

**Section 10. REVOCATION OF TOWER USE PERMITS**

**Any Tower Use Permit issued pursuant to this Ordinance may be revoked after hearing as provided hereinafter. If the Zoning Administrator finds that any permit holder has violated any provision of this Ordinance, or has failed to make good with reasonable efforts to provide or seek collocation, that Zoning Administer shall notify the permit holder in writing that the TUP is revocable due to the permit holder's noncompliance with the conditions of the permit**

**and the Zoning Administer shall convene a meeting with the permit holder no later than thirty (30) days from the date of the letter. The Zoning Administrator may require the permit holder to correct the violation within a reasonable amount of time or the Zoning Administrator may recommend to the Board of Trustees that the Tower Use Permit be revoked. After the appropriate public hearing, the Mayor and Board of Trustees may revoke the Tower Use Permit (TUP) upon such terms and conditions, if any, that the Mayor and Board of Trustees may determine. Prior to initiation of revocation proceedings, the Village shall notify the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 day. The permit holder shall provide the Village with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Mayor and Board of Trustees shall convene a public hearing to consider revocation of the Tower Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the Village of Coal Valley not less than 10 days prior to the hearing and by written notice to the permit holder. At any such hearing, the permit holder may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The Mayor and Board of Trustees may impose reasonable restrictions with respect to time and procedure. The proceedings shall be recorded; provided, however, that stenographic services, if desired, shall be provided by the requesting party at that party's expense.**

**Section 11 PENALTY**

**Any person violating any of the provisions of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley**

**Section 12 ANNUAL REVIEW**

**The Mayor and Board of Trustees shall review this Ordinance on an annual basis and shall alter or amend the same as required in the manner provided by law.**

## APPENDIX A

### The Village of Coal Valley, Illinois

**Wireless Communications Facility Telecommunications Ordinance**

| **Site :** | **Field Site Name** | **Recommended WCF Use** |
|---|---|---|
| | **Village Garage** | **120' Monopole- if there is room** |
| | **Village Hall** | **120' Flagpole** |
| | **Post Office Park** | **170' Monopole** |
| | **Lift Station (21st Ave.)** | **170' Monopole** |
| | **Well #3 & Water Tower** | **Attachments & 190' Monopole** |
| | **19th Ave. Park** | **170' Monopole** |
| | **Well #2 & Water Tower** | **Attachments & 190' Monopole** |
| | **Municipal Park** | **190' Monopole** |

**Other Suitable Sites - Non Municipal**

| | | |
|---|---|---|
| | **Fire Station** | **Drop existing tower and replace With 190' Monopole** |

# APPENDIX B

**Simplified Municipal Telecommunications Tax Rate Change**

**Whereas, the Simplified Municipal Telecommunications Tax Act created a simplified municipal telecommunications tax and repealed the municipal tax on transmitting messages under 65 ILCS 5/8-11-2, the municipal telecommunications tax under 65 ILCS 5/8-11-17, the optional infrastructure maintenance fee under 35 ILCS 635/15, and the municipal infrastructure maintenance fee under 35 ILCS 635/20 effective January 1, 2003; and**

**Whereas, the Illinois Department of Revenue was required under Sections 5-25 and 5-30 of the Simplified Municipal Telecommunications Tax Act to publish a list and calculate a rate for the imposition of a simplified municipal telecommunications tax for each municipality that had in place one or more of the following: a municipal tax on transmitting messages under 65 ILCS 5/8-11-1, a municipal telecommunications tax under 65 ILCS 5/8-11-17, or a municipal infrastructure maintenance fee under 35 ILCS 635/20 as of July 1, 2002; and**

**Whereas, the list published by the Illinois Department of Revenue listed this municipality and calculated a rate for the simplified municipal telecommunications tax of 1% to be collected on gross charges by telecommunications retailers beginning January 1, 2003;**

**Now, therefore, be it ordained by the President and Board of Trustees of the municipality that:**

**Section 1. THE RATE**

**Of the simplified municipal telecommunications tax imposed under the authority of the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1 et seq.) upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person is here by changed to 4% of the gross charges for such telecommunications purchased at retail.**

**Section 2. 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 ordinance.**

**Section 3. THIS ORDINANCE**

**Shall be in full force and effect from and after its passage and approval and publication in pamphlet form as required by law, provided, however, that Section 1 of this Ordinance shall take effect for all gross charges billed by telecommunications retailers on and after the first day of January, 2005. The Municipal Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before September 20, 2004.**