

MUNICIPAL CODE

VILLAGE OF DWIGHT, ILLINOIS

GENERAL ORDINANCE OF THE VILLAGE

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COMPREHENSIVE AMENDMENT
2015

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CHAPTER 1

THE CODE

Article I - Title, Interpretation

Article II - Amendments

Article III - Printing

Article IV - Repealing Clause

Article V - Enacting Clause

ARTICLE I

Title-Interpretation

1.101 Title. This ordinance shall be known as the "Municipal Code of Dwight, Illinois." Any reference to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter heading, its article heading, if any, and to the penalty clause relating thereto, as well as to the section itself, when reference is made to this ordinance by title in any legal document or ordinance of the Village.

1.102 Construction of words. Whenever any word in any section of this ordinance importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this ordinance by words importing the singular number only, several matters, parties or persons, males or females, and bodies corporate shall be deemed to be included. The words "person, firm or corporation" shall be deemed to include any association or organization of any kind. Words in the present shall include the future. The words "this ordinance" whenever used in this code shall be held to mean the entire code, including each and every section thereof. The word Village whenever used in this ordinance shall be held to mean the Village of Dwight, Illinois. The words "written" and "in writing" may include printing. Provided that these rules of construction shall not be applied to any section of this ordinance which contains any express provisions excluding such construction or where the subject matter or content of such section may be repugnant thereto.

1.103 Distinction between wholesaler and retailer. In all cases where the words "wholesaler" or "wholesale dealer" are used in this ordinance, unless otherwise specifically defined, they shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the customer.

1.104 Penalties. In all cases where the same offense is made punishable or is created by different clauses or sections of this ordinance the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same

person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever in this ordinance the doing of any act or the omission to do any act constitutes a breach of any section or provision of this ordinance, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be fined according to the schedule for the standard penalty in the fine rate schedule for each offense.

1.105 Officers and employees. Whenever reference is made in this ordinance to a Village officer or employee by title only, this shall be construed as though followed by the words "of the Village of Dwight, Illinois" and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated.

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

1.106 Intent. All general provisions terms, phrases, and expressions contained in this ordinance shall be liberally construed in order that the true intent of the President and Board of Trustees may be fully carried out.

ARTICLE II

Amendments

1.201 Reference to Code. Any addition or amendments to this Code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same a part of this Ordinance shall be deemed to be incorporated in this Ordinance so that a reference to the Municipal Code of Dwight, Illinois, shall be understood to include them.

1.202 Penalties. In case of amendment of any section of this ordinance containing the provisions for which a penalty is provided in another section, the penalty so provided in such section shall be held to relate to the amended section or the amending section, whether re-enacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

1.203 Recording amendments. It shall be the duty of the Village Clerk to keep at least one copy of the 1990 Municipal Code of Dwight, Illinois, which the Clerk shall mark in the following manner: Whenever any ordinance which amends or makes an addition to the code is passed and approved, the Clerk shall note at the end of the section or sections amended that such amendment has been made and the date of such amendment.

The Village Clerk shall also keep a separate file containing every amendment or addition passed to this Code, with a reference on each copy of such amendment or addition as to the place in the record of ordinances where the original ordinance was located.

The above-mentioned records shall be kept in addition to the record of ordinances, which the Clerk is required to keep by statute.

ARTICLE III

Printing

1.301 Authorization. This ordinance shall be printed and published in book form.

1.302 Distribution of copies. All of the printed copies of this Code belonging to the Village shall be deposited with the Clerk. The Clerk shall deliver one copy thereof to the President and each member of the Board of Trustees, and copies to such other persons as the President and Board of Trustees may direct.

1.303 Presentation of copies. The President and Board of Trustees shall have the power to extend or reciprocate courtesies of other municipalities and levels of government by presenting them with a copy of this Code, bound at the expense of the Village, as to them seems suitable, and they shall also have the power to present two copies of this Code to the Illinois Municipal League.

ARTICLE IV

Repealing Clause

1.401 Repeal of general ordinances. All general ordinances of the Village passed by the corporate authorities prior to the passage of this ordinance are hereby repealed, except such as are referred to herein as being in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances: appropriation ordinances; tax levy ordinances; zoning ordinances; ordinances relating to boundaries and annexations; franchise and other ordinances granting special rights to person or corporation; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village; ordinances establishing social security; ordinances specifically designating through streets or one-way streets and alleys; and all special ordinances.

1.402 Public utility ordinances. No ordinances relating to railroads or railroad

crossing with streets and other public ways, or relating to the conduct, duties, serving or rates of public utilities shall be repealed by virtue of the passage of this ordinance or by virtue of the preceding section, excepting as this Code may contain provisions for such matters, in which case this Ordinance shall be construed as amending such ordinance or ordinances in the respect of such provisions only.

1.403 Pending suits. No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claims arising before the new ordinances take effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may, by consent of the party affected, be applied to any judgment announced after the new ordinance takes effect.

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

Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any section or provision of ordinances existing at the time of the passage of this ordinance.

ARTICLE V

Enacting Clause

1.501 Time of taking effect. This ordinance, the same being designated herein as the "Municipal Code of Dwight, Illinois of 1999" shall take effect and be in force from and after its passage and publication in book form as provided by statute.

CHAPTER 2

THE VILLAGE PRESIDENT

2.001 Election - term of office. The Village President shall be elected for a term of four years and shall be the President of the Board of Trustees, as is provided by statute.

The salary of the Village President is to be an annual salary of eight thousand (\$8,000.00) dollars per year commencing with the new term of the Village President after the 2017 Consolidated Municipal Election.

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

2.003 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; and the President shall have the power to delegate to any such officer any duty, which is to be performed when no specific officer has been directed to perform the duty.

2.004 Bond - oath - salary. Before entering upon the duties of office the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of the President's duties, in such amount as provided by statute. 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. The Village of Dwight shall pay for such bond.

2.005 President pro-tempore. The Village President shall appoint, with the advice and consent of the Board of Trustees, a President pro-tempore who during the temporary absence or disability of the Village President shall perform the duties pertaining to the office of the Village President. The appointment shall be for one (1) fiscal year unless the appointment occurs mid-year of which the remainder of the current fiscal year may be added to the one-year appointment.

CHAPTER 3

THE BOARD OF TRUSTEES

Article I - General Provisions

Article II - Rules of Order

ARTICLE I

General Provisions

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

3.102 Oath - Salary. The members of the Board of Trustees shall take the oath of office prescribed by statute, and shall receive such compensation be provided by ordinance.

3.102(a) Effective after the April 2017 Consolidated election, compensation to be paid to Members of the Dwight Village Board of Trustees shall be fifty dollars (\$50.00) per attendance for each Regular or properly called Special meeting of the Village Board of Trustees, and the sum of forty dollars (\$40.00) for each Committee meeting so attended. *(Rev. 9.26.16)*

The compensation as set forth above shall not apply to Trustees whose term has commenced prior to the effective date of this Ordinance. Likewise, the compensation as set forth above shall not apply to Village officials who are appointed to fill the unexpired portion of the term of an elected official whose appointment commences prior to the effective date of this Ordinance.

* **3.103 Meetings.** The Village Board shall hold its regular meetings, in the Village Hall, on the second and fourth Monday of each month at the hour of 6:30 p.m. The meeting place of the said Board shall be at the Village Hall, unless otherwise ordered by the Board. Special meetings may be called by the President of the Village or any three Trustees upon at least forty-eight (48) hours public notice. The Village shall give public notice of its annual schedule of regular meetings at the beginning of each calendar year, listing the dates, times and place of such meetings. As required by the Open Meetings Act, agendas for regular meetings and special meetings must be posted at the location of the meeting at least forty-eight (48) hours in advance. *(Rev. 8/08/2011)*

3.104 President. The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees and at all times when the board

meets as a committee of the whole.

3.105 Deciding vote. The Village President shall not vote on any ordinance, resolution, or motion except: (1) where the vote of the Trustees has resulted in a tie; (2) where one-half ($\frac{1}{2}$) of the Trustees present have voted in favor of an ordinance, resolution, or motion even though there is no tie vote. In both instances specified, the Village President shall vote. Nothing in this section shall deprive a President pro-tempore voting in their capacity as Trustee, but they shall not be entitled to another vote in the capacity as President pro-tempore.

3.106 Ordinances - approval - veto. All resolutions and motions (1) which create any liability against the Village, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any Village property, and all ordinances passed by the Village Board shall be deposited with the Village clerk. If the Village President approves of them, the President shall sign them. Those of which are disapproved shall be returned to the Village Board, with the President's written objections, at the next regular meeting of the Village Board occurring not less than five days after their passage. The Village President may disapprove of any one or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and if so, the remainder shall be effective. However, the Village President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Village President fails to return any ordinance or any specified resolution with written objections, within the designated time, it shall become effective despite the absence of the President's signature.

3.107 Reconsideration - passing over veto. Every resolution and motion specified in the preceding section, and every ordinance, which is returned to the Board of Trustees by the Village President, shall be ordered by the Board of Trustees. If, after such reconsideration, two-thirds ($\frac{2}{3}$) of all the Trustees elected to the Village Board shall agree to pass an ordinance, resolution, or motion, notwithstanding the President's refusal to approve it, then it shall become effective. The vote on the question of passage over the President's veto shall be by yeas and nays, and shall be recorded in the journal.

ARTICLE II

Rules of Order

3.201 Order of Business. The order of business of the Board of Trustees of the Village shall be as follows:

- a. Roll call
- b. Approval of minutes of preceding meeting
- c. Communications, resolutions, ordinances, bills, and Treasurer's report
- *d. Public forum

1. Five minutes is the time limit for the length of each comment. The public body is allowed to cut short a comment before the end of the time limit if the comment is irrelevant, repetitious, or disruptive. **(Rev. 2/11/2013)*

- e. Report of officers
- f. Report of committees
- g. Old Business
- h. New Business
- i. Adjournment

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

3.203 Resolutions. Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two (2) members of the board.

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

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

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

3.207 Quorum. A majority of the Trustees or three Trustees and the Village President shall constitute a quorum to do business.

3.208 Committees. The following shall be the Standing Committees of the Board of Trustees:

Administration
Services, Health and Safety
Public Properties/Utilities
Ordinance, Judicial & Licensing
Special Committees shall be created from time to time as directed by the Board of Trustees.

All Standing Committees shall consist of three (3) members (Trustees) each, and will be chaired by a Trustee appointed by the Village President, with the exception of the Finance and Administration Committee which shall be chaired by the Village President and include all Board members: unless the Board of Trustees shall otherwise direct. All committees shall be appointed by the Village President, by and with the advice and consent of the Board of Trustees.

The responsibility of the Standing Committees of the Village of Dwight shall be as follows:

Administration: Budget, Administrative Personnel, Annexations, Economic Development (including Tourism)

Services, Health & Safety: Police, Ambulance, ESDA, and affiliated employees.

Public Properties/Utilities: Street & Alley Maintenance & Repair, Creek & Bridge Maintenance & Repair, Parks & Pool Maintenance & Repair, Building Maintenance & Repair, Street Lights, Garbage, Water, Wastewater Treatment, Storm Water, Cable TV, Gas, electric, and affiliated employees.

Ordinance, Judicial & Licensing: Municipal Code, Zoning & Planning Codes, and Personnel Policies.

3.209 Disturbing meetings. It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof; any person violating the provisions of this section shall be fined as designated in the fine rate schedule.

3.210 Meetings open to the public. All meetings of the Board of Trustees shall be open to the public as provided by statute.

CHAPTER 4

THE VILLAGE CLERK

4.001 Election - term. The Village Clerk shall be elected and serve a four-year term and until a successor is elected and qualified, as provided by statute.

The salary of the Village Clerk is hereby amended to be an annual salary of six thousand (\$6,000.00) dollars commencing with the new term of the Village Clerk after the 2017 Consolidated Municipal Election.

4.002 Bond. Before entering upon the duties of office, the Village Clerk shall execute a bond in such amount provided by statute, conditioned upon the faithful performance of the Clerk's duties. Such bond shall be paid for by the Village of Dwight.

4.003 Signatures. The Village Clerk shall seal and attest all contracts of the Village and all licenses, permits and such other documents as shall be required.

4.004 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 thereof; a record showing all of the officers and regular employees of the Village and such other records as may be required by the corporate authorities.

4.005 Seal. The Clerk shall be the custodian of the Village Seal, and shall affix its impression on documents whenever this is required.

4.006 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.

4.007 Indices. The Clerk shall keep and maintain a proper index to all documents and records kept by the Clerk so that ready access thereto and use thereof may be had.

4.008 Duties and Responsibilities of Village Clerk. The Clerk shall perform all duties otherwise required under the Municipal Code of the Village of Dwight, or as may be required by the Illinois Compiled Statutes, or as may otherwise be directed from time to time by the President and Board of Trustees.

4.009 Deputy Clerk. There is hereby created the office of Deputy Clerk. The Village Clerk is authorized to appoint a Deputy Clerk with the advice and consent of the President and the Board of Trustees, who shall have the power and duty to execute all documents required by any law or ordinance to be executed by the Clerk, and affix the Seal of the Village thereto whenever required.

When signing any documents the Deputy Clerk shall sign the name of the Village

Clerk followed by the word "By" and the Deputy Clerk's own name and the words "Deputy Clerk".

The powers and duties herein described shall be exercised by such Deputy Clerk only in the absence of the Village Clerk from the office in the Village Hall, and only when written direction has been given by the Village Clerk to exercise such power, or the President and Trustees have determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform such function.

Such Deputy Clerk shall have the authority and power herein described, and such further power and authority as may be provided by statute.

Before entering upon the duties of office, the Deputy Clerk shall execute a bond in such amount provided by statute, conditioned upon the faithful performance of the Deputy Clerk's duties. Such bond shall be paid for by the Village of Dwight.

CHAPTER 5

APPOINTED OFFICERS

Article I - Village Administrator

Article II - Village Attorney

Article III - Village Treasurer

Article IV - Village Comptroller

Article V - Building Inspector-moved to Chapter 6

Article VI - Plumbing Inspector-moved to Chapter 6

Article VII - Village Collector

ARTICLE I

Village Administrator

5.101 Appointment and Creation. There is hereby created the Office of Village Administrator. The Village Administrator shall be appointed by the Village President upon the affirmative vote of a majority of the Board of Trustees then holding office.

5.102 Duties.

a. Appointment of Supervisory Personnel. The Village Administrator shall submit the names of individuals to be appointed as department heads as shall from time to time be necessary, to the Village Board of Trustees, who shall either then approve or reject such nominations. In the event the recommendation of the Village Administrator is not approved by the Village Board of Trustees, the Village Board of Trustees shall either approve the name of some other individual, or direct the Village Administrator to resubmit the name of another individual for approval. The approval of department heads submitted by the Village Administrator shall be by an affirmative vote of a majority of the President and Members of the Board of Trustees of the Village of Dwight then holding office.

The appointment of standing committees, boards, and commissions under the Village government shall be made by appointment by the Village President with the advice and consent of the Village Board of Trustees. In addition, the appointive offices of the Village Attorney, Village Treasurer, and Village Collector shall be made by the President and Members of the Board of Trustees rather than the Village Administrator.

Termination of employment of Village employees shall be made only after the Village Administrator has consulted with the President and Board of Trustees or the appropriate committee thereof, wherein the Village Administrator shall set forth the reasons for the proposed termination of employment, and thereafter the President and Board of Trustees or the appropriate committee thereof, as the case may be, for approval of the same.

5.103 Bond. The Village Administrator shall sign with at least two good and sufficient sureties a Bond to the corporate authorities of the Village of Dwight conditioned upon the faithful performance of the duties of the Office of Village Administrator in the sum of \$1,500.00. Such Bond shall be paid for by the Village of Dwight.

5.104 Salary. The salary of the Village Administrator shall be set initially by Ordinance by the Village Board of Trustees, and thereafter in the annual Appropriation Ordinance, and shall be paid in semi-monthly installments.

5.105 Procedure for Appointment, Term of Office. The Village President shall appoint a Village Administrator with the approval of a majority of the Board of Trustees then holding office, and said Village Administrator shall become the administrative head of the municipal government of the Village of Dwight and shall be responsible for the efficient administration of all departments of the Village government. The Village Administrator shall be required to establish residency within the Village of Dwight within sixty (60) days after appointment. The Village Administrator shall be appointed for an indefinite term and may be terminated at any time by the Village President with the approval of a majority of the Board of Trustees then holding office, with or without any reason, therefore. In the event of the absence or disability of the Village Administrator, the Village President shall perform the duties of the Village Administrator, or in lieu thereof, with the advice and consent of the Board of Trustees, may appoint a qualified temporary Village Administrator to perform the duties of Village Administrator during the absence or disability of the then designated Village Administrator.

5.106 Removal from Office. The Village Administrator and/or the office of Village Administrator may be respectively removed or abolished by a majority vote of the Village Board of Trustees then holding office, with or without reason.

5.107 Policy of Noninterference. Except for purposes of inquiry and to keep the corporate authorities properly informed and except in the cases of the absence or disability of the Village Administrator, the corporate authorities, except the Village President, shall deal with the Village's various administrative and service personnel through the Village Administrator, unless authorized by the Board of Trustees. No Village Trustee shall give directions or orders to any Village employee except in the absence of the Village Administrator during emergencies.

5.108 Duties and Powers. The powers and duties of the Village Administrator shall be as follows, to wit:

a. To supervise and direct the day to day operation of the Village's departments and personnel, including without limitation the Director of Public Works, the Chief of Police, and all other municipal employees and to consult with the Village Clerk, the Village Treasurer, the Village Attorney and the Village Engineers.

b. To enforce the laws and Ordinances of the Village of Dwight, and to carry out

and implement the policy direction established by the President and Members of the Board of Trustees.

c. To recruit, screen and evaluate all candidates for employment with the Village of Dwight, and make recommendations to the Village Board which will make the final decision.

d. To attend all meetings of the Village Board of Trustees of the Village of Dwight, and when directed by the President and Village Board, to take part at such meeting in the discussions of the Village business, provided that the Village Administrator shall have no right to vote thereon.

e. To recommend to the Village Board of Trustees the adoption of measures which the Village Administrator deems necessary, or expedient, and to provide reasons and background, therefore.

f. To see that all terms and conditions imposed in favor of the Village of Dwight or its citizens through any contract or public utility franchise is faithfully kept and performed.

g. To research and review funds that may be available to the Village of Dwight through federal, state, or private agencies, and to bring such matters to the attention of the President and Members of the Board of Trustees.

h. To make in the ordinary course of business all purchases of materials and supplies reasonably necessary for the day to day operation of the Village of Dwight, as generally provided for in the annual Appropriation Ordinances provided that any purchase in excess of \$1,500.00 shall not be made until after first procuring the approval of the Village Board of Trustees, and included therewith, in any purchase, complying with applicable statutes and ordinance providing for, among other things, the solicitation and publication for bids, and to actively seek the lowest and best price for the Village of Dwight considering service, quality, availability and price.

i. To permit, encourage and establish the use of efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions and boards.

The Village Administrator, acting as Budget Officer, shall examine all books and records and obtain such additional information from the municipality, municipal departments, commissions, and boards as may be useful for the purposes of compiling a municipal budget, such information to be furnished by the municipality, municipal departments, commissions, and boards in the form required by the Village Administrator. Any department, commission or board which refuses to make such information as is requested of it available to the Administrator shall not be permitted to make expenditures under any subsequent budget for the municipality until such department, commission, or board shall comply in full with the request of the Village Administrator.

To Establish and maintain such procedures as shall ensure that no expenditures are made by the municipality, municipal departments, commissions, or board except as authorized by the budget.

The Village Administrator shall compile, in cooperation with the Village Clerk and Village Treasurer, a budget which shall contain estimates of revenue available to the municipality for the Fiscal Year for which the budget is drafted, together with recommended expenditures for the municipality and all of the municipality's departments, boards and commissions. The budget shall contain actual or estimated revenues and expenditures of the itemized municipal accounts for the two years immediately preceding the Fiscal Year for which the budget is prepared. Each budget shall show the specific fund from which each anticipated expenditure shall be made.

j. As may from time to time be necessary, to prepare reports and summations for the Village Board of Trustees and to conduct and prepare necessary studies and/or research to help the Board of Trustees make its policy decisions. In addition, the Village Administrator, in cooperation with the Village Clerk, shall prepare an agenda for each Village Board Meeting whether it be regular or special, and to distribute such agenda prior to each such meeting so that it may be reviewed by the President and Members of the Board of Trustees.

k. To assume and to perform any and all duties as may from time to time be specifically delegated and assigned to the Village Administrator by the Village Board of Trustees.

l. To prepare and submit to the Village Board of Trustees, at monthly intervals, reports which will advise the Village Board of Trustees of the financial condition and future needs of the Village of Dwight, and in doing so make such other recommendation as may be necessary or desirable.

m. To recommend to the Village Board of Trustees salaries of all officers and employees of the Village of Dwight on a yearly basis, or as may from time to time be requested by the Village Board of Trustees.

n. To recommend to the Village Board of Trustees the adoption of such Ordinances or measures as the Village Administrator may deem necessary or expedient for the health, welfare, and safety of the citizens of the Village of Dwight or such other measures as may be necessary for the future benefit of the Village of Dwight.

o. To make reports and to anticipate future needs of the Village of Dwight, either because of growth, deterioration of existing facilities, or modern techniques, and to work with the Village Planning Commission and the Village Zoning Board of Appeals with respect to the desired growth and expansion of the Village of Dwight.

p. To prepare the budget annually, with the advice of the Budget Committee, and submit it to the Village Board of Trustees not later than the first meeting of the Village Board of Trustees in March of each year, together with a description of any important

features and responsibilities for its administration or adoption.

q. To recommend the appointment, suspension or removal of any Village employee or officer. The Village Administrator shall have the power to suspend for a period of up to five (5) days, with or without pay, any employee of the Village of Dwight not otherwise exempt from suspension, provided that such power shall not extend to appointed officers or officials of the Village of Dwight.

r. To investigate all complaints in relation to matters concerning the administration of the Village government, and to make a report of the same to the Village Board of Trustees.

s. To keep a correct and accurate list of all equipment, property, and supplies owned and operated by the Village of Dwight, and to charge the head of each department with the duty to file a correct and accurate list of the machinery, property, and supplies under the control of such department head, and to cause a department head to be responsible for such equipment and to make an accounting of such equipment, supplies, and property upon the removal or resignation of such department head, and to provide the Board of Trustees an annual report of all such property, equipment, and supplies; and to provide for the orderly replacement of machinery, equipment, and supplies as may from time to time be necessary.

t. To make reports to the Village President and Board of Trustees as may from time to time be requested.

u. The Village Administrator shall serve as the Emergency Service Disaster Agency Coordinator. (06/28/1993)

5.109 Miscellaneous Provisions. The Village Board of Trustees shall set out the provisions applicable to the Village Administrator with respect to vacation, sickness, and disability provisions.

5.110 Conflicting Prior Ordinances. All Ordinances heretofore existing for the Village of Dwight which shall be in conflict with this Ordinance are hereby amended to conform therewith, including but not limited to the following provisions, to-wit:

a. All department heads shall report directly to the Village Administrator.

b. The Village Administrator shall be the Chief Administrative Assistant to the Village President of the Village of Dwight, and shall perform the duties as hereinbefore listed, or as may hereinafter be designated.

c. The Village Administrator shall, except as provided by state statute, direct the day to day operations of the Village of Dwight, and as requested shall report to the Village President and the Board of Trustees.

d. All commissions, boards, and appointive offices shall continue to be appointed

by the Village President with the advice and consent of the Board of Trustees and shall be subject to the direct control of the Village Board of Trustees.

ARTICLE II

Village Attorney

5.201 Creation of office. There is hereby created the office of Village Attorney, an executive office of the Village. The Village Attorney shall be appointed by the Village President by and with the advice and consent of the Board of Trustees.

5.202 Suits and actions. The Village Attorney shall prosecute or defend any and all suits or actions at 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 such officer of the Village.

5.203 Judgments. It shall be the duty of the Village Attorney to see to the full enforcement of all judgments, or decrees rendered or entered in favor of the Village, and of all similar interlocutory orders.

5.204 Advice. The Village Attorney shall be the legal advisor of the Village and shall render advice on all legal questions affecting the Village, whenever requested to do so by any Village official. Upon request by the President, member of the Board of Trustees, the Village Attorney shall reduce any such opinion to writing.

5.205 Special assessments. It shall be the duty of the Village Attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

5.206 Ordinances and documents. It shall be the Village Attorney's duty to draft, supervise, or review the phraseology of any contract, lease or other document or instrument, to which the Village may be a party; and upon request by the Board or Village Administrator, to draft ordinances or resolutions covering any subject within the power of the Village.

5.207 Additional counsel. The corporate authorities may retain or authorize the employment of other counsel to give advice or render service to the Village.

ARTICLE III

Village Treasurer

5.301 Appointed - term. The Village Treasurer shall be appointed by the Village President by and with the advice and consent of the Board of Trustees and serve for a four-year term and until a successor is qualified, as provided by statute.

5.302 Bond. The Treasurer shall give bond conditioned upon the faithful performance of the Treasurer's duties and to indemnify the Village for any loss due to neglect of duty or wrongful act on the Treasurer's part; and the amount of such bond shall be not less than ten per cent of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding five fiscal years nor less than one and one-half times the largest amount which the corporate authorities estimate will be in the Treasurer's custody at any one time. Such bond shall be filed with the Clerk as required by statute. Such bond shall be paid for by the Village of Dwight.

5.303 General duties. The Treasurer shall perform such duties as may be prescribed by statute or by ordinance. The Treasurer shall receive all money paid to the Village, either directly from the person paying it or from the hands of such other officer as may receive it, and shall pay out money only on vouchers or orders properly signed by the Village President and Board of Trustees.

5.304 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 law, and shall keep the Village money separate and distinct from personal funds and shall not intermingle personal money with it or make private or personal use of Village funds.

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

5.306 Accounts. The Treasurer shall keep such books and accounts as may be required by the corporate authorities and shall keep them in the manner required by the corporate authorities.

5.307 Reports. The Treasurer shall make monthly reports to the Village showing the state of 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 after the close of the fiscal year, as required by statute with the total amount of all receipts and expenditures of the Village and all transactions as Treasurer during the preceding year.

ARTICLE IV

VILLAGE COMPTROLLER (*Rev. 6/30/2000*)

5.401 Creation of Office, Procedure for Appointment. There is hereby created the Office of Village Comptroller pursuant to 65ILCS 5/3.1-35-115. The Office of Comptroller shall be an appointed Office by the Corporate Authorities of the Village of Dwight.

5.402. Supervision/Collections. The Comptroller shall exercise general supervision over all of the Officers of the Municipality charged in any manner with the receipts, collection, or disbursement of the municipal revenue, or with the collection and

return of the municipal revenue into the Treasury.

5.403 Documents. The Comptroller shall have custody and control over all municipal documents with respect to the financial matters of the Village, including all computer files and disks, ledgers, accounts, account records, documents, books and papers with respect to the financial matters of the Village of Dwight.

5.404 Duties. The Comptroller shall assume all duties now performed by the Office of Village Collector. The Comptroller shall have such further duties as may be from time to time designated by the Corporate Authorities.

ARTICLE V – Building Inspector – Moved to Chapter 6

ARTICLE VI – Plumbing Inspector – Moved to Chapter 6

ARTICLE VII

Village Collector

5.701 Creation of Office, Procedure for Appointment, Term of Office. The Village President shall appoint a Village Collector upon the affirmative vote of a majority of the Board of Trustees then holding office. The Village Collector shall be appointed for an indefinite term and may be terminated at any time by the Village President with the approval of a majority of the Board of Trustees then holding office, with or without any reason, therefore. (05/24/1993)

5.702 Bond. Before entering upon the duties of Village Collector, the Village Collector shall sign a Bond with corporate surety conditioned upon the faithful performance of the duties of Office of Village Collector in a sum to be set from time to time by the majority vote of the Village Board of Trustees. Such Bond shall be paid for by the Village of Dwight.

5.703 Salary. The salary of the Village Collector shall be set initially by the affirmative vote of a majority of the Board of Trustees of the Village of Dwight then holding office and shall thereafter be set in the Annual Budget Ordinance.

*** 5.704 Duties.** The Village Collector shall perform the duties and responsibilities required under the Municipal Code of the Village of Dwight, or as may from time to time be set forth in the Illinois Compiled Statutes, or as from time to time be assigned by the direction of the Village President and Board of Trustees. **(Rev. 11/13/2000)*

5.705 Removal from Office. The Village Collector may be removed from Office of a majority vote of the Village Board of Trustees then holding office, with or without reason.

5.706 Abolishment of Office. The Office of Village Collector may be abolished

at the end of any fiscal year and the duties thereof shall be devolved on such other office as the Board of Trustees shall provide by a two-thirds vote of the Trustees then holding office. After such discontinuance, no person filling the Office of Village Collector shall have any claim against the Village for salary alleged to accrue after the date of discontinuance.

* **5.707** *Deleted 11/13/2000

5.708 Conflicting Prior Ordinances. All Ordinances heretofore existing for the Village of Dwight which shall be in conflict with this Ordinance are hereby amended to conform therewith.

CHAPTER 6

***COMMUNITY PROTECTION AND ADMINISTRATION**

**(Rev. 11/26/2001)*

Article I - Police Department

Article II - Emergency Service and Disaster Agency

Article III - Emergency Medical Services

Article IV - Director of Public Works

Article V - Building Inspector

Article VI - Plumbing Inspector

Article VII - Electrical Inspector

ARTICLE I

Police Department

6.101 Creation of department. There is hereby created a Police Department. The Police Department shall consist of the Chief of Police and of such other members as may be provided from time to time by the President and the Board of Trustees.

6.102 Office of Chief created. There is hereby created the position of Chief of Police. The Chief of Police shall be recommended by the Village Administrator and appointed by the Village President by and with the advice and consent of the Board of Trustees.

6.103 Duties of the Chief. The Chief of Police shall be the keeper of the Village holding cell, and shall have custody of all persons incarcerated therein. The Chief of Police shall keep such records and make such reports concerning the activities of the Department as may be required by statute or by the corporate authorities.

* The Chief of Police is responsible for the supervision and performance of public safety, law enforcement, technical and staff duties of the various functions of the Police Department, community relations and public information work. Work also includes the scheduling and/or conducting of training sessions, preparation of reports, maintenance of records, and court appearances to provide testimony relative to arrests. **(Rev. 11/26/2001)*

6.104 Duties. It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the Village and all statutes applicable herein; and to preserve and prevent infraction of the law, and arrest violators thereof.

6.105 Members - Appointment. The members of the Police Department shall be recommended by the Village Administrator and appointed by the Village President by and with the advice and consent of the Board of Trustees.

6.106 Serving process. No member of the Police Department, except the Chief, shall serve any process except on command by a superior officer.

6.107 Conduct of members. It shall be the duty of every member of the Police Department to act in a proper and law abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of their superior.

6.108 Witness fees. Any member of the Police Department shall appear as a witness whenever it is necessary in a prosecution for a violation of an ordinance or of any State or Federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Police Department is a party; and fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Village Treasurer.

6.109 Rules and regulations. The Chief of Police may make or prescribe such rules and regulations for the hours of duty, vacations, uniforms and conduct of the members of the Police Department as may be deemed advisable, and such rules when approved by the Village Administrator, Village President and Board of Trustees shall be binding on such members.

6.110 Stolen property - custody of. The Chief of Police shall be the custodian of all lost, abandoned, or stolen property in the Village.

* **6.111 Part-time Police.** **(Rev. 06/25/2012)*

a. Employment. The Village of Dwight may employ part-time police officers from time to time as they deem necessary.

1. The Village President upon recommendation by the Village Administrator, and subject to the advice and consent of the Village Board of Trustees, is hereby authorized to appoint part-time police officers under the provisions of Il. Rev. Stat., Chapter 50, Section 705/8.2.

2. The appointment of a part-time police officer may be terminated upon the recommendation of the Village Administrator, by the Village President subject to the advice and consent of the Village Board of Trustees.

b. 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 Dwight Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time 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.

c. Hiring Standards. Any person employed as a part-time police officer must meet the following standards:

1. Be physically and mentally able to perform assigned duties as determined by the Illinois Law Enforcement Training and Standards Board.
2. Be at least twenty-one (21) years of age.
3. Pass a medical examination.
4. Possess a high school diploma or GED certificate.
5. Possess a valid State of Illinois driver's license.
6. Possess no prior felony convictions.
7. Any individual who has served in the U.S. military must have been honorably discharged.

d. 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.

ARTICLE II

Emergency Service and Disaster Agency

* **6.201 Establishment.** There is hereby created the local municipal Emergency Service and Disaster Agency, to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or other natural or manmade causes in accordance with "The Illinois Emergency Service and Disaster Agency Act". The Emergency Service and Disaster Agency shall consist of the Coordinator, and such additional Members as may from time to time be deemed necessary shall be appointed by the Village President with the advice and consent of the Board of Trustees, after recommendations from the Village Administrator. The Village President, upon a recommendation by the Village Administrator, shall determine the number of additional Members as may be necessary with the advice and consent of the Board of Trustees. **(Rev. 06/28/1993)*

* **6.202 Coordinator.** The Coordinator of the Municipal Emergency Service and Disaster Agency shall be the Village Administrator. The Coordinator shall have overall authority with respect to the operation of the Emergency Service and Disaster Agency, unless otherwise directed by the Village President with the advice and consent of the Village Board of Trustees. The Assistant Coordinator shall be responsible for the day to day organization, administration, training, and operation of the Emergency Service and

Disaster Agency, and shall report directly to the Coordinator. **(Rev. 06/28/1993)*

In the event of the absence, resignation, death or inability to serve as the Coordinator, the Village President, or any person designated by the Village President, shall be and act as Coordinator until a new appointment is made as provided in this article.

6.203 Functions. The municipal Emergency Service and Disaster Agency shall perform such emergency services and disaster functions within the municipality as shall be prescribed in and by the State Emergency Service and Disaster Plan, and program prepared by the Governor and such orders, rules and regulations as may be promulgated by the Governor, and in addition, shall conduct such functions outside the corporate limits as may be required pursuant to any mutual aid agreement with any other municipality or quasi-municipality entered into as provided by "The Illinois Emergency Service and Disaster Agency Act".

*** 6.204 Service as Mobile Support Team.** All or any member of the Emergency Service and Disaster Agency may be designated as members of a Mobile Support Team created by the State Director of Emergency Service and Disaster Agency as required by law. The "leader" of such Mobile Support Team shall be designated by the Coordinator of the municipal defense organization. Any member of a Mobile Support Team who is a municipal employee or officer while serving on call to duty by the Governor, shall receive compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the municipality, while so serving, shall receive from the State reasonable compensation as provided by law. **(Revised 06/28/1993)*

6.205 Agreements with other municipalities. The Coordinator of the Emergency Service and Disaster Agency may negotiate mutual aid agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the corporate authorities, and by the State Emergency Service and Disaster Agency Director.

6.206 Emergency action. If the Governor declares a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or other natural or manmade causes, it shall be the duty of the municipal Emergency Service and Disaster Agency to cooperate fully with the State Emergency Service and Disaster Agency and with the Governor in the exercise of emergency powers as provided by law.

6.207 Compensation. Members of the Emergency Service and Disaster Agency who are paid employees or officers of the municipality, if called for training by the State Emergency Service and Disaster Agency Director, shall receive for the 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 time such compensation as may be established by the corporate authorities.

6.208 Reimbursement by State. The Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the municipality for expenses incident to training members of the Emergency Service and Disaster Agency as prescribed by the State Director, compensation for services and expenses of a Mobile Support Team while serving outside the municipality in response to a call by the State Emergency Service and Disaster Agency, and any other reimbursement made by the State incident to Emergency Service and Disaster Agency activities as provided by law.

6.209 Purchases and expenditures. The corporate authorities may, on recommendation of the Village Administrator, authorize any purchase or contracts necessary to place the municipality in a position to combat effectively any disaster and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of any disaster.

In the event of any disaster, the Village Administrator is authorized, on behalf of the municipality, to procure such services, supplies, equipment or materials as 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 Illinois Emergency Service and Disaster Agency Act". Provided that if the President and Board of Trustees meet at such time the Village Administrator shall act subject to the directions and restrictions imposed by them.

6.210 Oath. Every person appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency shall, before entering upon his or her duties, subscribe to the following oath, which shall be filed with the Coordinator:

"I, _____, 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 (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time I am affiliated with the municipal Emergency Service and Disaster Agency, 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."

6.211 Office. The Village President is authorized to designate space in the Village Hall, or elsewhere as may be provided for by the corporate authorities for the municipal Emergency Service and Disaster Agency as its office.

6.212 Appropriation - levy of taxes. The corporate authorities may make an appropriation for Emergency Service and Disaster Agency, and may levy therefore a tax not to exceed five cents per one hundred dollars of the assessed value of all taxable property in addition to all other taxes, as provided by "The Illinois Emergency Service and Disaster Agency Act".

6.213 Continuity in office. In the event that at the time or as a consequence of any disaster or occurrence described in the first section of this Article, the incumbent of any Municipal Office, position or place of employment shall be killed or rendered incapable of performing the duties of such office or position, such office or position shall be filled, until such time as a successor can be selected in the manner prescribed by law, in the following manner: Any such vacancy shall, for the emergency period, be filled by appointment. Such appointment or appointments shall be made by the following official, in order of preference, as follows: The Village President, the Village Administrator as the Emergency Service and Disaster Agency Coordinator, the Chief of Police, the Assistant Emergency Service and Disaster Agency Coordinator, the Chief of the Fire Department.

* The person appointed in the manner prescribed herein to fill any such office or position shall exercise all duties and powers of that position during the emergency and until such time as a successor can be appointed or selected in the manner provided by law. **(Rev. 06/28/1993)*

6.214 Emergency locations - governmental powers. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the corporate authorities may meet at any place within or without the Village limits on the call of the presiding officer or any two members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of the Village and may be within or without this State.

During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of the Village shall have, possess and shall exercise at such location, or locations, all of the executive, legislative, and judicial functions conferred upon such body and officers by or under the laws of this State. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be valid and binding as if performed within the territorial limits of this Village.

ARTICLE III **(Rev. 06/28/1993)

Emergency Medical Services

6.301 Office Created. There is hereby created an Emergency Medical Services Department. The purpose of this department is to provide Advanced Life Support Ambulance Services to the people of Dwight.

6.302 Position Created. There is hereby created the position of Emergency Services Director. The Director of Emergency Services shall be recommended by the Village Administrator and appointed by the Village President by and with the advice and consent of the Board of Trustees. The Director of Emergency Services shall report and be responsible to the Village Administrator.

6.303 Responsibilities and Powers. The Director of Emergency Services is responsible for the supervision and performance of the Emergency Medical Service. The Director shall have over all authority with respect to the operation of the Service unless otherwise directed by the Village President with the advice and consent of the Village Board of Trustees.

6.304 Duties. It shall be the duty of the members of the Emergency Medical Service to provide emergency medical care.

6.305 Rule and Regulations. The Director of Emergency Services may make or prescribe such rules and regulations for the hours of duty, vacations, uniforms and conduct of the members of the Department as may be deemed advisable, and such rules when approved by the Village Administrator, Village President and Board of Trustees shall be binding on such members.

***ARTICLE IV *(Rev. 11/26/2001)**

Director Of Public Works

6.401 Office Created. There is hereby created the office of Director of Public Works. The Director of Public Works shall be recommended by the Village Administrator and appointed by the Village President by and with the advice and consent of the Board of Trustees. The Director of Public Works shall report and be responsible to the Village Administrator.

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

6.403 Lighting. The Director of Public Works shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.

6.404 Waterworks. The Director of Public Works shall have charge of the operation and maintenance of the municipal water distribution system.

6.405 Ordinances. The Director of Public Works, upon becoming cognizant, shall report to the corporate authorities any ordinance violation with relation to the care or use of streets, alleys or sidewalks in the Village.

6.406 Sewers The Director of Public Works shall see that all sewers of the Village are kept in good repair, free from obstructions and breaks, and shall make all inspections necessary to enforce the ordinances relating to sewers.

6.407 Additional Duties. The Director of Public Works shall perform such additional duties as may be required from time to time by the corporate authorities.

6.408 Employees. All officers or employees assigned to the department of public works shall perform their duties subject to the orders and under the supervision of the Director of Public Works.

6.409 Property. The Director of Public Works shall be the Custodian of all property, buildings and grounds of the Village which is not assigned to the care or custody of any other officer.

***ARTICLE V *(Rev. 11/26/2001)**

Building Inspector

6.501 Appointment. There is hereby created the position of Building Inspector who shall be recommended by the Village Administrator and appointed by the Village President by and with the advice and consent of the Board of Trustees. The Building Inspector shall report and be responsible to the Village Administrator. The Building Inspectors appointment shall continue until terminated by the Village Board of Trustees, with or without cause.

6.502 Qualifications. The Building Inspector shall be generally knowledgeable and informed on quality and strength of building materials, the prevailing methods of construction as in general use throughout the industry, and shall be knowledgeable with respect to codes and other safety requirements.

6.503 Responsibilities and Powers. The Building Inspector shall have the various responsibilities and powers as designated in Chapter twenty-three (23) of the Ordinance Book.

6.504 Salary. The salary of the Building Inspector shall be as from time to time set by the Village Board of Trustees, and shall initially be set at the sum of Two thousand (\$2000.00) Dollars per year, plus Twenty (\$20.00) Dollars inspection.

***ARTICLE VI *(Rev. 11/26/2001)**

Plumbing Inspector

6.601 Appointment. There is hereby created the position of Plumbing Inspector, who shall be recommended by the Village Administrator and appointed by the Village President by and with the consent of the Board of Trustees. The Plumbing Inspector shall

report and be responsible to the Village Administrator. The Plumbing Inspectors appointment shall continue until terminated by the Village Board of Trustees, with or without cause.

6.602 Qualifications. The Plumbing Inspector shall be an Illinois licensed plumber, and shall be knowledgeable with respect to the codes and other safety requirements and regulations regarding plumbing installation.

6.603 Responsibilities and Powers. The Plumbing Inspector shall have the various responsibilities and powers as designated in Chapter twenty-three (23) of the Ordinance Book.

6.604 Salary/Compensation. The salary of the Plumbing Inspector shall be as from time to time set by the Village Board of Trustees, and shall initially be set at the sum of Two Thousand (\$2000.00) per year, plus Twenty (\$20.00) per inspection.

***ARTICLE VII *(Rev.11/26/2001)**

Electrical Inspector

6.701 Appointment. There is hereby created the position of Electrical Inspector who shall be recommended by the Village Administrator and appointed by the Village President by and with the advice and consent of the Board of Trustees. The Electrical Inspector shall report and be responsible to the Village Administrator. The Electrical Inspector's appointment shall continue until terminated by the Village Board of Trustees, with or without cause.

6.702 Qualifications. The Electrical Inspector shall be generally knowledgeable and informed with respect to electrical wiring and installation, general matters with respect to electrical safety and fire prevention with respect to electrical wiring, and shall be knowledgeable with respect to the codes and other safety requirements and regulations regarding electrical installation.

6.703 Responsibilities and Powers. The Electrical Inspector shall have the various responsibilities and powers as designated in Chapter twenty-three (23) of the Municipal Code of the Village of Dwight.

6.704 Salary/Compensation of the Electrical Inspector. The salary of the Electrical Inspector shall be as from time to time set by the Village Board of Trustees, and shall be initially set at the sum of Two Thousand (\$2000.00) Dollars per year plus the (\$10.00) Dollars per inspection.

CHAPTER 7

BOARDS AND COMMISSIONS

*Article I - Library Board of Directors **

Article II - Zoning Board of Appeals

Article III - Planning Commission

ARTICLE I

***Library Board of Directors *** *(Deleted 07/10/1995)*

ARTICLE II

Zoning Board of Appeals

7.201 Creation. There is hereby created a Zoning Board of Appeals to serve as a Board of Appeals on zoning matters as provided by statute. Said Board shall consist of seven (7) members to be appointed by the President by and with the advice and consent of the Board of Trustees.

7.202 Term. The members of the Zoning Board of Appeals shall serve for a term of five (5) years; provided that the terms shall be staggered as provided by statute.

7.203 Duties. It shall be the duty of the Zoning Board of Appeals to hear and decide any appeal or any decision, order or interpretation by the officer whose duty it is to enforce the zoning ordinance, and it shall have such other powers and duties as may be delegated to it by statute or ordinance, provided that it shall have the power to reverse any decision of such officer on a concurring vote of four (4) members.

ARTICLE III

Planning Commission

7.301 Establishment - Term of office. There is hereby created a Planning Commission to consist of seven (7) members who shall be appointed by the President by and with the advice and consent of the Board of Trustees. They shall be appointed for terms of one (1) to seven (7) years respectively or until their successors are appointed and qualified. They shall serve without compensation.

7.302 Duties. The Village Planning Commission shall be charged with the duty of establishing a plan for the orderly growth of the Village, for the promotion of industrial development, for the consideration of the establishment of zoning regulations

adjacent to the Village of Dwight and for other duties ordinarily performed by a Planning Commission.

7.303 Organization. The Planning Commission shall elect one of its members to serve as President and the Deputy Clerk shall serve as Secretary.

CHAPTER 8

OTHER PROVISIONS RELATING TO VILLAGE GOVERNMENT

Article I - Officers and Employees

Article II - Finances

Article III - Dumping Sites

Article IV - House Numbering

Article V - Holding Cell

Article VI - Parks

Article VII - Village Plan

Article VIII - Other Regulations Concerning Village Government

Article IX - Gift Ban Act

Article X - State Officials and Employees Ethics Act

ARTICLE I

Officers and Employees

8.101 Effect. The provisions of this Article shall apply alike to all officers and employees of the Village, regardless of the time of the creation of the office or position or the time of the appointment of the officer or employee.

8.102 Appointments. All officers other than elective officers shall be recommended by the Village Administrator and appointed by the President by and with consent of the Board of Trustees as is provided by statute; provided that all employees shall, in the absence of any provisions to the contrary be appointed or selected by the President.

8.103 Term of office - vacancies. Every appointive officer of the Village shall hold office until the first day of May following appointment or until a successor is appointed and qualified, unless it is otherwise provided by ordinance. In case of vacancy in any such place, it shall be filled in the same manner in which appointments or selections are made, in the absence of provision to the contrary.

8.104. Monies received. Every officer of the Village shall at least once a month turn over all money received while acting in their official capacity, to the Treasurer with a statement showing the source from which the same was received.

8.105 Oath. Every officer of the Village, shall before entering upon the duties of the office, take the oath prescribed by statute.

8.106 Salaries. All officers and employees of the Village shall receive such

salary as may from time to time be provided by ordinance or resolution.

8.107 Assignment of duties. The President shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer; and shall determine disputes or questions relating to the respective powers or duties of officers.

8.108 Records. All records kept by any officer of the Village shall be open to inspection by the President, any member of the Board of Trustees, or Village Administrator at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

8.109 Bond. Every officer or employee shall, if required by the President and Board of Trustees, upon entering upon the duties of office, give a bond in such amount and with such sureties as may be determined by the President and Board of Trustees, conditioned upon the faithful performance of the duties of their office or position. Such bond shall be paid for by the Village of Dwight.

8.110 Arrests. The President, members of the Board of Trustees, as well as every member of the Police Department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statutes.

8.111 Termination of office. Every officer and employee of the Village, upon the expiration of their term for any cause whatsoever, shall deliver the assigned successor all books and records which may be the property of the Village, and if no successor has been appointed within one week after the termination of office such property shall be delivered to the Village Clerk or Village Treasurer.

8.112 Impersonation. It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee. Any person violating this section shall be fined as designated in the fine rate schedule for each offense.

8.113 Interference with officers. It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of their office or employment. Any person, firm or corporation violating any provision of this section shall be fined as designated in the fine rate schedule for each offense.

8.114 Inspections by Village officers. Any officer or employee of the Village who is authorized to enforce ordinances, may make such inspections as may be necessary to see to the enforcement of such ordinances. Whenever such officer or employee shall have reason to believe that there exists on or in any premises in the Village any nuisance dangerous to public health, any fire hazard, any structural defect likely to result in injury to person or property, or any electric wiring or equipment in such condition as to present a fire hazard or danger to persons, the officer or employee shall ask permission of the occupant of such premises, or the owner or custodian thereof, if the premises are unoccupied, to inspect the same. Each such occupant or owner shall permit such

inspection at any reasonable time. Any such owner or occupant who refuses to permit such inspection shall be fined as designated in the fine rate schedule for each offense.

ARTICLE II

Finances

8.201 Appropriations. Passage of the annual budget by the corporate authorities shall be in lieu of the passage of the Appropriation Ordinance as required by Section 8-2-9 of Chapter 24 of the Ill. Rev. Stat. The annual budget shall be adopted by the corporate authorities before the beginning of the Fiscal Year to which it applies.

The corporate authorities may delegate authority to heads of municipal departments, boards, or commissions to delete, add to, change or create sub-classes within object classes budgeted previously to the department, board, or commission, subject to such limitation or requirement for prior approval by the Village Administrator as the Board of Trustees, upon a two-thirds (2/3) vote of the members of the Board of Trustees then holding office may establish. By a two-thirds (2/3) vote of the Board of Trustees then holding office, the annual budget for the municipality may be revised by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revision.

The annual budget may contain money set aside for contingency purposes not to exceed ten (10%) percent of the total budget, less the amount set aside for contingency purposes, which monies may be expended for contingencies upon the majority vote of the Board of Trustees then holding office.

In preparing the annual budget for the Village of Dwight from year to year, the Trustees of the Village Board of Dwight shall appropriate the minimum sum of \$10,000.00 from the general fund for recreation purposes, including but not limited to a municipal swimming pool. The above appropriation shall be in addition to amounts levied from time to time under the Park and Recreation Tax levy previously approved in a referendum by voters of the Village of Dwight. This ordinance shall apply to levies commencing with the 1973 fiscal year and continue thereafter until amended or revoked by the Trustees of the Village Board of Dwight.

8.202 Public Inspection, Notice and Hearing. The corporate authorities shall make the tentative annual budget conveniently available to public inspection for at least ten (10) days prior to the passage of the annual budget, by publication in the Journal of the proceedings of the corporate authorities or in such other form as the corporate authorities may prescribe. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the corporate authorities shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative budget may be further revised and passed without further inspection, notice or hearing. Notice of the hearing shall be given by publication in a newspaper having a

general circulation in the municipality of the Village of Dwight at least one week prior to the time of the hearing.

8.203 Annual Financial Report. Following the conclusion of each fiscal year the Village Administrator shall prepare and submit to the Village Board of Trustees an Annual Report of the financial condition of the Village and a summary of revenues and expenditures or the preceding Fiscal Year

8.204 Tax levy. A certified copy of the tax levy ordinance shall be filed with the county clerk not later than the second Tuesday in September. Such ordinance shall show the total appropriated for each item, and the amount of tax levied therefore.

8.205 Indebtedness. No indebtedness shall be incurred, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute.

8.206 Contracts. The President, or any other person designated by the corporate authorities may sign on behalf of the Village any contract authorized by the corporate authorities. No contract may be entered into without the authority of the said authorities.

8.207 Bills - payroll. All bills payable by the Village, other than for the payment of salaries established by the corporate authorities, shall be submitted to the President and Board of Trustees for approval before payment.

8.208 Payment by Treasurer. The Treasurer shall pay out money in payment of all bills, or any other purpose other than the retirement of principle or interest on bonds or tax anticipation warrants only upon warrant signed by the President and the Clerk as provided by statute. Such warrants shall designate the items to be paid and the funds from which they are to be paid.

8.209 Audit. As soon as practicable at the close of each fiscal year, and no later than six months thereafter, there shall be an audit of all accounts of the Village made by a competent person authorized to act as an auditor under the laws of Illinois, and appointed by the corporate authorities. Copies of such audit report shall be filed with the Village Clerk and with the Director of the State Department of Revenue and in such other places as may be required by law.

ARTICLE III

Dumping Sites

* **8.301 Establishment.** The area hitherto established as a Village Yard Waste Disposal Site, or any other area hereafter so established shall be considered to be the Village Yard Waste Disposal Ground. **(Rev. 6/12/2000)*

* **8.302 Use.** All persons and their agents, whose residence is within the Village limits shall be privileged to use the facilities of the Village Yard Waste Disposal Site for the depositing of yard waste only. Yard Waste shall be defined as the following: grass clippings, leaves and branches. **(Rev.6/12/2000)*

* **8.303 Rules.** All persons and their agents must abide by and conform to all regulations as herein provided, and all signs and notices posted at the Village Yard Waste disposal grounds by order of the Director of Public Works or the person in charge of the site, on direction of the Director of Public Works. **(Rev.6/12/2000)*

8.304 Penalty. Any person, firm or corporation violating or refusing to comply with any provision of this Article shall be fined as designated in the fine rate schedule for each offense. *(Rev.6/12/2000)*

ARTICLE IV

House Numbering

8.401 House numbering required. All lots, buildings and structures in the Village shall be numbered in accordance with the following plan: The base line for north and south streets shall be Mazon Avenue; and the base line for east and west streets shall be Prairie Avenue and Columbia Street except Northbrook Drive for which North Union Street shall be the base line.

8.402 Chart. The Village Clerk shall keep a chart showing the proper street number of every lot in the Village which chart shall be open for inspection by anyone therein interested.

* **8.403 Number on houses.** It shall be the duty of the owner and occupant of every house and place of business in the Village of Dwight to place and maintain on the building or building accessory (defined as a mailbox, sign, post, or other such item) in a place visible/readable from the street, Arabic numbers showing the assigned number of that location.

a. Design: The Arabic numbers are to be a minimum of three (3) inches in height.

b. Exception: On buildings that are set back from the street in excess of seventy (70) feet from the curb line. The Arabic numbers are to be a minimum of six (6) inches in height.

c. Building Accessory: On buildings that are not visible from the street, the building accessory with the required Arabic numbers shall be located within ten (10) feet of the driveway or sidewalk leading to the building.

d. Contrasting Color: The Arabic numbers shall have a color that contrasts with

the building accessory to which the numbers are attached and shall be visible/readable from any direction of travel from the street.

e. **Multi-tenant Buildings:** Multi-tenant buildings with multiple access locations shall have the building identification on the front and rear of the buildings for each tenant. Each individual apartment in a multi-tenant facility shall be marked with an Arabic number or letter. **(Rev. 11/26/2007)*

* **8.404 Penalty.** Any person, firm or corporation failing to so number any house, multi-tenant building or place of business or if after receiving notice to do so from the Village Clerk shall fail to do so, shall be fined as designated in the fine rate schedule for each day on which the failure to so number continues. **(Rev. 11/26/2007)*

ARTICLE V

Holding Cell

8.501 Establishment. The place in the Village heretofore established and used as the holding cell, or any other place which may be hereafter used for that purpose, is hereby declared to be the Village holding cell.

8.502 Keeper. The Chief of Police shall be the keeper of the holding cell and shall have custody over all persons confined therein and of all property pertaining thereto.

8.503 The Prisoners. The holding cell shall be used for the incarceration of all persons, arrested for violating any law of the State of Illinois, the United States or for violating any Village Ordinances until such person shall be lawfully brought before a Judge for a hearing or until such person shall be lawfully transferred to some other place of incarceration or other-wise lawfully released.

8.504 Escape. It shall be unlawful for any person to escape, attempt to escape, or to assist any prisoner to escape or attempt to escape from the holding cell.

8.505 Communications with prisoners. It shall be unlawful for any person to communicate with any prisoner held in the holding cell without the permission of the Chief of Police or the police officer in charge.

8.506 Penalty. Any person, firm or corporation violating any of the provisions of this article shall be fined as designated in the fine rate schedule for each offense.

ARTICLE VI

Parks

8.601 Administration. All Village owned or operated parks shall be administered by the Village President and the Board of Trustees.

* **8.602 Rules and regulations.** The Board of Trustees shall make such rules and regulations as are necessary for the use of the parks by the public. Such rules shall include the following: **(Rev. 07/26/1993)*

- * A. No pets allowed, except in Lions Lake dogs are allowed to be walked on a leash. The person walking the dog shall be responsible for the proper and immediate disposal of any solid waste from the dog. **(Rev. 04/29/2014)*
- B. No glass-bottled beverage containers allowed
- C. No metal detectors allowed
- D. No bikes or vehicles allowed on ball fields at anytime
- E. No archery or golf permitted
- F. No digging
- G. No smoking or vaping allowed in Garrett Park, Spencer Park and Stevenson Pool. All other Village parks will be restricted to designated areas. **(Rev. 08/12/2019)*

8.603 Enforcement of regulations. The Police Department shall enforce all rules and regulations relating to the municipal parks.

8.604 Supervision. The Village Administrator shall have supervision over the maintenance and use of the municipal parks; and over any employees assigned by the corporate authorities to maintain such parks.

8.605 Reserving Park Pavilions and Baseball Diamonds. Any responsible person, group or organization wishing to reserve any park pavilion in any municipal park, or wishing to reserve the use of any baseball diamond at Renfrew Park shall apply for the date and hours of such reservation by applying to the Village Clerk at the Village Hall during regular hours on a first come, first served basis.

No reservation may be made more than three hundred and sixty-four (364) days in advance of the date requested.

Approval given to any person, group or organization of a reserved time, shall be forfeited if such person, group or organization fails to occupy and use the requested facility within one-half (½) hour of the beginning of the reserved time. If a reserved time is forfeited, the facility shall be available as if no reservation had been made.

This Ordinance shall not be interpreted to prevent any responsible person, group or organization from using any park facility during any time when the same is not reserved as hereinbefore provided.

8.606 Park Curfew. This Ordinance shall apply to all individuals, whether adults or minors, and shall be applicable to all Village parks, playgrounds and other municipally owned property for public use. The parks or other municipal property for which this Ordinance applies shall be posted with a sign at the principal entrance to such property or at some other prominent place on the perimeter of such property setting forth the hours that said park or other property is available for public use.

a. Lions Lake will be open twenty-four hours per day, provided that between the hours of 11:00 p.m. to 5:30 a.m. the park may only be used by those individuals engaged in fishing on the lake.

All municipally owned parks except Lions Lake or other property for general public use shall be closed from 11:00 p.m. to 5:30 a.m. local time.

* All municipally owned parks except Stevenson Pool shall be closed from 8:00 p.m. to 5:30 a.m. for any person under the age of twenty-one (21) years of age unless accompanied by a parent or guardian or attending or leaving a Village sponsored function. **(Rev. 08/24/2009)*

Parents or legal guardians of any person under eighteen (18) years of age who violates this Ordinance shall be deemed responsible for the payment of any fine or fines for any violation hereunder by any person under eighteen (18) years of age for whom the adult is the parent or legal guardian thereof.

Any person violating this Ordinance shall be subject to a fine as designated in the fine rate schedule for each offense.

All fines imposed hereunder shall be payable to the Village of Dwight and shall be paid by making payment to the Village Clerk at the Village Hall during regular business hours.

8.607 Alcoholic Beverages: The use, possession and consumption of alcoholic beverages in all municipal parks within the Village of Dwight is hereby prohibited unless otherwise excepted hereunder. The exceptions to the prohibition of the use and possession of alcoholic beverages in Municipal Parks shall be as follows:

a. The consumption and possession of alcoholic beverages shall be allowed as an exception under this Paragraph from 5:30 A.M. to 11:00 P.M. in Renfrew Park by persons who apply for and receive an alcoholic beverage permit from the Police Department and that meet the Illinois Statutory requirements for the purchase and possession of alcoholic beverages.

The fine for a violation of this Paragraph 8.607 shall be as designated in the fine rate schedule for each person committing such offense per offense.

8.608 Littering in public parks: Any person who shall litter or otherwise fail to

use receptacles provided in any municipal park, or if receptacles are not present or are full, any person who shall fail to properly dispose of any such litter, including but not limited to cans, bottles, paper, and other refuse shall be guilty of the offense of park littering and each such person shall be fined as designated in the fine rate schedule plus the cost of cleaning up such litter.

8.609 Vandalism of municipal park property: Any person who shall vandalize, deface, or otherwise destroy or damage municipal park property shall be guilty of the offense of park vandalism and shall pay the cost of repairing or replacing any such municipal park property destroyed or otherwise injured or defaced, including materials and labor, and shall in addition be fined as designated in the fine rate schedule for each such offense.

*** 8.610 Lions Lake Park General Rules and Regulations:** No person shall be allowed to swim in the Lake at any time. No boats or canoes will be allowed to be operated on the water. Any individual who shall be fishing on Lions Lake shall be in possession of a valid State of Illinois Fishing License, if they are so required to have a license, according to the rules and regulations of the State of Illinois Department of Conservation. No motorized vehicles shall be allowed past the designated parking areas. Open fires outside of the provided picnic grills are not allowed. No fire arms shall be allowed in the park at any time. *Dogs are allowed to be walked on a leash. The person walking the dog shall be responsible for the proper and immediate disposal of any solid waste from the dog. (Rev. 04/29/2014) The limits for the number of fish allowed to be removed from the lake by any one person shall be posted as follows:

Bass:	length:	15 inch minimum	Limit/person:	1**
Crappie:	length:	9 inches minimum.....	Limit/person:	10
Walleye:	length:	14 inches to 21 inches	Limit/person:	6
Catfish:	length:	No minimum	Limit/person:	3**
Bluegill:	length:	5 inches and under	Limit/person:	10*
Bluegill:	length:	Over 5 inches	Limit/person:	5*

*Rev. 8/27/2007

**Rev. 9/24/2007

8.611 Penalty: Any person, firm or corporation violating any provision of this article, except as set forth otherwise above, shall be fined as designated in the fine rate schedule for each offense. Parents or legal guardians of any person under eighteen (18) years of age who violates any section of this Article shall be deemed responsible for the payment of any fine or fines imposed hereunder, and shall be deemed responsible for the payment of the cost of any repair or replacement of any municipal park property vandalized, defaced, or otherwise destroyed.

ARTICLE VII

Village Plan

8.701 Establishment. The official plan of the Village shall consist of the following:

a. The Village plan hereto approved by the corporate authorities shall consist of a map of the Village, charts and diagrams showing proposed additions to and improvements of the Village streets, parks, public buildings, sewage disposal system, water system, street lighting system, and zoning boundaries;

b. The specifications for street construction and paving hitherto established by the corporate authorities;

c. The zoning ordinance; and

d. The subdivision control ordinance.

8.702 Reference. Any reference to the official plan of the Village shall be taken to mean and include all of the foregoing enactments.

8.703 Compliance. No plat of subdivision, plan for the construction or layout of streets, or work involving laying sewer or water mains shall be approved unless the same complies fully with the requirements of the Village Plan.

ARTICLE VIII

Other Regulations Concerning Village Government

8.801 Seal established. The seal of the Village shall be a circular disc with the words "Corporate Seal" in the inner circle and the words "Village of Dwight, Illinois" on the periphery thereof.

8.802 Fiscal year. The fiscal year for the Village shall begin on the first day of April of each year.

8.803 Injury to public property. It shall be unlawful for anyone to injure, deface or interfere with any property belonging to the Village without proper authority from the corporate authorities. Any person violating the provisions of this section shall be fined as designated in the fine rate schedule for each offense.

8.804 Elections. Elections for municipal offices shall be held as provided by statute, and at the time prescribed by statute.

8.805 Surety bonds. Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or for the exercise of special privilege, the surety on such bond shall be a corporation licensed and authorized to do business in this State as a surety company, in the absence of specific provision to the contrary by ordinance.

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

ARTICLE IX

Gift Ban Act

8.901 Adoption of Act.

- (1) The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
- (2) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village.

8.902 Ethics Officer. To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Village Administrator is appointed to serve as the "ethics officer" of the Village, and the village president shall serve as the alternate ethics officer in the case of the absence, inability, or in the case of a conflict of interest with respect to the Village Administrator. The ethics officer's duties shall be as provided in Section 35 of the Act.

8.903 State Legislative Ethics Commission: Complaints. All complaints for violations of the Act and this Ordinance shall be filed with the State legislative ethics commission (created by Section 45(a)(6) of the Act).

8.904 Future Amendments to State Gift Ban Act. Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the Village.

8.905 Future Declaration of Unconstitutionality of State Gift Ban Act.

- (1) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or

re-hearings. The Ordinance shall be deemed repealed without further action by the corporate authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(2) If the Illinois Supreme Court declares part of the State Gift Ban Act unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect, however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

ARTICLE X

State Officials and Employees Ethics Act

8.1001 The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village of Dwight to the extent required by 5 ILCS 430/70-5.

8.1002 The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village of Dwight, is hereby prohibited.

8.1003 The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village of Dwight under the Act, is hereby prohibited.

8.1004 The participation in political activities prohibited under the Act, by any officer or employee of the Village of Dwight is hereby prohibited.

8.1005 The purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/50-5 for similar violations of the Act.

8.1006 The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

8.1007 This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of the Village of Dwight officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

8.1008 Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political

activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village of Dwight.

8.1009 If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or hearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village of Dwight if the Act is found unconstitutional by the Illinois Supreme Court.

8.1010 If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village of the Dwight."

CHAPTER 9

WATER

Article I - General Provisions

Article II - Service Pipes

Article III - Meters; Rates

Article IV - Water Usage Restrictions

**Article V Vertical Boring, Digging or Drilling (Rev. 04/14/2003)*

ARTICLE I

General Provisions

9.101 Use of Village Water and Activation. All Water Users within the Village of Dwight shall have the Village of Dwight Water Distribution System as their sole source of water for domestic, industrial and business purposes, and no party shall be allowed to derive, drill, dig or otherwise provide an alternate source of water either by well, pond, lake, or source from within the corporate limits of the Village of Dwight piped or by other means of conduit or connection have such water pumped or piped into the Village of Dwight for use within the Village of Dwight. However, any party may transport water into the Village of Dwight in bulk for use within the Village of Dwight for such purposes as filling swimming pools, conducting lawn care services, or otherwise so long as said water is transported in bulk rather than by conduit from a source or sources outside of the Village of Dwight. Further, any property serviced by a private water source on the effective date of this Ordinance may continue to use said private water source and may continue to maintain said private source, provided however, if said private water source shall become depleted or otherwise unusable, such User shall at that time be obligated to connect to the Water Distribution System of the Village of Dwight. Further provided, any User other than a User that has a current private source of water existing on the date of this agreement, until such private source is depleted or otherwise unusable, must connect to the Water Distribution System of the Village of Dwight as long as a water main or other connection to the Village Water Distribution System is within Three Hundred (300) feet of the property line of such User. (Rev. 02/13/1995)

No water from the Village of Dwight Distribution System shall be activated for service onto or into the premises of any person but by the direction of the Director of Public Works, or some person authorized by the Director of Public Works to perform this service. (Rev. 02/13/1995)

* **9.102 Application.** Applications to have water turned on shall be made to the Village and shall contain an agreement by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the Village water supply. Applicants must have no outstanding balances on previous Water Service and/or Sewer Service accounts in the Village of Dwight prior to having water turned on at a new location in the Village of Dwight. (Rev.11/26/2001)

* **9.103 Deposit.** A deposit of one hundred (\$100.00) dollars shall be made with each

application, this sum to be retained by the Village, to ensure payment of all bills. When service to the applicant is discontinued permanently, this deposit, less any amount still owing to the Village for water service, shall be refunded. Provided that where any applicant for water service is the owner of the premises to be served, no such deposit shall be required. *(Rev. 10/1/2021)*

9.104 Plumbing. No water shall be turned on for service in premises in which the plumbing does not comply with the provisions of the plumbing regulations of the Village; provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter.

9.105 Service connection - permit. No connections with a water main shall be made without a permit being issued and twenty-four (24) hours notice having been given to the Director of Public Works.

a. All multi-unit buildings are required to have each unit individually served water from separate buffalo box, curb key, and water meter. All curb keys service pipes shall be properly sized for the demand. Exceptions to this regulation shall be those multi-unit buildings that have a separate mechanical room that provides for the location of separate meters and valves. *(Rev. 11/12/1996)*

* b. A second water meter may be installed in a residential single family dwelling within the Corporate limits and used for outside watering only. It is the responsibility of the owner to have all necessary plumbing done that meets the Illinois State Plumbing Code that is in effect at that time, the Village of Dwight's Cross Connection Ordinance (24.105) and to pay the Village for the water meter in advance of the Village installing the second water meter. The Village Plumbing Inspector shall have final approval of the installation of the water meter. There will be no sewer charges on the second water meter. *(Rev. 5/26/1998)*

All such connections shall be made by or under the direction of the Director of Public Works.

Before connection is made with the water distribution system, the premises to be served must be equipped with a meter and buffalo box properly installed on the service pipe. When the meter is located within a building service pipe shall be installed from the buffalo box to the meter and shall be at least four feet underground. No installation shall be covered until it has been inspected by the Director of Public Works or the Director's designee and found to be satisfactory.

9.106 Service Connection Fee. The fee schedule shall be established and periodically reviewed and modified by the Village Board of Trustees. The fee for the desired services shall be double any established rate for installations outside the Village corporate boundaries. These fees shall cover any line not to exceed a distance of 50 feet from the water main to the property line and any additional footage in excess of 50 feet shall be charged an additional fee based upon the cost of materials and labor.

9.107 Damage. It shall be unlawful for any person not authorized by the Village to tamper with, alter or injure any part of the Village waterworks or supply system, or any

meter.

9.108 Penalty. Any person, firm or corporation violating any provision of this article shall be fined as designated in the fine rate schedule for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II

Service Pipes

9.201. All service pipes from the mains to the property line of the premises served, located in the Village, shall be installed by and at the cost of the Village for the service connection fee as is provided at paragraph 9.106 of this chapter and all service pipes from the mains to the premises located outside the Village shall be installed at the cost of the owner of the property to be served or the applicant for the service. Such installations shall be under the direction of the Director of Public Works.

9.202 Pipes. No service shall be installed unless it conforms to the specifications of the State Plumbing Code, which are kept on file in the office of the Plumbing Inspector.

9.203 Repairs. All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The Village may in case of an emergency, repair any service pipe and if this is done, the cost of such repair work shall be repaid to the Village by the owner of the premises served.

9.204 Excavations. Excavations for installing service pipes or repairing the same shall be made in compliance with the provisions of the Village ordinances relating to excavations. It shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.

9.205 Shut-off boxes. Shut-off boxes or service boxes shall be placed on every service pipe, and shall be located between the curb line and the sidewalk line where practicable. Such boxes shall be located that they are easily accessible and shall be protected from frost.

9.206 Penalty. Any person, firm or corporation violating any provision of this article shall be fined as designated in the fine rate schedule for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE III

Meters; Rates

9.301 Meters required. All premises using the Village water supply must be equipped with an adequate water meter furnished by the Village but paid for by the

consumer.

9.302 Installations. Meters shall be installed in a location that will be easy for access.

9.303 Reading meters. The Director of Public Works shall read or cause to be read every water meter used in the Village at such time as is necessary that the bills may be sent out at the proper time.

* **9.304 Testing meters.** All municipal water meters shall be taken out and tested upon the request of the consumer upon payment of the current water meter testing fees. If upon testing the meter is not within three percent of accurate, a new meter will be installed, and the current water meter testing fee shall be returned to the customer. *(Rev. 10/1/2021)*

9.305 Rates. All property having a connection with the Village Water System, or which otherwise receives water from the Village of Dwight Water System or uses the Village of Dwight Sewer System, shall pay the charges for water and sewer, as set forth on Appendix A and Appendix B, respectively, of the Municipal Code of the Village of Dwight. Said property shall be classified as follows:

SECTION 1:

* **A.** Class I - All Properties, other than governmental and industrial properties using more than 500,000 gallons per month. *(Rev. 05/12/2003)*

* **B.** Classification II - Governmental properties and industrial properties using more than 500,000 gallons per month. *(Rev. 05/12/2003)*

C. Class III - Direct bulk sales of water from a municipal hydrant or other public outlet or facility.

D. Class IV - Properties located outside of the corporate boundaries of the Village of Dwight which are connected to the Village of Dwight Water and/or Sewer System. *(Rev.10/24/1994)*

SECTION 2: Properties included in Classification II shall be billed for water used at the rate designated in the water and sewer rate schedule whether inside or outside the Village limits, provided however, the properties in Classification II shall be billed monthly for water usage.

SECTION 3: All other use and sale of water from any Village well, reservoir or lake not heretofore set forth in this ordinance shall be at the rate as designated in the water and sewer rate schedule, payment to be made in full upon and at the time of the withdrawal of any said amounts of water from any Village well, reservoir or lake.

SECTION 4: The sale of water under Section 3 of this ordinance, including quantities to be sold and rates to be charged and the desirability of any such sale shall be at the discretion of the Village Board, and the Village Board shall have the authority to limit, increase, discontinue, regulate, or otherwise control the sale of water as set forth in Section 3 of this ordinance.

9.306 Bills. Bills for water used shall be sent out by the Village. All water bills are due and payable the last day of the month in which they are sent out.

A penalty of ten percent (10%) shall be added to all bills not paid within five days after the bills are due.

* **9.307 Nonpayment.** The water supply to any premises may be shut off and disconnected for any premises for which the water statement remains unpaid for a period of 14 days after the due date. When shut off, such water service shall not be renewed except upon the payment of the total unpaid statement, together with an Application for Service, and upon paying a reconnection fee in the amount of fifty dollars (\$50.00). Whenever a statement for Municipal Water Service and/or Municipal Sewer Service remains unpaid for a period of 14 days after the due date, then prior to disconnecting service, the Village shall first cause to be posted on said premises a notice that unless the statement for Municipal Water Service and/or Municipal Sewer Service is paid within twenty-four (24) hours from the posting of said notice, that Municipal Water and/or Municipal Sewer Service shall be disconnected. *(Rev. 03/24/2003)*

9.308 Responsible party. The owner of each parcel of real estate serviced by Municipal Water and/or Municipal Sewer Service shall be the responsible party for any water service, sewer service, and garbage service charges which are rendered to such particular parcel of real estate or to any separate housing or business unit thereon.

9.309 Lien. In the event that Municipal Water and/or Municipal Sewer Service is terminated subject to Section 9.307, and if the statements rendered for such services remain unpaid for a period of thirty (30) days, after water service is disconnected, the Municipal Village shall cause to be filed in the Office of the County Clerk wherein such real estate is located a lien in the amount of the statement, and such lien shall bear interest at the rate of 18% per annum from the time of disconnection until fully paid.

9.310 Foreclosure of lien. Property subject to a lien for unpaid water charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Village. The Village Attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters, against any property for which the bill for water has remained unpaid thirty (30) days after it has been rendered.

9.311 Tampering with meters. Any person, firm, corporation or other who shall, without authority from the Director of Public Works, remove, enter into, remove the seal from, or in any other manner tamper with any water meter for the purpose of causing an incorrect reading of the water consumed at the premises or for the purpose of damaging or destroying said water meter shall, in addition to the actual damages caused, including parts and labor to repair and replace the same, shall be subject to a fine as designated in the fine rate schedule.

9.312 In the event a water meter has been tampered with, the Village is hereby authorized to send a statement for water and sewer service at the premium based on an

average of the prior four (4) water and sewer service charges at said premises.

ARTICLE IV

Water Usage Restriction

9.401 Restriction of water usage in emergency situations. The Village President, or if absent the Village Administrator, may order the limited use of water produced by the Municipal Water System of the Village of Dwight whenever in the opinion of the Village President, or if absent the Village Administrator, the use of water should be restricted due to drought, mechanical failure, disruption of service from the various sources from which the Municipal Water supply is obtained, or for whatever other reason or reasons the Municipal Water supply of the Village of Dwight becomes in short supply and/or the means of transporting the water from the Municipal Water supply to the users within the Village of Dwight as impeded. The Village President, or if absent the Village Administrator, may curtail the use of water for all non-essential use, including but not limited to one or more of the following, to-wit:

a. The use of water for sprinkling, irrigation or otherwise artificially using the municipal water system or any attachment thereto to bring water to shrubbery, trees, lawns, grass, ground cover of any kind, plants, vines, gardens, vegetables, flowers, or any other vegetation other than that accumulating naturally through rain or other natural precipitation.

b. The washing of any structure or object, including but not limited to automobiles, the outside of dwelling residences, the washing of the inside and outside of commercial buildings, and washing and cleaning of any business or industrial equipment or machinery.

c. The filling or refilling of swimming or wading pools, the use of water for water fights and related uses, and the ornamental use of any fountain or structure making use of water for ornamental or decorative purposes.

d. To prohibit the sale of water to users outside of the Municipal boundary of the Village.

e. To prohibit the use of any defective plumbing system from which water may escape from the Municipal water system.

f. To generally prohibit the unnecessary use of any water, as the circumstances dictate to preserve the Village water supply for drinking, cooking, and personal plumbing and bath uses.

g. The use of water for industrial use.

9.402 Board of Trustee action. Any prohibition or restriction on the use of water within the Municipal Water system as set forth in Paragraph 9.401 above by the Village President and/or Village Administrator, shall be affirmed or overruled by the Village Board of Trustees at the Board's next regular meeting or at a specially scheduled meeting called for the purpose of considering the emergency water use restrictions imposed by the Village

President and/or Village Administrator. A majority of those Board Members constituting a quorum shall be sufficient to affirm or overturn or modify the emergency water usage theretofore initiated by the Village President and/or Village Administrator. Any time limit with respect to the restrictions to be implied shall be approved by the Village Board of Trustees at the next regular meeting and/or special meeting of the Village Board of Trustees called for the purpose of affirming, over-ruling, or modifying the restrictive water usage within the Village of Dwight. In addition, the Village Board of Trustees may initiate, on its own action, restrictions on water usage prior to the initiation of any restrictions by the Village President and/or Village Administrator.

9.403 Notice: Notice of the restrictive use of water either initiated by the President or Village Administrator, or on the initiation of the Board of Trustees, shall be given by posting notice thereof at three or more conspicuous places within the Village of Dwight, and further by publishing notice thereof in a newspaper having general circulation within the Village of Dwight. No fine or penalty as set forth herein shall be imposed until midnight of the day following the publication of the notice in such newspaper, provided however, prior to that time violators may be warned of any such violation of the ban imposed.

9.404 Penalties:

a. Each unlawful usage shall constitute a separate offense, and further provided each day an unlawful usage continues or occurs shall be deemed to be a separate offense.

b. A restriction period shall be deemed to commence from midnight of the day after the publication as herein required has been made until such time as the particular water use restriction is terminated by action of the appropriate Village officials.

c. Any person, firm, corporation, or other violating this Ordinance shall pay a fine as designated in the fine rate schedule.

ARTICLE V

VERTICAL BORING, DRILLING OR DIGGING

9.501 Restrictions of Vertical Boring, Digging or drilling. It will be unlawful for any person, firm or corporation to vertically bore, dig or drill into the ground beyond twenty-five feet (25'), within the Village of Dwight, without first obtaining a permit from the said Village. Any person, firm or corporation must provide information as to the location of and the purpose and reason for going beyond the twenty-five foot (25') restriction. The President and Board of Trustees of the Village of Dwight will consider permits for approval.

Vertical boring, digging, or drilling sites will be inspected by the Director of Public Works or an employee authorized by the Director. The Village Administrator will have the authority to stop such vertical boring, digging, or drilling if he/she deems that it may pose a threat to the Village's aquifer.

For this permit the Village will assess no charge.

CHAPTER 10

TRAFFIC

Article I - Definitions and General Provisions

Article II - Through Streets and One-Way Streets, Stop signs

Article III - Rules for Driving

Article IV - Pedestrians

Article V - Parking Rules

Article VI - Condition of Vehicles

Article VII - Drivers

Article VIII - Penalty

Article IX - Impoundment of Vehicles in Certain Offenses

Article X - Low Speed Vehicles

ARTICLE I

Definitions and General Provisions

10.101 Definitions. Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

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

Bicycles: Every device propelled by human power upon which any person may ride, having two or more wheels, either of which is more than sixteen inches in diameter.

Central Business district: The central business district shall consist of East Main Street, West Main Street, Franklin Street from the intersection of Franklin Street and Chippewa Street to the Intersection of Franklin Street and Mazon Avenue, Mazon Avenue from the intersection of Chicago Street to Prairie Street, Chippewa Street from the intersection of Franklin Street to the intersection of Prairie Street and Prairie Street from the intersection of Mazon Avenue to the intersection of Chippewa Street.

Controlled access highway: Every street, highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only as may be determined by the public authority having jurisdiction over such street, highway or roadway.

Crosswalk:

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the highway, that part of the highway included within the

extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with such extension forming a right angle to the centerline of the highway;

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in compliance with the provisions adopted by the Illinois Department of Transportation.

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

Emergency vehicle: Police vehicles, vehicles of the fire department, ambulances, vehicles carrying a State, County or municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

Flammable liquids: Any liquid which has a flash point of seventy (70°) degrees F. or less, as determined by Tagliabue or equivalent closed cup test device.

Handicapped person: Every person who is unable to walk 200 feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device or a wheelchair or without great difficulty or discomfort due to the following impairments: neurologic, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss or absence of a limb or limbs. All legally blind individuals are considered as handicapped.

Highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Improved highway: A roadway of concrete, brick, asphalt, macadam and crushed stone or gravel.

Intersection:

a. Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

b. Where a highway includes two roadways forty (40) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

c. The junction of an alley with a street or highway does not constitute an intersection.

Junk Vehicle: A junk vehicle is a vehicle which has been or is being

disassembled, crushed, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer can be returned to an operable state.

Laned roadway: A roadway of which is divided into two or more closely marked lanes for vehicular traffic.

Loading zone: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Merging traffic: A maneuver executed by the drivers of vehicles on converging roadways to permit entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust their vehicular speed and lateral position so as to avoid a collision with any other vehicle.

Motor Vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor-driven cycle: Every motorcycle and every motor scooter which has a piston displacement of less than 150 cubic centimeters including motorized pedalcycles.

Motorized pedalcycle: A motorized pedalcycle is a motor-driven cycle whose speed attainable in one mile is 30 mph or less, which is equipped with a motor that produces two (2) brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeter displacement and the power drive system shall not require the operator to shift gears.

Operate: To ride in or on, other than as a passenger, use or control in any manner the operation of any device or vehicle whether motorized or propelled by human power.

Operator: Every person who operates or is in actual physical control of any device or vehicle whether motorized or propelled by human power.

Park or parking: The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

Pedestrian: Any person afoot or using and dependent upon a wheelchair.

Pneumatic tire: Every tire in which compressed air is designed to support the load.

Police Officer: Every officer authorized to direct or regulate traffic or to make

arrests for violations of traffic regulations.

Property line: The line marking the boundary between any street and the lots or property abutting thereon.

Public building or facility:

a. Any building, structure or improved area which is (i) owned by or on behalf of a governmental unit, (ii) leased, rented or used, in whole or in part, by a governmental unit, or (iii) financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; and

b. Any building, structure or improved area used or held out for use or intended for use by the public or by employees for uses including but limited to the purpose of gathering, recreation, lodging, education, employment or the purchase, rental sale or acquisition of any goods, personal property or services; and

c. Public telephones, drinking fountains and rest rooms.

Public: Any group of people who are users of the building and employees of the building.

Residence district: The territory of the Village, contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved residences or residences and buildings not in use for business.

Right-of-way: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus: Every motor vehicle owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade twelve (12) or below in connection with any activity of such entity: Any public or private primary or secondary school; Any primary or secondary school operated by a religious institution; or any public, private or religious nursery school.

Semi-trailer: Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Skate board: Every device propelled by human power upon which any person may ride, consisting of a flat or nearly flat board or other type of flat or nearly flat surface having wheels similar to those of roller skates, on which a person stands, sits, or otherwise rests on said flat surface which is propelled by such persons foot, feet, hand or hands or propelled by gravity while such person rides on the flat surface thereof.

Snowmobile: A self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

Solid tire: Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Speed-change lane: An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.

Stop: When required means complete cessation from movement.

Street or highway: The entire width between property lines of every way publicly maintained where any part thereof is open to the use of the public for the purposes of vehicular travel.

Suburban district: The portion of any city, village or incorporated town, other than the business and residence districts.

Through highway: Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in the Act.

* Toy Vehicle: Every device propelled by human power upon which any person may ride and is propelled, pushed or pulled by such persons foot, feet, hand or hands or by gravity while such person rides on the vehicle. Examples of, but not limited to, are skates, skateboards, coaster, sled, wagon, tricycle and roller blades. **(Rev. 7/08/1996)*

Traffic: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for the purposes of travel.

Trailer: Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its

weight rests upon the towing vehicle.

Truck tractor: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban district: The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter mile or more.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles. For the purposes of these ordinances, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle, or a junking certificate is issued for it.

Yield right-of-way: When required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, but when the roadway is clear the vehicle may proceed into the intersection.

10.102 Obedience to police. Members of the police department assigned to traffic duty, are hereby authorized to direct all traffic in accordance with the provisions of this article, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a police officer. Except in case of emergency it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

10.103 Scene of fire. The fire department officer in command or any firefighter so designated, may exercise the powers and authority of a police officer directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of or in assisting the police.

10.104 Signs and signals. It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the President by and with the advice and consent of the Village Board of Trustees, or in accordance with the laws of the State of Illinois, excepting on direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways.

10.105 Traffic-Control Signal Legend. Whenever traffic is controlled by traffic-control signal exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively, the following colors only shall be used and said terms and lights shall indicate as follows:

a. Green alone or "Go."

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.
2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
3. Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

b. Yellow or at "Caution" when shown with or following the green or "Go" signal.

1. Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
2. Pedestrians facing such signal, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

c. Red alone or "Stop".

1. Vehicular traffic facing the signal shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.
2. Except when a sign is in place prohibiting a turn, vehicular traffic facing the signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required above. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

3. Pedestrians facing such signal, unless otherwise directed by a pedestrian-control signal, shall not enter the roadway.
- d. Red with green arrow.
 1. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.
 2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- e. Yellow when shown with the red signal.
 1. Vehicular traffic facing such signal shall not enter the nearest crosswalk at an intersection nor proceed beyond such other points as may be indicated by a clearly visible line while this signal is displayed, but is advised that another signal indication which will permit a traffic movement is about to be displayed.
 2. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interference with any vehicular traffic.
- f. In the event an official traffic control signal or flashing red signal is erected and maintained at a place other than an intersection, the provision of this section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or marking on the pavement indicating where the stop shall be made or, in the absence of any such sign or marking, the stop shall be made at the signal.

10.106 Flashing signals. Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic control device it shall require obedience by vehicular traffic as follows:

- a. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- b. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

10.107 Lane Control Signals. Whenever lane-control signals are used in conjunction with official signs, they shall have the following meaning:

a. Downward-pointing green arrow. A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. All other traffic controls present shall be obeyed and the driver shall follow normal safe driving practices.

b. Red X symbol. A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise the driver shall obey all other traffic controls and follow normal safe driving practices.

c. Yellow X (steady). a driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.

d. Flashing yellow arrow. A driver facing this indication may use the lane only for the purpose of approaching and making a left turn.

10.108 Pedestrian Control Signals. Whenever special pedestrian control signals exhibiting the words "WALK" or "DON'T WALK" or the illuminated symbols of a walking person or an upraised palm are in place, such signals shall indicate as follows:

a. Walk or Walking Person Symbol- Pedestrians facing such signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.

b. Don't Walk or Upraised Palm Symbol- No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partly completed crossing on the Walk signal or walking person symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm symbol is illuminated, steady or flashing.

10.109 Unauthorized Signs.

a. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.

b. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

c. Any such unauthorized device is hereby declared to be a nuisance and may be removed by any policeman.

10.110 Interference with Signs or Signals. It shall be unlawful for any person

to alter, deface, injure, knockdown, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, on any other part thereof.

10.111 Animals, Bicycles, or Toy Vehicles.

* a. It shall be unlawful for any person to propel, ride or otherwise maneuver a toy vehicle on the streets or sidewalks on East Main Street or West Main Street in the business district of the Village of Dwight. Toy Vehicles must not be operated on state highways. **(Rev. 7/08/1996)*

b. Every person riding a bicycle or an animal, or driving any animal drawing a vehicle upon any street, shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal, provided that, except in the business district, bicycles may be ridden on sidewalks.

10.112 Exemptions. The provisions of this chapter regulating the movement or parking of vehicles shall not apply to the driver of any authorized emergency vehicle when responding to an emergency call, but such driver when approaching shall slow down as necessary for safety but may proceed cautiously past a red or stop sign or signal. At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

No driver of any authorized emergency vehicle shall assume any special privileges under the Act except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

The provisions of this chapter regulating the movement and parking of vehicles shall not apply to equipment or vehicles while actively engaged in installing, repairing or otherwise improving streets or street pavements.

10.113. It shall be unlawful to maintain or operate in view of any street or highway any flashing or rotating beacon of light or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.

10.114 Penalty. Anyone violating the provisions of this Article shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE II

Through Streets & One-Way Streets; Stop Streets and Alleys

10.201 Through Streets. The streets and parts of streets of the Village designated by ordinance as through streets are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by a traffic officer or a traffic control signal.

10.202 One-Way Streets or Alleys. It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance, in any direction other than that so designated.

One-way from the Intersection of East Main and South Franklin Street to Mazon Avenue, with a one-way sign at the Intersection of East Main and South Franklin;

One-way on West Main Street from the Intersection of West Main Street and South Prairie Avenue to the Intersection of West Main Street and Mazon Avenue, with a one-way sign to be placed at the Intersection of West Main Street and South Prairie Avenue;

One-way on East Main Street from the Intersection of East Main Street and South Franklin Street to the Intersection of East Main Street and Chippewa Street, with a one-way sign to be placed at the Intersection of East Main Street and South Franklin Street.

10.203 Stop Streets. The following streets or parts of streets are hereby designated as stop streets:

Four-way Stops:

Intersection of Chicago and Philmar streets;
Intersection of Chicago Street and Andrew Ave.;
Intersection of Franklin and North streets;
Intersection of Franklin and South streets;
Intersection of Greenfield Rd. and Julie Dr.
Intersection of Greenfield Road and Scott Drive;
Intersection of Mazon Avenue and Union Street;
Intersection of Northbrook Dr. and Union St.;
Intersection of Washington and Chippewa streets;
Intersection of Washington and William Street.

Along each of the afore named streets, a suitable stop sign shall be erected at an appropriate location on the approaches to said intersection, and every driver of a vehicle

upon either of the intersecting streets shall bring such vehicle to a full and complete stop before entering upon or crossing the other street.

Three-Way Stops:

Intersection of North Chicago Street and Spencer Street;
Intersection of North Clinton and Taylor Street;
Intersection of North Franklin St. and Spencer St.;
Intersection of North Washington and Morgan Street.

Two-way Stops:

Chicago Street at its intersection with Chippewa Street;
Chicago Street at its intersection with Mazon Avenue;
Chicago Street at its intersection with James St.;
Chicago Street at its intersection with Susan Dr.;
Chippewa Street at its intersection with Franklin Street;
Clinton Street at its intersection with Waupansie Street;
Clinton Street at its intersection with South Street;
Clinton Street at its intersection with Mazon Avenue;
Clinton Street at its intersection with Chippewa Street;
Delaware Street at its intersection with Clinton Street;
Delaware Street at its intersection with Lincoln Street;
Delaware Street at its intersection with Washington Street;
Franklin Street at its intersection with Waupansie Street;
James Street at its intersection with St. Louis Street;
Lincoln Street at its intersection with South Street;
Lincoln Street at its intersection with Chippewa Street;
Lincoln Street at its intersection with James Street;
Morgan Street at its intersection with Morris Road;
Morgan Street at its intersection with North Washington Street
North Street at its intersection with Morris Road;
Northbrook Drive at its intersection with Union Street;
Odell Road at its intersection with Washington Street;
Old Route 66 at its intersection with Mazon Avenue;
Prairie Street at its intersection with Waupansie Street;
Prairie Street at its intersection with Mazon Avenue;
Prairie Street at its intersection with Chippewa Street;
St. Louis Street at its intersection with Chippewa Street;
St. Louis Street at its intersection with South Street;
St. Louis Street at its intersection with William St.;
Scott Drive at its intersection with Chicago Street;
Seminole Street at its intersection with Union Street;
Seminole Street at its intersection with Washington Street;
Seminole Street at its intersection with Prairie Street;
Seminole Street at its intersection with Franklin Street;
South Street at its intersection with Chicago Street;

South Street at its intersection with Washington Street;
Washington Street at its intersection with Mazon Avenue;
Washington Street at its intersection with North Street;
Washington Street at its intersection with Taylor Street;
Washington Street at its intersection with Waupansie Street;
Waupansie Street at its intersection with Union Street;
Wilmac Street at its intersection with Chicago Street;
Williams Street at its intersection with Washington Street;
Williams Street at its intersection with Lincoln Street;

Yield Right-of-Way Streets:

yield on Chicago Street at intersection with Williams Street;
yield on James Street at intersection with Clinton Street;
yield on St. Louis at intersection with Delaware Street;

The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance, at one or more entrances thereto, and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with.

One-way Stops:

Andrew Avenue at its intersection with Union Street;
Bannon Street at its intersection with Mazon Avenue;
Burbeck Drive at its intersection with Northbrook Drive;
Carriage House Lane at its intersection with South Street;
Chicago Street at its intersection with Waupansie Street;
Chippewa Street at its intersection with Union Street;
Chippewa Street at its intersection with Old Route 66;
Delaware Street at its intersection with Franklin Street;
Delaware Street at its intersection with Old Route 66;
Delaware Street at its intersection with Union Street;
East Main Street at its intersection with Chippewa Street;
East Williams Street at its intersection with Chicago Street;
Franklin Street at its intersection with Mazon Avenue;
Gooseberry Lane at its intersection with Columbia Street;
Greenfield Rd at its intersection with Fieldman Rd
James Street at its intersection with Union Street
James Street at its intersection with Columbia Street;
James Street at its intersection with Franklin Street;
James Street with its intersection with Old Route 66;
James Street at its intersection with Odell Road;
James Street at its intersection with Washington Street;
Julie Drive at its intersection with Columbia Street;

Julie Drive at its intersection with Greenfield Street;
Lincoln Street at its intersection with Mazon Avenue;
Linden Street at its intersection with Chicago Street;
Linden Street at its intersection with Union Street;
McNamara Ave. at its intersection with Union Street;
Morgan Street at its intersection with Morris Road;
Morris Road at its intersection with Waupansie Street;
North Street at its intersection with Chicago Street;
North Street at its intersection with Clinton Street;
North Street at its intersection with Union Street;
Odell Road at its intersection with Washington Street;
Orchard Drive at its intersection with Union Street;
Park Street at its intersection with Franklin Street;
Park Street at its intersection with Chippewa Street;
Philmar Street at its intersection with Franklin Street;
Philmar Street at its intersection with Union Street;
Pollard Avenue at its intersection with Chicago Street;
Pollard Avenue at its intersection with Franklin Street;
Prairie Avenue at its intersection with North Street;
Prairie Avenue at its intersection with South Street;
Prospect Avenue at its intersection with Chicago Street;
Prospect Avenue at its intersection with Union Street;
Renfrew Avenue at its intersection with Chicago Street;
Renfrew Avenue at its intersection with Franklin Street;
St. Louis Street at its intersection with Philmar Street;
Scott Drive at its intersection with Columbia Street;
Scott Drive at its intersection with Greenfield Street;
Seminole and its intersection with Clinton Street;
Smith Lane at its intersection with Union Street;
South Street at its intersection with Old Route 66;
South Street at its intersection with Union Street;
Susan Drive at its intersection with Greenfield Street;
Taylor Street at its intersection with Morris Road;
Watters Drive at its intersection with Mazon Avenue;
Watters Drive at its intersection with Route 66;
West Main Street at its intersection with Mazon Avenue;
William Street at its intersection with Columbia Street;
William Street at its intersection with Odell Road;
William Street at its intersection with Franklin Street;
William Street at its intersection with Union Street;
William Street at its intersection with Old Route 66;
Wilmac Street at its intersection with Union Street;

10.204 Posting signs. The Chief of the Police Department shall post or cause to be posted suitable signs for all through streets or alleys and stop intersections.

Stop signs shall be posted at the two approaches to the parking lot between East

Main Street and the Southern Pacific railroad tracks.

10.205 Penalty. Anyone violating the provisions of this Article shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE III

Rules for Driving

10.301 Required position and method of turning at intersection. The driver of a vehicle intending to turn at an intersection shall do so as follows:

a. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

b. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

c. Local authorities may cause to be placed official traffic control devices within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

d. The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

e. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

10.302 Limitations on turning around. No vehicle shall be turned so as to proceed in the opposite direction unless such movements can be made in safety and without interfering with other traffic or upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

10.303 Starting parked vehicle. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

10.304 Driver's signal. No driver of a vehicle shall suddenly start, slow down,

stop or attempt to turn without first giving a suitable signal in such manner as to apprise others who might be affected by such action.

a. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle or pedestrian may be affected by such movement.

b. A signal or intention to turn right or left shall be given during not less than the last one hundred (100) feet traveled by the vehicle before turning.

c. The signals herein required shall be given by means of the hand and arm or by a signal lamp or 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 vehicles then said signals must be given by such a lamp or device.

d. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - Hand and arm extended horizontally.
2. Right turn - Hand and arm extended upward.
3. Stop or decrease of speed - Hand and arm extended downward.

10.305 Driving from alleys, driveways or garages. The driver of a vehicle emerging from an alley, driveway or garage, shall stop such vehicle immediately prior to driving onto a sidewalk, or across a sidewalk line projecting across such alley, and shall exercise extreme care in driving upon said sidewalk or across such lines.

10.306 Vehicle not to be driven on sidewalks or in safety zones. No driver of a vehicle shall drive within any sidewalk area, except at a permanent or temporary driveway or alley, nor at any time into or upon any portion of a roadway marked as a safety zone.

10.307 Right-of-way. Excepting as otherwise herein provided, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway; and when two vehicles entering an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

10.308 Vehicle turning left. The driver of a vehicle within an intersection intending to turn left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle

making the left turn.

10.309 "U" Turn. It shall be unlawful for the operator of any vehicle to make a "U" turn at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

10.310 No left turn. It shall be unlawful for the operator of any vehicle to turn left at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

10.311 Fire department vehicles - Fires. Upon the approach of a fire department vehicle, drivers of vehicles shall comply with the provision of this article relating to the approach of authorized emergency 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 (1) block, or to park any vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

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.

10.312 Driving on right side of roadway. Upon all roadways of sufficient width a vehicle shall be driven upon the right half (2) of the roadway except as follows:

- a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
- b. When the right half (½) of a roadway is closed to traffic while under construction or repair.
- c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon: or
- d. Upon a roadway designated and sign posted for one-way traffic.
- e. Whenever there is a single track paved road on one side of the public highway and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

10.313 Passing vehicles. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half (2) of the main traveled portion of the roadway as nearly as possible.

10.314 Overtaking vehicles. The following rules shall govern the overtaking

and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

a. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaking vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.

b. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase speed until completely passed by the overtaking vehicle.

10.315 Overtaking vehicles on the right.

a. The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

b. The driver of a vehicle may overtake and allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right of a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

c. The driver of a vehicle may overtake and pass another vehicle upon the right on a one-way street, or on any street on which traffic is restricted to one direction of movement where the roadway is free from obstruction and of sufficient width for two or more lines of moving traffic.

10.316 Limitations on overtaking on the left.

a. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of on-coming traffic, for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized line of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction before coming within two hundred (200) feet of any vehicle approaching from the opposite direction.

b. No vehicle shall in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. Then approaching or upon the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to

create a hazard in the event another vehicle might approach from the opposite direction.

2. When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

3. Where official signs are in place directing that traffic keep to the right, or a distinctive line also so directs traffic as declared in the sign manual adopted by the Illinois Department of Transportation.

4. The limitations in sub-paragraphs 1 and 2 of this paragraph "b" shall not apply upon a one-way street, or upon a street with unobstructed pavement of sufficient width for two or more lanes of moving traffic in each direction nor to the driver of a vehicle turning left into or from an alley, private road or driveway when such movements can be made with safety.

10.317 One-way roadways and rotary traffic islands.

a. The local authorities may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

b. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

10.318 Driving on roadways laned for traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

a. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

b. Upon a roadway which is divided into three lanes and provide for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and is signposted to give notice of such allocation.

c. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

10.319 Operation of vehicles on approach of authorized emergency vehicles.

Upon the immediate approach of an authorized emergency vehicle, making use of audible and/or visual signals, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

10.320 Reckless or careless driving. It shall be unlawful to operate any vehicle with a willful or wanton disregard for the safety of persons or property.

10.321 Speed restrictions. No vehicle may be driven upon any highway at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

* a. It shall be unlawful to drive any vehicle on any street not under the jurisdiction of the Illinois State Department of Transportation or the County, in an urban district within the Village at a speed in excess of thirty (30) miles per hour, or in an alley at a speed in excess of fifteen (15) miles per hour, with the exception of Fieldman Road which will be at a speed in excess of thirty-five (35) miles per hour. * (Rev. 01/09/2012)

b. Provided that whenever the President and Board of Trustees determine, on the basis of an engineering or traffic investigation concerning a highway or street on which it is authorized, that a maximum speed limit of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of such highway or street, then such reasonable and safe absolute maximum speed limit at such place or along such part or zone which:

1. Decreases the limit within an urban district, but not to less than twenty (20) miles per hour; or
2. Increases the limit within an urban district, but not to more than sixty-five (65) miles per hour, provided, however, that during the period for which the federal government requires that the states maintain a

maximum speed limit of fifty-five (55) miles per hour, the maximum speed limit pursuant to this paragraph shall be temporarily reduced to fifty-five (55) miles per hour;

3. Decreases the limit outside of an urban district, but not to less than thirty-five (35) miles per hour, except as otherwise provided in subparagraph four (4) of this paragraph; or

4. Decreases the limit within a residence district, but not to less than twenty-five (25) miles per hour, except as otherwise provided in subparagraph one (1) of this paragraph.

The President and Board of Trustees may make such limit applicable at all times or only during certain specified times. Not more than six (6) such alterations shall be made per mile along a highway or street; and the difference in limit between adjacent altered speed zones shall not be more than ten (10) miles per hour.

A limit so determined and declared by the President and Board of Trustees becomes effective, and suspends the application of the limit prescribed above when appropriate signs giving notice of the limit are erected at the proper place or along the proper part or zone of the highway or street.

10.322 Special speed limits while passing schools. No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school during school days when school children are present. Appropriate signs shall be posted to indicate this restriction.

For the purpose of this Section a school day shall begin at seven- (7) ante meridian and shall conclude at four (4) postmeridian.

10.323 Riding on Bicycles.

a. It shall be unlawful for a person propelling a bicycle to ride other than upon or astride a permanent and regular seat attached thereto.

b. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his or her person in a back pack or sling, or in an attached child's bicycle seat.

c. A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

10.324 Riding on motorcycles.

a. A person operating a motorcycle shall ride only upon the permanent and

regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

b. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

c. No person shall operate a motorcycle, motor driven cycle, or motorized pedal cycle on one wheel.

d. The operator of a motorcycle, motor driven cycle or motorized pedal cycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield.

10.325 Unattended vehicles.

a. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

b. Any police officer is hereby authorized to remove or cause to be removed to the nearest garage, or other place of safety, any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, in such a position or under such circumstances as to obstruct the normal movement of traffic.

10.326 Clinging to vehicles. It shall be unlawful for any person on any street riding a bicycle, motorcycle, or any toy vehicle to cling to or to attach the same on themselves to any moving motorized vehicle.

10.327 Toy vehicles. The Village of Dwight recommends that any person upon skates, a skateboard, coaster, sled, roller blades, or other toy vehicle, operate that toy vehicle only on village sidewalks. Persons riding any toy vehicle on a village side street must not interfere with the normal flow of traffic. Toy vehicles may be operated only during the hours of daylight.

10.328 Riding on running boards. It shall be unlawful for any person to ride upon the fenders, running boards or outside step of any vehicle.

10.329 Train signals.

a. Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until it can be done safely. The foregoing

requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
 2. A crossing gate is lowered or a human flag person gives or continues to give a signal of the approach or passage of a railroad train;
 3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
 4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing; or
 5. A railroad train is approaching so closely that an immediate hazard is created.
- b. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
- c. The driver of any motor vehicle carrying passengers for hire or any school bus carrying a school child or children, or any vehicle when carrying as a cargo or a part of a cargo hazardous material shall stop such vehicle as prescribed above. Provided that no such stop need be made at any such crossing where a police officer, flag person or traffic control signal directs traffic to proceed.

10.330 Driving through funeral or other procession.

- a. Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights lighted, subject to the following conditions and exceptions:
1. Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;
 2. Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer;
 3. The operator of the leading vehicle in a funeral procession shall comply with the stop signs and traffic control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in procession shall proceed

with due caution.

b. The operator of a vehicle not in the funeral procession shall not drive a vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

c. Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this Section to funeral processions.

d. The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

e. The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers to identify the individual vehicles in such a procession.

10.331 Backing. The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

10.332 Restricted access. No person shall drive a vehicle on to or from any controlled or limited controlled access roadway except at such entrances and exits as are established by public authority.

10.333 Trucks prohibited on certain streets. It shall be unlawful to drive any truck, except for the purpose of making a delivery and then for one (1) block only on any street so designated by ordinance and properly signposted.

* **10.334 Limited load streets.** It shall be unlawful to operate any vehicle on any street in the Village when the gross weight on the surface of the road through any axle of such vehicle exceeds sixteen thousand (16,000) pounds. Where lower limits are imposed by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street, 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 the purpose. **(Rev. 3/28/2011)*

10.335 School buses. The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any pupils shall stop the vehicle before reaching such school bus when there is in operation on the bus a visual signal as required by statute for operation while the bus is transporting pupils; provided that the driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway.

10.336 Seasonal load limits. It shall be unlawful to operate any vehicle, weighing with its load more than five (5) tons, on any Village street during the time the load limits provided herein are in effect. Such load limits shall be in effect whenever the Chief of Police determines that thawing of underground frost has weakened the base of the Village streets, provided that such regulations shall be in force only after signs are posted at entrances to the Village streets from all State and County roads, stating that such load limits are in effect.

10.337 Ambulances, operations of. No person shall operate an ambulance in a manner not conforming to the motor vehicle laws and regulations of this State or of this Village as such provision applies to motor vehicles in general, except in compliance with the following conditions:

a. The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved;

b. The ambulance shall be equipped with a siren producing an audible signal of an intensity of one hundred (100) decibels at a distance of fifty (50) feet from the siren, and with a lamp or lamps emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle and these lamps shall have sufficient intensity to be visible at a distance of five hundred (500) feet in normal sunlight.

c. The aforesaid siren and lamp or lamps shall be in operation at all times when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof during such trip or journey; and

d. Whenever the ambulance is operated at a speed in excess of forty (40) miles per hour, the ambulance shall be operated in complete conformance with every other motor vehicle law and regulation of this State and of this Village in which the ambulance is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic control devices or to vehicular operation upon the right half (2) of the roadway.

10.338 Squealing of Tires. No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicle's tire/s due to rapid acceleration or excessive speed around corners or other such reason. Exempted from this ordinance are emergency vehicles, emergency maneuvers of any vehicle to avoid imminent danger, and vehicles operated on a sanctioned raceway or racing facility.

* **10.339 Excessive Engine Braking Noise Prohibited.** The following areas are designated as "*Excessive Engine Braking Noise Prohibited*" areas, and signs will be posted designating said areas as such:

a. Northbound and Southbound traffic on Illinois Route 47 a/k/a Union Street entering and exiting the Village of Dwight;

b. Eastbound and Westbound traffic on Illinois Route 47 a/k/a Mazon Avenue entering and exiting the Village of Dwight.

The sign shall be a standard size of thirty inches (30") wide by thirty-six inches (36") tall with the words EXCESSIVE ENGINE BRAKING NOISE PROHIBITED in black lettering, three inch (3") letters, on a retroreflectorized white background and shall carry the Illinois Department of Transportation Sign Standard Number R5-1106. **(Rev. 10/13/2008)*

***10.340 Texting or Cell Phone Usage in a School Zone.** It shall be unlawful for any driver of a vehicle to text or use a cell phone in a School Zone. **(Added 3/11/2013)*

10.341 Penalty. Anyone violating the provisions of this Article shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE IV

Pedestrians

10.401 Right-of-way.

a. Where traffic control signals or pedestrian control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway or street within a crosswalk when the pedestrian is upon the half (2) of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half (2) of the roadway as to be in danger.

b. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

c. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

d. Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians.

10.402 Pedestrians crossing at other than crosswalks.

a. Every pedestrian crossing a roadway at any point other than within a marked

crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

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

c. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

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

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

10.405 Pedestrian crossing. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

10.406 Pedestrians walking along roadways.

a. Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

b. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic, and upon meeting a vehicle shall step off to the left.

c. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

10.407 Penalty. Anyone violating the provisions of 10.401 through 10.406 of this Article shall be fined as designated in the fine rate schedule for each such offense.

10.408 Blind, hearing impaired or physically handicapped pedestrian right-of-way. The driver of a vehicle shall yield the right-of-way to any blind, hearing impaired or physically handicapped pedestrian carrying a clearly visible white cane or accompanied by a support or guide dog.

10.409 School Crossings. School crossing signs shall be erected as from time to time designated by the Board of Trustees of the Village of Dwight, including the following:

a. East and west bound on Waupansie Street at the intersection of Waupansie

Street and Clinton Street; and

b. North and south bound on Columbia Street at the north entrance to the Dwight Grade School.

10.410 Penalty. Anyone violating the provisions of 10.408 or 10.409 shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE V

Parking Rules

10.501 Stopping, standing or parking prohibited in specified places. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- a. Stop, stand or park a vehicle:
 1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 2. On a sidewalk;
 3. Within an intersection;
 4. On a crosswalk;
 5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 6. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 8. On any railroad tracks;
 9. At any place where official signs prohibit stopping;
 10. On any controlled-access highway;
 11. In the area between roadways of a divided highway, including crossovers;

12. At any place where official signs prohibit parking;
 13. On the opposite or left side of the roadway for which the vehicle is facing; or;
 - * 14. No person shall park, or store a truck (except a pickup truck), semi-trailer, commercial tractor, or a bus, whether privately owned or a school bus, in an area that is zoned residential other than while actually engaged in loading or unloading. *(Rev. 03/13/2006)*
- b. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
1. In front of a public or private driveway; or in a way it obstructs use of a public or private drive;
 2. Within 15 feet of a fire hydrant;
 3. Within 20 feet of a crosswalk at an intersection;
 4. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
 5. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly posted; or
 6. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than fifteen (15) feet.
- c. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers within 50 feet of the nearest rail of a railroad crossing.
- d. Park in any of the following specified areas:
1. On Mazon Avenue, from the crosswalk to Prairie, to the east of the intersection a distance of approximately 120 feet and to the west of the west of the intersection a distance of approximately 85 feet.
 2. On the north side of Mazon Avenue from Chicago Street west to and including the Gooseberry Creek bridge where it crosses said Mazon Avenue;
 3. On the north side of South Street a distance of fifty-four (54) ft. east from the radius at the intersection of South Street and Columbia Street;

- * 4. On the east and west side of Washington Street, from William Street North to the Norfolk Southern Railroad. *(Rev. 9/26/2005)*

5. On the south side of the following sections of streets:

Morgan Street from the intersection of Morgan Street and Clinton Street to the intersection of Morgan Street and Morris Road;

Taylor Street from the intersection of Taylor Street and Clinton Street to the intersection of Taylor Street and Morris Road;

Pollard Avenue from the intersection of Pollard Avenue and Franklin Street to the intersection of Pollard Avenue and Chicago Street;

North Street from the intersection of North Street and Franklin Street to the intersection of North Street and Chicago Street;

Seminole Street from the intersection of Seminole Street and Clinton Street to the intersection of Seminole Street and Union Street;

Delaware Street from the intersection of Delaware Street and Old Route 66 to the intersection of Delaware Street and Prairie Avenue;

Chippewa Street from the intersection of Chippewa Street and Chicago Street to the intersection of Chippewa Street and Union Street;

South Street from the intersection of South Street and Old Route 66 to the intersection of South Street and Union Street; and

James Street from the intersection of James Street and Clinton Street to the intersection of James Street and Odell Road.

- * John Street from the intersection of Route 17 south. *(Rev. 07/11/2007)*

6. On the west side of the following sections of streets:

Lincoln Street from the intersection of Lincoln Street and James Street to the intersection of Lincoln Street and Chippewa Street;

Clinton Street from the intersection of Clinton Street and South Street to the intersection of Clinton Street and Waupansie Street;

Clinton Street from the intersection of Clinton Street and North Street to the intersection of Clinton Street and Taylor Street;

Jennings Street from the intersection of Jennings Street and Taylor Street to the intersection of Jennings Street and Morgan Street;

Washington Street from the intersection of Washington Street and North Street to the intersection of Washington Street and Morgan Street;

Judd Street from the intersection of Judd Street and Taylor Street to the intersection of Judd Street and Morgan Street;

Chicago Street from the intersection of Chicago Street and Mazon Avenue to the intersection of Chicago Street and Seminole Street, and

On the west side of Bannon Street from the intersection of Illinois State Route 17 and Bannon Street to the intersection of Ken Street and Bannon Street.

7. On the north side of South Street a distance of one hundred twenty-four (124) feet east from the radius at the intersection of South Street and Prairie Street;

8. Bus stop;
9. On the east side of South Prairie Street from the intersection of South Prairie Street and South Street to the intersection of South Prairie Street and Chippewa Street;
10. On South Franklin Street between Mazon Avenue and the alley located between Mazon Avenue and Delaware Street between the hours of 7 a.m. and 6 p.m. for more than two (2) consecutive hours except on Sundays;
11. In the one (1) stall reserved for doctor's use on Prairie Street near its intersection with Mazon Avenue;
12. On the west side of South Prairie twenty-three (23) feet north of the alley located between Mazon Avenue and Delaware Street;
13. On Northbrook Drive;
14. On the southeastern side of Odell Road from the intersection of Odell Road and Clinton Street to the intersection of Odell Road and Washington Street;
15. On the south side of Mazon Avenue in an area 40 feet in length extending from 208 feet to 248 feet west of the center line of Illinois Route 47 except momentarily to pick up or discharge passengers; or
16. On the north side of North Street from the intersection of North Street and Prairie Avenue to the intersection of North Street and Franklin Street.
17. The first two parking stalls on the east side of Prairie Avenue north of the entrance to the Village Hall parking lot and west of the cross-walk at the intersection of Prairie Avenue and West Main Street.
18. On the south side of Mazon Avenue a distance of 130 feet from the radius at the intersection of Mazon Avenue and West Main Street.
19. On the south side of East Mazon Avenue from approximately two hundred fifty (250) feet to two hundred eighty (280) feet east of the intersection of Mazon Avenue and Prairie Avenue.
20. On the west side of West Main Street beginning at a point where the handicapped ramp enters the street in front of the William

W. Fox Developmental Center and extending north to the intersection of Mazon Avenue and West Main Street.

21. On the west side of Burbeck Drive beginning at the intersection of East Northbrook Drive and extending north.

22. On the east side of Burbeck Drive, the parking of Semi-trucks and trailers.

10.502 Handicap Parking.

a. There is hereby established in the Village of Dwight parking spaces for handicapped individuals, said parking spaces to be as follows:

1. * The first three stalls on the west side of West Main Street immediately north of the driveway to the north of the administrative offices of the Fox Center and one stall on the west side of West Main Street immediately in front of the Fox Center Physical Plant building and north of the First National Bank of Dwight, and the first two (2) stalls on the east side of West Main Street across from the administrative offices and adjacent to the parking lot entrance. **(Rev. 8/23/1993 and 12/14/2015)*
2. On the west side of South Franklin Street at and East Main Street at or near 162 East Main Street.
3. The first parking space along the east side of Prairie Avenue north of the intersection of Prairie Avenue and Mazon Avenue, directly adjacent to the Dwight Post Office property.
4. One (1) parking space at or near 134 East Main Street adjacent to the existing crosswalk.
5. * The first two (2) parking spaces north of the intersection of Chippewa Street and Lincoln Street on the east side of Lincoln Street adjacent to St. Peter's Lutheran Church located at 326 West Chippewa Street. **(Rev. 12/14/2015)*
6. * The first three (3) parking spaces north of the intersection of Washington Street and Delaware Street on the west side of Washington Street and adjacent to the First Congregational Church located at 200 West Delaware Street. **(Rev. 12/14/2015)*
7. The first parking space south of the crosswalk on the east side of Franklin Street approximately in front of 116 S. Franklin Street.
8. On East Main Street on the east side of the street approximately in

front of 118 East Main Street.

9. The first parking space north of West Main Street on the east side of Prairie Street.
10. The first parking stall south of the handicap ramp on the west side of South Prairie Avenue in front of 209 S. Prairie Avenue.

b. The appropriate placement of the handicap parking signs shall be made by the Village Department of Public Works and an appropriate sign shall designate each such parking space.

c. The above-described handicapped parking shall be reserved for or on behalf of any individual displaying a designation on the vehicle so parked that the vehicle is used by or for the benefit of an individual who is physically handicapped, such designation including but not limited to license plates, vehicle sticker or card, provided however, that at the time that such vehicle is parked in such handicapped reserved parking, that the individual for whose benefit the handicapped designation has been granted is in fact the driver of or a passenger in such vehicle, or such vehicle is being used to pick up and/or deliver such individual.

10.503 Snow removal. It shall be unlawful to park any vehicle on any residential public street in the Village at any time within twelve hours after a snowfall of two (2) inches or more has occurred or until such snowfall has been removed from the street by the Department of Public Works. Any vehicle so parked shall be ticketed and towed as specified in 10.506.
**(Rev. 02.25.19)*

10.504 Street cleaning. It shall be unlawful to park any vehicle on any public street or portion thereof in the Village at any time when such street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street, and shall be removed after the cleaning of the street is finished.

10.505 Time limit parking.

a. Except on Sundays it shall be unlawful to park any vehicle for more than two (2) hours consecutive hours during the hours of 8 A.M. to 6 P.M.:

1. * On the West side (business side) of West Main Street from Prairie Avenue to the Fox Center cross walk; on the East side of West main Street from Prairie Avenue to the South sidewalk entrance to the Historic Depot, and from the North sidewalk entrance to the Historic Depot to the Fox Center Cross walk; The spaces in between the two sidewalk entrance will remain unlimited; and **Rev. (10/26/20)*
2. On the east side of South Prairie Avenue from ninety-seven (97) feet to one hundred-thirty-nine (139) feet north of the northern intersection of Prairie Avenue and West Main Street, consisting of four parking stalls.

b. Except on weekends and holidays, it shall be unlawful to park any vehicle for more than fifteen (15) minutes:

1. On the north side of East Mazon from the east edge of the sidewalk exiting onto Mazon Avenue from the Post Office a distance of ninety (90) feet east of the sidewalk.
2. On the south side of East Mazon from one hundred twenty (120) feet to one hundred sixty (160) feet east of the east radius of the intersection of Mazon Avenue and Prairie Avenue.
3. On the west side of North Prairie Avenue for a distance of one hundred fifty (150) feet from the intersection of Mazon Avenue and Prairie Avenue.
4. On the east side of North Prairie Avenue for a distance of one hundred fifty (150) feet from the intersection of Mazon Avenue and Prairie Avenue.
5. On the west side of South Prairie Avenue from the south edge of the Ambulance Driveway to a point approximately sixty nine (69) feet south, excluding nine (9) where the handicapped ramp enters the street.
- * 6. Every day of the week from 4:00 P.M.-9:00 p.m. it shall be unlawful to park any vehicle for more than fifteen (15) minutes on the North Side of East Main St. in two (2) designated parking spaces across the Street from 154 East Main and 158 East Main Street. *(Rev. 5/10/2004)*

10.506 Towing cars away. The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away or have removed and towed away by commercial towing service: any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard; blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; any vehicle which has been parked in any public street or other public place for a period of twenty-four (24) consecutive hours; or inhibits snow removal as designated in 10.503.

Cars so towed away shall be stored on any Village property or in a public parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicle.

10.507 Presumption of liability. The fact that an automobile, which is illegally parked, is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

10.508 Inoperable motor vehicles. All inoperable motor vehicles, being any motor vehicle from which the engine, wheels, or other parts have been removed, or on

which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power, or which is not properly licensed and/or registered, whether on public or private property, is hereby declared to be a nuisance.

The owner of the premises and/or lessee upon which such inoperable motor vehicle or vehicles is situated shall be notified in writing served by the Village Police Department, or if residing outside the Village limits, given notice by certified mail, return receipt requested, that such inoperable motor vehicle or vehicles are to be repaired or removed from the premises fifteen (15) days from receipt of said notice. If, fifteen (15) days after the receipt of the aforementioned notice, the inoperable motor vehicle, or vehicles, have not been repaired or removed from the premises, then the Village shall issue a citation, at the regular fine rate, for each and every day that the vehicle, or vehicles are not repaired or fixed for up to seven (7) days. If after seven (7) days the vehicle or vehicles are not repaired or removed then the Village shall remove, or cause to be removed, such inoperable motor vehicle or vehicles, and the owner or lessee of the premises so notified by the aforementioned notice shall pay for the removal of such inoperable motor vehicle or vehicles plus storage costs of up to \$10.00 per day. If after thirty (30) days the vehicle or vehicles remain in Village custody final disposition will be made by the Village of Dwight and the amounts owed to the Village will be billed to the property owner or lessee and said amount shall become a lien against the premises.

10.509 Parking at curb. No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

10.510 Vehicles for sale. It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

10.511 Loading zone. It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed thirty (30) minutes, in any place designated by the President and Board of Trustees as a loading zone and marked as such, or in any of the following designated places.

a. At any place not to exceed seventy-five (75) feet along the curbs before the entrance to any hospital or hotel at any time.

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

c. Directly in front of the entrance to any theater at any time that the theater is

open.

10.512 All night parking.

a. No person shall park any vehicle between the hours of two (2:00) A.M. and six (6:00) A.M. of any day on any street within the Village from December 1st until March 1st, except physicians on emergency calls. From March 1st through November 30th only automobiles, vans, and pickup trucks may park on streets outside of the central business district during the above-designated hours.

b. No person shall park any vehicle on any street between the hours of two (2:00) A.M. and six (6:00) A.M. within the area designated as the central business district except physicians on emergency calls.

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

10.514 Cab stands - Bus stands. No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cabstand; and no vehicle other than a bus shall be parked in a place so designated as a bus-loading zone.

A bus Loading Zone is hereby established on the north side of Chippewa Street for a distance of sixty (60) feet west of the intersection of Park Street and Chippewa Street.

10.515 Parking motor vehicles on private property. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

10.516 Signs. The Chief of Police or any other person authorized by the President and Board of Trustees shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

10.517 Diagonal parking is hereby authorized on the west side of South Prairie Street from the intersection of South Prairie Street and South Street to one hundred fifty (150) feet north of said intersection. (This is more specifically described as from Station 0 + 4 2 to Station 1 + 9 2 as per the construction plans marked Dwight 77-00023-00-WR.)

10.518 Penalty. Any person, firm, or corporation violating any of the provisions of this Article shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE VI

Condition of Vehicles

10.601 Obstruction of driver's view or driving mechanism.

a. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

b. No passenger shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

c. Any vehicle with the view of the roadway to the rear obstructed shall be equipped with a mirror so attached as to give a view of the roadway behind the vehicle.

10.602 Signal lamps. Any motor vehicle in use on a highway shall be equipped with, and required signals shall be given by, a signal lamp or lamps or mechanical signal device as required in the State of Illinois Motor Vehicle Code.

10.603 Mufflers, prevention of noise. It shall be unlawful to operate upon the highways of the Village a vehicle, which does not have an adequate muffler, or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle and shall comply with all the requirements of this Section.

10.604 Horn.

a. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with the horn but shall not otherwise use such horn when upon a highway.

b. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell.

10.605 Gas and smoke. It shall be unlawful to operate any vehicle, which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.

10.606 Projecting loads - Width, length and height.

a. The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the State of Illinois Motor Vehicle Code.

b. No passenger type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

c. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper.

10.607 Brakes. It shall be unlawful to drive any motor vehicle upon a street unless such vehicle is equipped with good and sufficient brakes in good working condition, as required by the State of Illinois Motor Vehicle Code, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanics operating the brakes of such vehicles.

10.608 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 of Illinois Motor Vehicle Code, provided that vehicles may be parked at nighttime without lights, on any street or portion thereof designated by ordinance as a place where vehicles may so park at nighttime.

10.609 Firefighter. Any motor vehicle owned or fully operated by a firefighter may be equipped with not to exceed two lamps which shall emit a blue light without glare. One such lamp may be mounted on the rear of any such vehicle. A flashing blue light may be used only when such firefighter is responding to a fire call.

10.610 Non-skid devices. It shall be unlawful to operate upon any street any motor vehicle equipped with any non-skid device so constructed that any rigid or non-flexible portion thereof comes in contact with the pavement, or roadway.

10.611 Tires. It shall be unlawful to operate on any street any motor vehicle that is not equipped with tires conforming to the requirements of the Illinois State of Illinois Motor Vehicle Code.

10.612 Weight. It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the State of Illinois Motor Vehicle Code for driving on improved highways or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by ordinance and sign posted.

10.613 Spilling loads. No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the Village.

10.614 Driving unsafe vehicles prohibited. It is unlawful for any person to drive or move for the owner, to cause or knowingly permit to be driven or moved on any highway, any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with some lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article.

10.615 Drivers license required. It is unlawful for any person without a valid motor vehicle driver's license to operate a motor-driven cycle or snowmobile within the right-of-way of any public street, alley or sidewalk within the Village of Dwight except as allowed in the Village of Dwight Ordinance 10.616 "f".

10.616 Regulations. It shall be unlawful for any person to operate a motor-driven cycle or snowmobile under the following circumstances:

a. **Private property.** On private property, without the written consent of the owner or lessee of said property.

b. **Public property.** On public school grounds, park property, playgrounds, and other public property within the Village of Dwight, without the express authority or permission to do so by the Board of Trustees of the Village of Dwight.

c. **Noise.** In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

d. **Recklessness.** In a careless, reckless, or negligent manner so as to endanger the safety of any person or the property of another person.

e. **Under the influence.** While under the influence of intoxicating beverages, narcotics, or dangerous drugs.

f. **Snowmobiles.** Subject to the provisions of Paragraphs (a) through (e) set forth above, snowmobiles shall be allowed ingress and egress to and from the Village of Dwight on street rights-of-way using the most direct route from the point of origination within the Village of Dwight to the municipal boundary of the Village of Dwight with respect to egress and from a point entering the Village of Dwight to the point of destination with respect to ingress within the Village of Dwight, provided that all other Village ordinances are complied with, and further provided that such snowmobiles not exceed a speed of twenty (20) miles per hour, and the headlight on said snowmobile and tail light are illuminated, and further provided that the direction of travel is in conformity with other traffic. Any such snowmobile shall yield the right-of-way to all other vehicles and pedestrian traffic.

10.617 Equipment required. All snowmobiles and motor-driven cycles operated within the Village of Dwight shall carry such equipment as may be designated by the State of Illinois Motor Vehicle Code and any other equipment which may be

designated by local ordinance. They shall further comply with any State of Illinois registration requirements.

10.618 Owner and operator's responsibility. The owner and/or operator of a snowmobile or motor-driven cycle are jointly and severally liable for any injury or damage occasioned by the operation of such snowmobile or motor-driven cycle. The parent or legal guardian of any minor who operates a snowmobile or motor-driven cycle with the consent of such parent or legal guardian shall be liable for any injury or damage occasioned by that minor's operation of such snowmobile or motor-driven cycle.

10.619 Bicycles.

a. It shall be unlawful to operate any bicycle upon any street in the Village during the period between sunset and sunrise without having it equipped with at least one (1) lighted lamp exhibiting a white light, or light of a yellow or amber color, visible for a distance of at least five hundred (500) feet from the front of the bicycle, and equipped with at least one (1) red reflector exhibiting a red reflector visible from a distance of one hundred (100) to six hundred (600) feet to the rear.

b. Every bicycle shall be equipped with a good and adequate brake.

10.620 Penalty. Any person, firm, or corporation found violating any provision of this Article shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE VII

Drivers

10.701 Driving while under the influence of alcohol, other drug, or combination thereof. It shall be unlawful for any person to drive a motor vehicle while under the influence of alcohol, other drug, or combination thereof.

10.702 Accidents. The driver of a vehicle which has collided with, or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage, shall stop immediately or as close thereto as possible, and render such assistance as may be possible, and give his true name and residence to the injured person or any other persons requesting the same on behalf of the injured person, or the owner of the property damaged, and to a police officer, if one is present. Any such accident shall be reported to the nearest police authority promptly after such accident.

10.703 No person shall transport, carry, possess or have any alcoholic liquor in, upon or about any motor vehicle except in the original package with the seal unbroken.

10.704 Penalty. Any person found violating any provision of this Article shall be fined as designated in the fine rate schedule for each such offense.

ARTICLE VIII

Penalty

10.801 Arrests. Any person arrested for violation of any provision of this Chapter may be released upon proper bail being furnished as is required by law.

10.802 Prima facie proof. The fact that an automobile, which is illegally operated or parked, is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

10.803 Place of payment of Fines. All fines payable under this Chapter 10 shall be paid at the Dwight Village Hall during regular business hours.

ARTICLE IX

IMPOUNDMENT OF VEHICLES IN CERTAIN OFFENSES

10.901 Definitions. For purposes of this Article, and the interpretation and enforcement thereof, the words, terms and phrases set forth below shall have the meanings respectively ascribed to them in this paragraph as follows:

Motor Vehicle: every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, and motor scooters.

Owner of Record: collectively, the record title holder or holders of the Motor Vehicle.

10.902 Violations; exceptions.

a. The Owner of Record of any Motor Vehicle shall be liable to the Village of Dwight, Illinois, for an administrative penalty in the amount of Five Hundred Dollars (\$500.00), plus any applicable towing and storage fees payable to a towing agent, whenever any such Motor Vehicle is used in the commission of any of the following offenses and any Motor Vehicle used in the commission of any such offenses shall be subject to seizure and impoundment as provided in this Article: *(Rev. 5.8.17)*

1. the knowing possession of more than thirty (30) grams of cannabis as provided in Article 4 of the Cannabis Control Act (720 ILCS 550/4) or the knowing possession of a controlled substance as provided in Article 402 of the Illinois Controlled Substances Act (720 ILCS 570/402).
2. driving under the influence of alcohol, drugs and/or intoxicating compounds as provided in Article 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501).
3. driving on a suspended or revoked license as defined in Article 5/6-303

of the Illinois Vehicle Code (625 ILCS 5/6-303).

b. For purposes of this Article, a Motor Vehicle is not considered to have been used in a violation that would render such Motor Vehicle eligible for seizure and impoundment if: (1) the Motor Vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within twenty-four (24) hours after the theft was discovered or reasonably should have been discovered; (2) the Motor Vehicle was operating as a commercial carrier and the violation occurred without the knowledge of the person in control of the Motor Vehicle; or (3) the alleged Owner of Record provides adequate proof that the Motor Vehicle had been sold to another person prior to the violation.

10.903 Seizure and Impoundment. Whenever a police officer has probable cause to believe that a Motor Vehicle is subject to seizure and impoundment pursuant to Paragraph 10.902 of this Article such police officer shall provide for the towing of such Motor Vehicle to a facility designated by the Village of Dwight, Illinois. Before or at the time the Motor Vehicle is towed, the police officer shall notify the Owner of Record or the person in control of the Motor Vehicle at the time of the alleged violation, whichever is present if there is such a person, of the fact of the seizure and impoundment and of the right of the Owner of Record to request a vehicle impoundment hearing under this Chapter.

10.904 Notice. Within seventy-two (72) hours after a Motor Vehicle is seized and impounded pursuant to paragraph 10.903 of this Article, the police department shall notify by certified mail the Owner of Record of the fact of the seizure and impoundment and the right to request a Motor Vehicle impoundment hearing under this Chapter. However, no such notice need be sent to the Owner of Record if the Owner of Record is personally served with the notice at the time the Motor Vehicle is seized and impounded and the Owner of Record acknowledges receipt of such notice in writing. A copy of such notice shall be forwarded to the hearing officer. The notice shall state the penalties that may be imposed if no hearing is requested, including that a Motor Vehicle not released by payment of the administrative penalty and applicable towing and storage fees may be sold or disposed of by the Village of Dwight, Illinois, in accordance with applicable law.

10.905 Hearing. The Owner of Record seeking a vehicle impoundment hearing shall file a written request for such a hearing with the Police Department of the Village of Dwight, Illinois, no later than fifteen (15) days after notice was mailed or otherwise given to the Owner of Record under paragraphs 10.903 or 10.904 of this Article. The hearing date shall be no more than ten (10) calendar days after a request for a vehicle impoundment hearing has been filed. If, after the vehicle impoundment hearing, the hearing officer determines by a preponderance of the evidence that the Motor Vehicle was used in the violation, the hearing officer shall enter an order finding the Owner of Record liable to the Village of Dwight, Illinois, for the amount of the administrative penalty prescribed, plus applicable towing and storage fees payable to the towing agent. If, after a hearing, the hearing officer does not determine by a preponderance of the evidence that the Motor Vehicle was used in such a violation, the hearing officer shall enter an order finding for the Owner of Record and for the return of the Motor Vehicle

and any previously paid administrative penalty and applicable towing and storage fees: provided that if the Motor Vehicle was seized and impounded pursuant to state or federal drug asset forfeiture laws, the Motor Vehicle shall not be returned unless and until the Village of Dwight, Illinois, receives notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted, or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the Motor Vehicle shall be returned to the Owner of Record. If the Owner of Record requests a vehicle impoundment hearing but fails to appear at such hearing or fails to request a vehicle impoundment hearing in a timely manner, the Owner of Record shall be deemed to have waived his or her right to such a hearing and the hearing officer shall enter a default order in favor of the Village of Dwight, Illinois, for the amount of the administrative penalty prescribed, plus applicable towing and storage fees payable to the towing agent. However, if the Owner of Record pays such administrative penalty and applicable towing and storage fees and the Motor Vehicle is returned to the Owner of Record, no default order need be entered if the Owner of Record is informed of his or her right to a hearing and signs a written waiver, in which case an order of liability shall be deemed to have been made when the Village of Dwight, Illinois, receives the written waiver.

10.906 Hearing officer; proceedings.

a. The Village President or his or her designee shall serve as the hearing officer for vehicle impoundment hearings under this Article.

b. All interested persons shall be given a reasonable opportunity to be heard at any vehicle impoundment hearing. The formal rules of evidence will not apply at any such hearing.

c. Any sworn or affirmed report, including a report prepared in compliance with Article 11-501.1 of the Illinois Vehicle Code (625 ILCS 5/11-501 (1) that is prepared in the performance of a law enforcement officer's duties and (2) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the Owner of Record's liability under paragraph 10.902 of this Article and shall support a finding of the Owner of Record's liability under paragraph 10.902 of this Article unless rebutted by clear and convincing evidence.

10.907 Disposition of impounded vehicle. An administrative penalty imposed pursuant to this Chapter shall constitute a debt due and owing the Village of Dwight, Illinois, which may be enforced in any manner provided by law. Except as otherwise provided in this Chapter, a Motor Vehicle impounded pursuant to this Chapter shall remain impounded until:

a. the administrative penalty is paid in full to the Village of Dwight, Illinois, and all applicable towing and storage fees are paid to the towing agent, in which case the Owner of Record shall be given possession of the Motor Vehicle;

b. a cash bond in the amount of five hundred dollars (\$500.00) is posted with the

Village of Dwight, Illinois, and all applicable towing and storage fees are paid to the towing agent, at which time the Motor Vehicle shall be released to the Owner of Record, or

c. the Motor Vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law. Notwithstanding any other provision of this Article, whenever a person with a lien of record against a Motor Vehicle impounded under this Article has commenced foreclosure proceedings, possession of the Motor Vehicle shall be given to that person if he or she pays the applicable towing and storage fees and agrees in writing to refund to the Village of Dwight, Illinois, the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of administrative penalties imposed under this Article. Notwithstanding any other provision of this Article, no vehicle that was seized and impounded pursuant to state or federal drug asset forfeiture laws shall be returned to the Owner of Record unless and until the Village of Dwight, Illinois, has received notice from the appropriate state, or where applicable, federal officials that (i) forfeiture proceedings will not be instituted; or (ii) forfeiture proceedings have concluded and there is a settlement or a court order providing that the vehicle shall be returned to the Owner of Record.

10.908 Posting of bond. If a cash bond in the amount of five hundred dollars (\$500.00) is posted with the Village of Dwight, Illinois, the impounded motor vehicle shall be released to the Owner of Record upon the payment of any applicable towing and storage fees to the towing agent. If an administrative penalty is imposed for any violation under paragraph 10.902 of this Article, the five hundred dollars (\$500.00) cash bond will be forfeited to the Village of Dwight, Illinois; however, in the event a violation under paragraph 10.902 of this Article, is not proven by preponderance of the evidence, the five hundred dollars (\$500.00) cash bond will be returned to the person posting the bond. All bond money to be forfeited to the Village of Dwight, Illinois, pursuant to this Article shall be held by the Village of Dwight, Illinois, until thirty (30) days after an administrative penalty is imposed by the hearing officer under this Article, or, if there is a judicial review, until such judgment is rendered by a court of competent jurisdiction.

10.909 Failure to pay penalty. If the administrative penalty and applicable towing and storage fees are not paid within thirty (30) days after an administrative penalty is imposed under this Article against an Owner of Record who defaults by failing to appear at the vehicle impoundment hearing, the Motor Vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable towing and storage fees are not paid within thirty (30) days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within thirty (30) days after an action seeking administrative review has been resolved in favor of the Village of Dwight, Illinois, whichever is applicable, the Motor Vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles; provided that, if the Motor Vehicle was seized and impounded pursuant to state or federal drug asset forfeiture laws and proceedings have been instituted under state or federal drug asset forfeiture laws, the Motor Vehicle may not be disposed of by the Village of Dwight, Illinois, except as consistent with those

proceedings.

ARTICLE X

Low Speed Vehicles

10.1001 Definition of Properly Equipped Low Speed Vehicle. As used in this article, the term Properly equipped Low Speed Vehicle shall be the definition as currently set forth in Section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11-1426.1 and shall be equipped with all safety systems and equipment as required by said statute, together with seatbelts and windshield. To be operated on a roadway in the Village, a Low Speed Vehicle must have at the Minimum brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem on the rear of the golf cart, a headlight that emits a white visible light from a distance of 500 feet to the front, a tail light that emits a red light visible at least 100 feet from the rear, brake lights, turn signals, a windshield and seat belts.

10.1002 Operation of Properly Equipped Low Speed Vehicle. Subject to the requirements of Sections 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/11 1426.1 which are hereby adopted by the Village of Dwight to Properly Equipped Low Speed Vehicles as defined in this article, and any other requirements imposed by this article, drivers properly licensed to operate motor vehicles on the roadways of the Village shall be authorized to operate a Properly Equipped Low Speed Vehicle on the roadways of the Village having a posted speed limit 35 miles per hour or less. A properly equipped Low Speed Vehicle shall be permitted to cross a State highway on State Route 17 at all intersections to gain north-south access, and On State Highway 47 at all intersections to gain east-west access. These stated State Highways have a traffic speed of 35 miles per hour or less in accordance with Illinois vehicle code, 625 ILCS 5/11-1426.1, no Non-Highway Vehicles as defined in said section of 11-1426.1 shall be permitted to be operated on the roadways of the Village. *(Rev. 11/26/18)*

10.1003 Annual Registration of Properly Equipped Low Speed Vehicles. No Properly Equipped Low Speed Vehicle shall be operated on any roadway of Village unless the owner(s) thereof shall have first registered the Properly Equipped Low Speed Vehicle with the Village in accordance to the following:

a. Registration of Low Speed Vehicle shall be administered by the Chief of Police, and his designees, and applications for registration shall be made on a form prescribed by the Village, said form to include a statement under oath or penalties of perjury that the Properly Equipped Low Speed Vehicle meets the definition of this article, and shall be accompanied by an annual registration fee of \$35.00 and proof of liability insurance for said Properly Equipped Low Speed Vehicle having at limits of not less than \$250,000 as required from time to time for motor vehicles under mandatory insurance law of State of Illinois.

b. Registered Low Speed Vehicles shall be issued a sticker which shall be affixed to the registered vehicle in a prominent visible location as directed by the Chief of Police, or his designees.

*c. Registrations shall be effective from the date of issuance and shall terminate on the last day of March next following its issuance. The annual fee will not be prorated to adjust for partial months or parts of months. **(Rev. 2/11/2013)*

d. Registrations shall not be transferable in event of change of ownership.

e. Registrations shall be subject to REVOCATION by the Chief of Police in the event of a violation of the requirements of Section 11-1426.1 of Illinois Vehicle Code, 625 ILCS 5/11-1426.1 and Federal Regulations on Low Speed Vehicles title 49 CFR 571.500 or any provisions of this article. A REVOCATION shall be made in writing and shall set forth the provision(s) of statute or ordinance found to be violated. Revocations may be appealed in writing to the Village Board 14 days of issuance of the revocation, and if appealed the Village Board shall hold a public hearing at which the affected owner may appear, present witnesses and evidence and be represented by an attorney. The Village Board shall uphold the REVOCATION if it determines by a preponderance of the evidence presented at the hearing that the violation which was the basis for the REVOCATION occurred. During the Appeal process, the REVOCATION shall remain in full force.

f. In the event a registration is revoked due to a failure to maintain the required liability insurance or a failure to maintain a condition of the Low Speed Vehicle in compliance with this article, including but not limited to, maintaining the required safety systems, the Chief of Police, in his discretion, may reinstate the registration upon documentation of reinstatement of the required insurance or of the repair or modification of the Properly Equipped Low Speed Vehicle to cure any deficiencies, as applicable, if the Chief of Police determines that the violation was not intentional and is not likely to recur.

10.1004 Inspection of Properly Equipped Low Speed Vehicle. Properly Equipped Low Speed Vehicles registered, or proposed to be registered, pursuant to this article shall be subject to inspection by the Chief of Police, or his designees, at any time to determine the said Low Speed Vehicle meets, and continues to meet, the definition thereof as set forth in this article, particularly the provisions for maintenance in operating condition of the required safety systems and equipment.

10.1005 Mandatory Insurance. The owner of any Properly Equipped Registered Low Speed Vehicle under this article shall continuously maintain liability insurance for said vehicle at the minimum limits of \$250,000 set forth by Village of Dwight and as required from time to time for motor vehicles under the mandatory insurance law of the State of Illinois.

10.1006 Operation Limited to those of Licensed Drivers and Age 18. No person who is not properly licensed to operate motor vehicles on the roadways of the Village shall

operate a Properly Equipped Low Speed Vehicle within the Village, provisions of Section 6-107 of the Illinois Vehicle Code, 625 ILCS 5/6-107 providing for graduated licenses for young drivers shall be fully applicable to the operation of Low Speed Vehicle. All operators of Properly Equipped Low Speed Vehicle will have a minimum age of 18 at time of operation of Low Speed Vehicle.

10.1007 Other Laws, Regulation and Ordinances. Properly Equipped Low Speed Vehicle shall be operated at all times in accordance with the provisions of the Illinois Vehicle Code, the rules of the road contained therein, and any other laws, regulations or ordinances governing the operation of motor vehicles in the Village, as well as any laws, regulations or ordinances specifically pertaining to Non-Highway Vehicles and the operation thereof.

10.1008 Violations. In addition to the revocation of the registration for a Properly Equipped Low Speed Vehicle as provided in this article, any person violating the provisions of this article shall be subject to punishment as provided in the Village of Dwight Ordinance code. The provisions hereof for the prosecuting violations of this article are not intended to super cede the Illinois Vehicle Code, or to in any way impair prosecution of violations the Illinois Vehicle Code involving the operation of Low Speed Vehicles.

10.1009 Severability. The provisions and sections of this Article shall be deemed separable and the invalidity of any portion of this article shall not affect the validity of the remainder.

CHAPTER 11

VEHICLE LICENSES

Deleted – 3/26/2001

CHAPTER 12

REGULATIONS REGARDING THE HEALTH, WELFARE AND DECLARATION OF NUISANCES WITHIN THE MUNICIPALITY

Article I - Contagious Diseases

Article II - Plants, Weeds, Debris and Landscape Waste

Article III - Nuisances

Article IV - Nuisance Abatement

Article V - Regulation of Refuse Collection

Article VI - Waste Disposal

ARTICLE I

Contagious Diseases

12.101 Report required. Every physician called in to care for or treat a person afflicted with a contagious disease or any epidemic disease shall make a report to the County Health Department within twenty-four (24) hours after being called in to the Village Clerk. In case no physician is in attendance, it shall be the duty of the person in charge or having the care of such person to make a report within twenty-four (24) hours from the time the disease is recognized.

12.102 Quarantine. The County Health Department shall have charge of the enforcement of quarantine rules. The County Health Department shall have the power and the authority to place any premises within which a contagious disease or an epidemic disease occurs under quarantine, and shall determine the time when quarantine ends.

12.103 Spreading contagion. It shall be unlawful for any person to spread willfully or carelessly, any contagious disease or to so cause the spread of the same.

12.104 Deliveries to quarantined premises. No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. No containers or bottles shall be removed from any such premises until the termination of the quarantine - and no such container, which has been so removed, shall be again placed in use for the carrying of food or drink until the same has been thoroughly sterilized.

12.105 Penalty. Any person, firm or corporation violating any of the provisions of this article shall be fined as designated in the fine rate schedule.

ARTICLE II

Plants, Weeds, Debris and Landscape Waste

12.201. No person may knowingly mix landscape waste that is intended for collection or for disposal at a landfill with any other municipal waste.

12.202. No person may knowingly put landscape waste into a container intended for collection or disposal at a landfill, unless such container is biodegradable.

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

12.204 Height. It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding six (6) inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

12.205. Unsightly weeds, brush, debris, or other matter, either organic or inorganic, which is either unsightly or unduly obstructs the flow of water through and/or along any stream is hereby declared to be a nuisance, and it shall be unlawful to permit any such nuisance to remain along and/or in any stream.

12.206 Removal - Notice. It shall be the duty of the Chief of Police to serve or cause to be served a notice in writing upon the owner and/or occupant of any premises on which weeds, brush, debris, or other matter that has hereinbefore been declared a nuisance to grow or remain in violation of the provisions of this Article, and such notice shall demand the abatement of the nuisance within seven (7) days from the service of said notice. If the owner and/or occupant of any premises that has previously been served with notice to abate a nuisance for unsightly weeds, brush, debris, or other matter within a calendar year be subsequently cited for violation of this article said owner and/or occupant shall be issued a citation for violating the ordinance and given seven (7) days in which to come into compliance with the ordinance. *(Rev. 10/12/1998)*

12.207 Abatement. If the person so served does not abate the nuisance within seven (7) days after service of the notice and/or citation set forth in Paragraph 12.206 hereof, the Village may proceed to abate such nuisance, and the cost to be paid to the Village of Dwight by such owner or occupant for the abatement of any such nuisance hereunder shall be billed on a per hour basis for abatement work done under this paragraph. Such hourly fee shall be established by the Village Administrator. Any other amounts expended by the Village of Dwight for the service of the notice upon the owner and/or occupant of said premises, including costs and attorney fees shall also be included in the billing.

12.208 Lien. Charges for the abatement of any nuisance as hereinbefore-set forth in Paragraph 12.207 hereof by the Village of Dwight, including all costs incurred by the Village shall become a lien upon the premises. Whenever a statement for such charges remains unpaid for a period of 30 days after it has been rendered, the Clerk shall file with the County Recorder, a statement of lien claim. This statement shall be for the cost of abatement, including all costs and fees involved with such abatement, and shall in addition include the cost of the preparation and filing of such lien, and shall also state that in the event a foreclosure of said lien is pursued under Paragraph 12.209, that the cost of such foreclosure of lien shall be an additional lien upon said premises, the amount to be ascertained during such foreclosure. In addition, the statement shall contain a legal description of the premises, setting forth the amount of the lien claimed, including a statement that additional charges may be made in the event that the lien is foreclosed upon, and the reason for such claims, and the Notice that the Village of Dwight claims a lien for the amount shown.

Notice of such lien claim shall be mailed to the owner of the premises at the owner's last known address, or if not known, shall be mailed to the address to which the real estate tax bill is sent.

The failure of the Village Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for such charges as provided in Section 12.209.

12.209 Foreclosure of Lien. Whenever the Village has abated a nuisance as set forth hereinbefore, and whenever charges for such abatement by the Village shall remain unpaid for at least sixty (60) days, the Board of Trustees may direct that proceeding be initiated so that the property be sold for nonpayment of the lien and the proceeds of such sale shall be applied to pay the lien after deducting the cost of sale, as is the case in foreclosure of statutory liens. Such foreclosure shall be made in the name of the Village.

The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty (60) days after it has been rendered.

12.210 Penalty. Any person, firm or corporation violating any of the provisions of this Article shall be fined as designated in the fine rate schedule for standard penalties for each day after receipt of notice and/or citation that a nuisance exists on said property. No nuisance shall exist more than seven (7) days after notice and/or citation thereof is given. If more than seven (7) days have passed after receipt of notice and/or citation by the person, firm or corporation violating the provisions of this Article, the Village shall abate the said nuisance and the violator thereof shall pay the costs of such abatement as set forth in Section 12.207 of this Article, and if the offender fails to pay either the costs of said abatement or any fine or penalty set forth in this Article, a lien shall be placed upon said property as set forth in Section 12.208 of this Article.

ARTICLE III

Nuisances (Rev. 7/23/2001)

12.301 Nuisances. The following conditions, acts, and actions are hereby defined to be nuisances as follows:

- a. Burning leaves, garbage or other refuse, at anytime within the Village of Dwight is prohibited.
- b. (removed)
- c. Allowing any stagnant pool or body of water to exist within the Village of Dwight, which by its character and/or placement is a hazard and/or breeding ground for mosquitoes and other types of insects. Excepted from such nuisances shall be swimming pools that are regularly maintained, ornamental pools which are maintained in a clean and slightly manner, and pools of water used for fishing and other recreation so long as properly maintained.
- d. Any obstruction, landscaping, other object or structure placed, installed or maintained in the corner setback area reaching a height of more than two feet above the adjoining top of curb at the applicable corner of the street intersection or two (2) feet above the nearest pavement surface where there is no curb, or the existing travel roadway at the corner in question where there is no curb or pavement. Excluded there from shall be existing or future permanent buildings and fences maintained or constructed in accordance with applicable zoning and building regulations, public utility poles, trees trimmed at the trunk at least eight feet above the level of the ground surface provided that such trees are spaced so that the trunks do not obstruct the vision of motorists at such intersections.
- e. Any swimming pool, pond or other body of water, which is abandoned, unattended, unfiltered, or not otherwise, maintained resulting in the water becoming stagnant and polluted. Polluted water shall mean water contained in a swimming pool, pond or other body of water which includes but is not limited to bacterial growth, including algae, remains of insects, remains of deceased animals, rubbish, refuse, debris, papers, and other foreign matter or material which because of its nature or location, constitutes an unhealthy, unsafe or unsightly condition.
- f. Any refuse and waste which by reason of its location and character is unsightly and/or produces a noxious odor and interferes with the reasonable enjoyment of property by neighbors, which detrimentally affects property values of the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or spreading of fire upon the premises. Refuse and waste means unused or discarded matter consists of such matter and material as rubbish, refuse, debris and matter of any kind including but not limited to rubble, asphalt, concrete, plaster, tile, rocks,

bricks, soil, building materials, crates, cartons, containers, boxes, machinery or parts thereof, scrap metal and other pieces of metal, ferrous and non-ferrous, furniture, inoperative vehicles and parts, all vegetative material including but not limited to landscape waste, fallen trees and limbs, cans, bottles, and barrels. In addition, although certain material may have a substantial market value, if, by reason of the location or the production of a noxious odor, it is or becomes unsightly and interferes with the reasonable enjoyment of the property values of the surrounding neighborhood or community, such material shall be a nuisance.

g. To use private property within the Village of Dwight for the riding, driving, and/or racing of motorized bikes or motorcycles, go-karts, all terrain vehicles, or any other motor vehicle, including an automobile, for racing purposes. Racing shall include but not be limited to racing against time, against competition, for precision with respect to obstacles, jumping with or without ramps, and similar types of driving.

h. Inoperable/Abandoned Motor Vehicles: (Rev. 4/09/2001)

Section I - Definitions:

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

Vehicle: Any device designed to be pulled and/or propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, and used to transport persons or property or pull machinery, and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buses, buggies and wagons, but shall exclude devices used exclusively upon stationary rails or tracks.

Motor Vehicle: Every vehicle which is self propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.

Open Private Land: Privately owned land not enclosed by a garage or other type of permanent structure for which a building permit would be required to construct the same. Open private land shall include any open sided carport, temporary or removable tarp, and/or any removable temporary structure, which is situated on privately owned land within the corporate limits of the Village of Dwight.

Public-Land: Land owned by public entities including Municipal Corporations, the State of Illinois, and the United States Government, including but not limited to road, street and alley right-of-ways.

Inoperable Vehicle: Any vehicle within view of the general public and from which the engine, wheels, or other parts have been removed, or which the engine, wheels or other

parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power, or it cannot otherwise be driven on a public street or highway in full compliance with all of the provisions of the Illinois Vehicle Code (625 ILCS 5/1-101, et seq) and the ordinances of the Village. However an inoperable motor vehicle shall not include:

1. Any vehicle which is kept within a building when not in use;
2. A vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or on the premises or place of business regularly engaged in the service, repair and storage of vehicles, so long as any such premises mentioned herein are properly zoned for such purposes, and if applicable, have necessary permits, licenses and/or special use certificates as necessary for the operation of such business.

Abandoned Vehicle: An abandoned vehicle shall be (1) any vehicle which is left upon any public or private property and in view of the general public which has not been moved for a period of at least seven (7) days and under such circumstances as to appear that the owner has voluntarily relinquished all right, title and possession with the intention of terminating ownership. No vehicle on private property shall be considered to be abandoned if the owner has been granted permission to store the vehicle, or if such vehicle is stored within a garage or other building when not in use, or if the registered owner or other person in possession thereof can present proof that the vehicle is in operating condition and is licensed by the State of Illinois and the appropriate municipal authorities, or that the application for such license or licenses has been made within the time period allowed by the State and/or by the municipal authorities.

Antique Vehicle: A motor vehicle that is more than twenty-five years of age or a bona fide replica thereof and which is driven on the highways only going to and returning from an antique auto show or an exhibition, or for servicing or demonstration, or a fire-fighting vehicle more than twenty years old which is not used a fire-fighting equipment but is used only for the purpose of exhibition of demonstration.

Calculation of Time Period: Any time period set forth herein shall continue to run regardless of whether or not the vehicle for which said time period applies continues to be in violation of this ordinance, regardless of the location of said vehicle, as long as said vehicle is located on open private land and/or public land, and such applicable period shall be calculated within any ninety (90) day period.

Section 2 – Nuisance Declared:

Any abandoned and/or inoperable vehicle as defined herein, whether on private or public property, are hereby declared to constitute an unhealthy and unsanitary condition, and are hereby declared to be a nuisance.

Section 3 - Notice to owners of inoperable vehicles and/or abandoned vehicles:

Notice shall be given to the registered owner of an inoperable vehicle and/or abandoned vehicle, as herein defined, that said inoperable vehicle and /or abandoned vehicle must be removed and/or brought into compliance with the provisions of this Ordinance within a period of ten (10) days from receipt of said Notice. In the event that the registered owner of said vehicle cannot be determined or the address of the registered owner of said vehicle cannot be determined so that service may be made upon such registered owner, then the owner of record of the real estate upon which the inoperable and/or abandoned vehicle is located shall be given the notice that would have otherwise been given to the registered owner, and in addition a copy of such notice shall be affixed in a conspicuous spot on said vehicle. If neither the registered owner of the vehicle or the record owner of the real estate upon which the inoperable vehicle and/or abandoned vehicle is located can be served with such notice, then service of the notice under this Section shall be solely by affixing a copy of such notice in a conspicuous spot on said vehicle. Any Notice to be served on the registered owner of the vehicle or upon the record owner of the real estate where said vehicle is located as set forth may be personally served upon such registered owner or record owner, as the case may be, or may be served by certified mail, return receipt requested, to such registered owner or upon the record owner, as the case may be. The date of service shall be earlier of: (1) the date that personal service is made upon the registered owner or record owner to be served, as the case may be, or (2) the date that the return receipt is signed by such registered owner or record owner, as the case may be, or if neither (1) or (2) then (3) the date upon which notice is affixed to the vehicle.

From the date that the notice has been served as set forth above, the registered owner of such inoperable vehicle and/or abandoned vehicle, or the owner or record of the real estate upon which the inoperable vehicle and /or abandoned vehicle is located, as the case may be, shall have a period of ten (10) days to remove said vehicle or to otherwise bring said vehicle into compliance with the provisions of this Ordinance. Said ten (10) day period shall commence on the first date after notice has been served as set forth above. After the expiration of the ten (10) day period as set forth above, any such inoperable vehicle and/or abandoned vehicle may be removed from any public or private land within the Village of Dwight, impounded and thereafter disposed of as hereinafter set forth.

Section 4 – Removal, impoundment and disposition of inoperable and /or abandoned vehicles seven years of age or newer.

1. Removal and Impoundment:

In the event that the registered owner of the inoperable and/or abandoned vehicle seven years of age or newer has failed to remove said vehicle or to otherwise bring said vehicle into compliance with the provisions of this Ordinance, or in the event that the owner of said inoperable and/or abandoned vehicle could not be located and the owner of record of the real estate upon which the inoperable and/or abandoned vehicle has failed to remove said vehicle or bring said vehicle into compliance with the provisions of this Ordinance, after the notice specified in Section 3 hereof

has been given, the Chief of Police of the Village of Dwight, or the duly authorized Agent of the Chief of Police of the Village of Dwight may order said vehicle removed and impounded. All costs for removing said vehicle, including storage fees, shall become a lien upon said vehicle.

A. Notice of Impoundment and Disposition:

After any inoperable and/or abandoned vehicle seven years of age or newer is removed and impounded pursuant to the provisions of this Ordinance, the Chief of Police or his/her duly authorized Agent shall cause notice to be given to the registered owner, lien holder or other legally entitled person with respect to such vehicle, such notice setting forth that unless said vehicle is reclaimed within thirty (30) days of receipt of such notice of impoundment, the Chief of Police shall cause said vehicle to be sold at public sale to a person licensed as an automotive parts recycler, rebuilder or scrap processor, or to the towing operator which towed the vehicle. Notice shall be sent no later than ten (10) business days after the date that the Chief of Police impounds the vehicle, provided that if the Chief of Police impounds the vehicle, provided that if the Chief of Police is unable to determine the identity of the registered owner, lien holder or other person legally entitled to ownership of the impounded vehicle within a ten (10) business day period after impoundment, then notification shall be sent no later than two days after the date the identity of the registered owner, lien holder or other person legally entitled to ownership of the impounded vehicle is determined.

When the Chief of Police does not know the identity of the registered owner, lien holder, or other legally entitled person of a vehicle seven (7) years of age or newer which has been impounded under the provisions of this Ordinance, the Chief of Police will cause the motor vehicle registrations records of the Secretary of State to be searched by the Secretary of State for purposes of obtaining the required ownership information. The Chief of Police will also cause the stolen motor vehicle files of the Illinois State Police to be searched by a communication directed to the Illinois State Police for stolen and wanted information on said vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Chief of Police in sending a notification by certified mail to the registered owner or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information.

Notice of the time and place of the sale shall be posted in a conspicuous place for least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the

Chief of Police shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lien holder or other legally entitled persons. Such notice shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. In those instances where the certified notification specified hereunder has been returned by the postal authorities to the Chief of Police, the sending of a second certified notice will not be required.

Section 5 – Removal, impoundment and disposition of inoperable and/or abandoned vehicles more than seven years of age:

A. Removal and Impoundment:

In the event that the registered owner of the inoperable and/or abandoned vehicle more than seven years of age has failed to remove said vehicle or otherwise bring said vehicle into compliance with the provisions of this Ordinance, or in the event that the owner of said inoperable and/or abandoned vehicle more than seven years of age cannot be located and the record owner of the real estate upon which the inoperable and/or abandoned vehicle more than seven years if age is located has failed to remove said vehicle or to otherwise bring said vehicle into compliance with the provisions of this Ordinance, the Chief of Police of the Village of Dwight, or the duly authorized Agent of the Chief of Police of the Village of Dwight may order said vehicle removed and impounded. All costs for removing said vehicle, including storage fees, shall become a lien upon said vehicle.

B. Notice of Impoundment and Disposition:

When an inoperable and/or abandoned vehicle more than seven years of age is impounded as specified herein, it will be kept in custody or storage for a minimum of ten (10) days for the purpose of determining the identity of the registered owner, lien holder or other legally entitled persons and contacting registered holder, lien holder or other legally entitled persons by U.S. Mail or personal service, for determination of disposition and an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the ten (10) day period, if the registered owner, lien holder or other legally entitled persons have not contacted the Chief of Police to reclaim said vehicle, including payment of all costs with respect to removal and impoundment, or have otherwise directed the Chief of Police as to the disposition of said vehicle, the Chief of Police or his duly authorized agent shall apply to the Secretary of State for a junking title for purposes of disposing of said vehicle for salvage purposes. In the event that the registered owner, lien holder, or other legally entitled person

of said inoperable and/or abandoned vehicle more than seven years of age cannot be located, or cannot be ascertained, or otherwise cannot be served the aforementioned notice, then notice of such impoundment and disposition shall be given by placing a notice of such impoundment and disposition by affixing a copy of said notice to the vehicle in a conspicuous spot which shall serve as notice hereunder.

C. Disposition:

The Chief of Police of the Village of Dwight, or his/her duly authorized Agent, is hereby authorized to dispose of any inoperable and/or abandoned vehicle which has not been claimed by the registered owner, lien holder, or other legally entitled person thereto as previously set forth herein, and the Chief of Police is hereby further authorized to offset the value of said inoperable and/or abandoned vehicle against any towing bill, storage fees or other expenses incurred, and the Chief of Police shall have the discretion to transfer title to said inoperable and/or abandoned vehicle to any person that has a lien on said vehicle, including any lien incurred for purposes of enforcing this Ordinance. A vehicle classified as an antique vehicle may however be sold to a person desiring to restore it.

Section 6 – Reclaiming Prior to Sale:

At any time before an inoperable or abandoned vehicle is sold at public sale or disposed or as otherwise provided in this Ordinance, the registered owner, lien holder or other person legally entitled to possession may reclaim the vehicle by presenting to the Chief of Police proof of ownership or proof of right to possession of the vehicle. No vehicle shall be released to the owner or other person entitled to possession thereof under this Section until all towing, storage and related charges have been paid.

Section 7 – Authority of the Chief of Police to Enter Upon Private Lands for Purposes of Enforcement:

The Chief of Police of the Village of Dwight, or the duly authorized Agent of the Chief of Police of the Village of Dwight, is hereby authorized to enter upon public or private lands within the Village of Dwight for purposes of enforcing the provisions of this Ordinance, including inspecting vehicles for determining whether or not said vehicles are inoperable and/or abandoned, and for purposes of giving any notice that may be required under this Ordinance, including but not limited to notices under Sections 3 and 4 hereof, and further for purposes of removing inoperable and/or abandoned vehicles pursuant to the provisions of this Ordinance. Such authority shall include persons engaged in the occupation of towing vehicles when authorized by the Chief of Police or his/her duly authorized Agent to tow an inoperable and/or abandoned vehicle from premises as designated by the Chief of Police or his/her duly authorized Agent.

In the absence of the Chief of Police or his/her duly authorized Agent, the Village Administrator shall have full power and authority to enforce the provisions of this

Ordinance, including the removal, impoundment and disposition of any such inoperable and/or abandoned vehicles.

Section 8 – Immunity from Liability to Owner:

The Chief of Police of the Village of Dwight, his/her duly authorized Agents, Officers, and individuals employed by the Chief of Police or his/her duly authorized Agents, Village Officers, including the Village Administrator acting in lieu of the Chief of Police, for purposes of towing inoperable and/or abandoned vehicles, or any employee thereof, shall not be held liable for any damaged in any action brought by the owner, former owner, owner of the real upon which the vehicle is located, or any other person legally entitled to the possession of a vehicle when the vehicle was possessed and sold or disposed of as provided by this Ordinance.

Section 9 – Calculation of Time Period:

The fact that any inoperable and/or abandoned vehicle has been moved to a different location, whether on private or public lands, shall not toll the running of any time period set forth hereunder so long as said vehicle remains inoperable and/or continues to be abandoned.

Section 10 – Penalty:

In addition to any charges or costs herein set forth for towing, storage and related reasonable expenses incurred in the removal of an inoperable and/or abandoned vehicle under the provisions of this Ordinance, shall in addition be subject to the standard fine provisions of Appendix E of the Municipal Code of the Village of Dwight, as from time to time amended.

i. Building exteriors which are maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same causes depreciable diminution of the property values of surrounding property or is materially detrimental to proximal properties and improvements. This includes but is not limited to the keeping or disposing of or the scattering over the property or premises of any of the following:

1. Lumber, junk, trash or debris;
2. Abandoned, discarded or unused objects of equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
3. Stagnant water, or excavation;

4. Any device, decoration, design, fence or structure which is unsightly by reason of its condition or its inappropriate location.

j. Maintenance of premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties.

k. Property maintained (in relation to surrounding property) so as to establish a prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts from such particular area are inadequate for the cost of public services rendered therein.

l. Any sidewalk or driveway which is debilitated, broken, damaged, or raised to such a degree as to be injurious to property or injurious to persons using said driveway or sidewalks. The standards as designated in 22.305 shall be the standards used to determine if such sidewalk constitutes a nuisance.

m. Dead trees, weeds and debris which constitute an unsightly appearance, are dangerous to the public safety and welfare, and/or are a detriment to nearby property or property values.

n. To own, occupy or lease or having charge or possession of any premises within the Village of Dwight when such premises are maintained in such a manner that any of the following conditions are found to exist thereon:

1. Buildings which are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction or which are dangerous and unsafe due to damage, destruction, fire or other causes;
2. Unpainted buildings causing dry rot, warping and termite infestation;
3. Buildings or structures containing broken windows which may or could constitute a hazardous condition and which may invite trespassers and malicious mischief;
4. Property containing overgrown vegetation which causes detriment to neighboring property or property values, or which cause a hazardous condition to pedestrians and/or motor vehicle traffic, or which is likely to harbor rats, vermin or other nuisances;
5. Whenever any portion thereof has been damaged by earthquake, wind, flood, or by any other cause, in such a manner that the

structural strength or stability thereof is appreciably less than the minimum requirements of this Code for a new building or similar structure, purpose or location;

6. Whenever any portion or member or appurtenance thereof is likely to fall, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
7. Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, decay, faulty construction, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way;
8. Whenever, for any reason whatsoever, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is used;
9. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing nuisance, unlawful, or immoral acts;
10. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease, or is likely to work injury to the health, safety or general welfare of those living within; or
11. Whenever a building or structure, by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus, or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause.

o. Any premises licensed under Chapter 16 of the Municipal Code of the Village of Dwight (Dealers In Intoxicating Liquors) wherein persons upon such premises become drunk and disorderly, become involved in fighting, arguments, and/or otherwise disrupt the peace is hereby declared to be a nuisance, unless the owner, employee, and/or agent takes affirmative steps to bar such person or persons causing such incidents from such

establishment, and further provided, that the owner, employee and/or agent of such premises cooperate with the Municipal and/or State authorities including Municipal, County and State police in the prosecution of persons who become involved in incidents of fighting, drunkenness, arguments, and similar incidents, including but not limited to the filing of a complaint against such persons either at the initiative of such owner, employee and/or agent or upon request by the Village of Dwight, its police officers, police officers of the County and State of Illinois, State's Attorney's office, and/or other authority having jurisdiction therein.

p. Any person, firm or corporation to establish a cemetery or bury any person within the corporate limits of the Village of Dwight or within a mile thereof except on an established cemetery.

q. Any person, firm or corporation to serve any food or drink to the public using any utensils or preparation methods which have not been approved by the health authorities of the county having jurisdiction thereof.

r. Any person, firm or corporation to obstruct or pollute any water course, stream, pond or lake, or source of water supply to the Village of Dwight.

s. To cause or permit the admission of dense smoke from any firm, chimney, engine, burner or other agency within the Village of Dwight as to cause annoyance or discomfort to the residents of the Village of Dwight.

t. No garbage, refuse, grass clippings, or other debris of any kind shall be deposited on any street, alley or public way of the Village of Dwight, and further provided that any garbage, debris, or other refuse piled along the street or alley rights-of-way or other rights-of way within the Village of Dwight for pickup shall be deposited along such right-of-way in such a way so that such debris, garbage or refuse cannot be blown or scattered about by the wind, or create a hazard to traffic.

u. Any garbage, debris or refuse placed to be picked up by any garbage service or by the Village of Dwight along any Village right-of-way shall be placed in a tight container, or if not in a container placed in such a fashion as to prevent the refuse, debris and/or garbage from escaping or being blown away, and shall also be placed in such a manner to prevent odor from escaping therefrom.

ARTICLE IV

Nuisance Abatement

12.401 Abatement Procedure for Nuisances: The following procedure shall be used by the Village of Dwight, its officers and agents with respect to the abatement, removal, extinguishment, or lessening of any nuisance declared by the Village President

and Board of Trustees within the Village of Dwight as follows:

a. Any nuisance set forth in Paragraph 12.301, Subparagraphs a-h, Subparagraph l-m, and Subparagraphs o-u shall be a nuisance per se, and shall be immediately abated upon an Order to abate directly to the owner or lien holders of such property by the Village Board, its officers, or agents.

1. If the person so served does not abate the nuisance within 48 hours after service of the notice set forth in this subparagraph (a) hereof, the Village may proceed to abate such nuisance, and the cost to be paid to the Village of Dwight by such owner or occupant for the abatement of any such nuisance hereunder shall be billed on a per hour basis for abatement work done under this paragraph. Such hourly fee shall be established by the Village Administrator. Any other amounts expended by the Village of Dwight for the service of the notice upon the owner or occupant of said premises, including costs and attorney fees shall also be included in the billing.
2. A lien may be placed upon the premises in the manner indicated in 12.208 of the Village of Dwight Ordinances.
3. Foreclosure of said lien in item two above may be implemented in the manner indicated in 12.209 of the Village of Dwight Ordinances.

b. The nuisances set forth in Paragraph 12.301, Subparagraphs I-k shall be abated pursuant to the following procedure, to-wit:

1. When the Village Administrator of the Village of Dwight, after hearing witnesses and reviewing evidence with respect to the condition of and/or existing on or about any premises, declares or finds that any premises within the Village of Dwight is being maintained contrary to one or more of the provisions of Section 12.301, Subparagraphs I-k, the Village Administrator shall direct that a notice to the owner of the premises and any lien holder of record shall be served setting forth the conditions which constitute the nuisance as declared, and shall order the abatement of the nuisance within thirty (30) days after the service of said notice. The date of the service of the Notice shall constitute the first day of the notice period, and the Notice shall be served by certified mail, return receipt requested, or by an officer authorized to serve legal notices, including any officer of the Village of Dwight Police Department. Said Notice shall be delivered with a copy of the ordinance passed by the Board of Trustees setting forth the conditions which constitute the nuisance, and setting forth the date and place of declaration of said nuisance. In the event that the property owner or lien holder cannot be located for service upon such individual, or if

such owner of lien holder is unknown, then notice to such owner or lien holder shall be made by publication, by publishing a Notice in a secular newspaper generally circulated within the Village of Dwight, for three consecutive weeks, setting forth the description of the property, the parties to be notified, the action to be taken, and the nuisance declared. The first date of publication shall constitute the date of service. Unknown owners and unknown lien holders shall be designated as "Unknown Owners and Unknown Lien Holders." Any Notice served or published hereunder shall also include a provision that in the event the property owner or lien holder does not agree with the determination of the Village Administrator with respect to said nuisance, the owner or lien holder may, within the thirty (30) day abatement period, ask for a hearing before the President and Board of Trustees of the Village of Dwight wherein a hearing shall be held before the President and Board of Trustees of the Village of Dwight to hear testimony and evidence of all competent witnesses and evidence respecting the condition constituting the nuisance, including the estimated cost of its abatement and any other matter that may be pertinent. At the conclusion of the hearing, the Board of Trustees shall, by Resolution passed by a majority of those elected, declare its findings and in light of those findings may declare the condition existing to be a nuisance and direct the persons owning the property or any lien holder thereof to abate the nuisance within an additional thirty (30) days from the date of the determination after such hearing. In the discretion of the corporate authorities, additional time may be granted the property owner and/or lien holder to abate the nuisance, if, in the opinion of the corporate authorities, good cause for such an extension exists.

2. If the owner of the premises and/or lien holder fails to abate the nuisance within the time as set forth above for any extension as granted by the corporate authorities; the Village may proceed to abate the nuisance.
3. The Village shall keep an itemized account of the expenses involved in abating the nuisance. The Village shall post conspicuously on the property and shall also serve on the owner of the property and any lien holder of record, by certified mail or by personal service at least ten (10) days prior to any such hearing, a statement showing the expense of the abatement, together with a notice of the time and place when the statement will be submitted to the Board for approval and confirmation and at which time the Village Board of Trustees shall consider objections or protests to the cost of the work performed.

4. At the time fixed for the hearing on the statement of expense, the Village Board of Trustees shall consider the statement and protest or objections raised by the person liable to be assessed for the cost of abatement. The Board of Trustees may revise, correct or modify the statement as it considers just and thereafter shall confirm the statement or motion or Resolution. The decision of the Village Board of Trustees on all protests and objections, which may be made, shall be final and conclusive.
5. If the property owner and/or lien holder does not pay the expense of abating the nuisance within ten (10) days after the Village Board of Trustees confirms the cost of abatement as originally submitted or as may be modified after the hearing thereon, the cost shall become a lien against the real estate on which the nuisance was abated. The lien shall continue until it is paid, together with interest as from time to time charged by the County in which the property is located on delinquent real estate taxes until the statement is fully paid.
6. When conditions which constitute a nuisance pose an immediate threat to the public peace, health, or safety, the Village Board of Trustees may order the nuisance abated immediately or take steps itself to abate the nuisance after the adoption of the Resolution declaring the facts which constitute the emergency. The Resolution to be effective shall be adopted by a two-thirds vote of the corporate authorities of the Village of Dwight.

c. The Village of Dwight does hereby implement the procedures under **III. Rev. Stat.**, Chapter 24, Section 11-31-1 by reference herein, and any amendments thereto, which shall specifically apply to the demolition, repair or to cause the demolition or repair of any dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village of Dwight which are herein declared to be nuisances under Paragraph 12.301 Subparagraph n, such procedures (unless in conflict with the aforementioned statute in which case such statute shall prevail) being as follows:

1. The corporate authorities of the Village of Dwight shall notify, in writing, the owner or owners of record, including the lien holders of record, by a fifteen (15) day written notice by mail notifying the owner or owners of record and lien holders that if he/she/they fail to put such building in a safe condition or demolish the same within fifteen (15) days, that the corporate authorities shall apply to the Circuit Court of the County in which said building is located for an Order authorizing such action be taken with respect to any such building with respect to any repair and/or demolition as the corporate authorities shall determine necessary to eliminate said nuisance. Notice may be by certified mail, return receipt requested, or by any officer authorized to serve writs or

notices. For purposes of such Notice, the day of receipt or service shall not be counted and the first day after receipt or service shall be the first day of the 15th day Notice period.

2. In the event that the identity or whereabouts of the owner or owners of any such building including the lien holders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this section, and the date of mailing shall constitute the first day of notice.
3. In the event that the owner or owners of record or lien holders have not, within fifteen (15) days after notice as hereinbefore set forth has been given with respect to the repairing and/or demolition of a building heretofore declared to be a nuisance or such other action as to make such building no longer a nuisance, then the corporate authorities shall apply to the Circuit Court of the County in which the building is located for an Order of Demolition.
4. Upon the granting of an Order of Demolition or Repair, the corporate authorities of the Village of Dwight shall file a lien within sixty (60) days after the repair or demolition for the cost thereof, and a notice of such cost and expense shall be filed in the Office of the Recorder of Deeds in the County in which said title is recorded. Such notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expenses incurred and the date or dates when the cost and expense was incurred by the municipality or by the lien holder of record.
Upon payment of the costs and expenses by the owner of or persons interested in the property after notice of lien has been filed, lien shall be released by the municipality or person in whose name the lien has been filed and the release may be filed of record as in the case of filing Notice of Lien. The lien may be enforced by proceedings to foreclose as in the case of mortgage or mechanics liens as set forth in the statute heretofore mentioned, as from time to time amended.

12.402 Penalty. In addition to the cost of abatement of any nuisance on any premises after the Village Board of Trustees declares that such condition is a nuisance, each day that such nuisance continues to exist after the date set by the Village Board that such nuisance was to be abated, the owner of the premises shall be subject to a fine as designated in the fine rate schedule for each day that such nuisance continues to exist and such shall become a lien on the premises and a notice of such lien shall be filed with the County Recorder in the county where the real estate is located identifying the premises and specifying the amount of such lien.

12.403 Penalty. Any person, firm, corporation, or others, either acting through themselves or through an agent or employee violating any provisions of this Article shall be given a warning upon the first violation, and each violation thereafter shall be punishable as designated in the fine rate schedule.

ARTICLE V

Regulating Collectors of Garbage and Refuse Within the Village of Dwight

12.501. This Ordinance shall regulate and control those firms, corporations, businesses, partnerships, associations, and others who wish to collect garbage and refuse, and haul or otherwise dispose of such refuse or garbage, and otherwise engage in the garbage collecting or refuse business within the Village of Dwight, and to use the public streets, alleyways, and public ways to pursue such activities within the Village of Dwight.

12.502. Any entity (defined as any person, partnership, corporation, association, firm, business, or other) wishing to engage in the business of the collecting and/or hauling of garbage within the Village of Dwight and wishing to use the public streets, alleys, public ways and/or public easements within the Village of Dwight must file with the Village Clerk an application which shall be in the form of a letter, setting forth the applicant's name, address and telephone number, and listing all motorized equipment to be used within the Village, owners' names and addresses (if different from the applicant), and shall pay a license fee of one hundred (\$100.00) dollars which shall be used for the inspection, control and regulation of such garbage disposal companies or entities within the Village of Dwight.

12.503. Any entity wishing to enter into the garbage disposal system within the Village of Dwight, shall in addition to making the application and paying the license fee as set forth above, may be required to deposit with the Village Clerk of the Village of Dwight a performance bond, irrevocable letter of credit or cash, subject to approval by the Village Board of Trustees, which shall be renewed annually and which shall be in the sum of ten percent (10%) of the prior year's gross revenues within the Village of Dwight of such applicant, or if no such prior year's revenues are available, shall be in the sum of ten percent (10%) of the expected gross revenues of the applicant within the Village of Dwight for the year in which the application is being made, or one thousand (\$1,000.00) dollars whichever is greater. Such bond shall be renewed annually.

12.504. Any entity wishing to engage in the garbage collecting business within the Village of Dwight shall procure liability insurance insuring the activities of the applicant and/or the applicant's employees, agents, independent contractors or others working or operating on behalf of the entity, in a sum not less than \$1,000,000.00 per accident. Said policy is to be reviewed and approved by the Village of Dwight prior to the approval of such application.

12.505. All applicants receiving a license hereunder shall abide by the terms and conditions of any franchise granted by the Village of Dwight for garbage pickup and disposal.

12.506. All applicants shall be approved or denied approval within thirty (30) days after the application has been submitted to the Village Clerk.

12.507. Any entity failing to comply with the provisions of the Ordinance, shall be subject to a fine as designated in the fine rate schedule per each offense, a separate offense being each day of operation within the Village of Dwight without being granted a license hereunder or violating the terms and conditions of such license.

ARTICLE VI

Waste Disposal

12.601 Definitions. Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

Private Residential Service Unit: those dwelling structures within the Village of Dwight's municipal limits which contain two or fewer dwelling units, excluding mobile homes located in Mobile Home Parks or Courts where there is a central disposal unit provided by the collector.

Commercial Service Unit: all service units not found to be a private residential service unit. Commercial Service Units shall be of three types: Commercial Service Unit, Residential Business Service Unit and Business Commercial Service Unit. A residential Commercial Service Unit shall be defined as each dwelling unit in any dwelling structure within the Village of Dwight municipal limits where such dwelling structure contains therein more than two dwelling units. A residential business service unit shall be defined as those structures within the Village municipal limits, which contain therein a business venture enterprise for which a Home Occupancy Permit is required under Village Ordinances. A business Commercial Service Unit shall be defined as all businesses and commercial enterprises within the Village of Dwight municipal limits unless as otherwise excluded by definition hereunder where a central disposal container is provided by the Collector.

Dwelling Unit: As set forth in the Dwight Zoning Ordinance.

Non-Private Residential Service Unit: all service units other than private residential service units.

* **12.602 Collection fee.** A monthly garbage collection fee as set by the Village

Board of Trustees and as defined in the Garbage Fee schedule shall be collected for all private residential service units within the Village of Dwight. The collection fee shall be billed along with the water and sewer bills. **(Rev. 10/05/2015)*

* **12.603 Late payment penalty.** A late charge of ten (10%) percent bi-monthly shall be added to any billing which is not paid by the due date of such statement. In the event of non-payment of any garbage collection fee, which is delinquent, in addition to refusing garbage service, the Village may also terminate water and sewer service to the private residential service unit or units. **(Rev. 10/05/2015)*

12.604 Responsible party. The owner of the premises on which the private residential service unit or units exists shall be responsible for payment of any delinquent garbage collection fee. Any unpaid garbage collection fee shall become a lien against the private residential service unit.

12.605 Waste disposal. Prior to the approval of any permit for the construction or demolition of any building or structure, or any part thereof, within the Village limits, it shall be necessary that adequate means of disposal of waste material and other debris created and caused by any such construction or demolition, or part thereof, shall be made available by the person, firm, or corporation responsible for any such construction or demolition. Adequate means of disposal of such materials shall include commercial or private receptacles placed on the site of construction or demolition that will be adequate in size, number, or in replacements to adequately dispose of all waste material and debris created by any such construction or demolition; or trucks available to remove the waste material or debris created; or any other reasonable means which will assure that the waste material or other debris created by the construction or demolition as above mentioned shall be removed from the premises in a prompt fashion. Waste material and other debris created or produced by the construction or demolition as above mentioned of any building or structure for which a building permit or demolition permit is necessary as provided in Paragraph 23.102 and Paragraph 23.102(a) of the Ordinance of the Village of Dwight shall not be placed in any receptacle owned, leased or operated by the Village of Dwight.

12.606. The following rules shall apply to any commercial dumpster or other receptacle owned, leased or operated by the Village of Dwight for the disposal of waste material as follows:

a. No animal or plant remains; nor garbage or refuse routinely picked up by the Village Garbage Collector under contract with the Village for residential pickup shall be dumped or otherwise placed in any receptacle owned leased or operated by the Village of Dwight.

b. No person, organization, corporation or employee thereof who is hired or contracts to build, remodel, demolish, repair or restore any building, structure, or enclosure shall place any waste or discarded material from any such project in any

garbage receptacle owned, operated, or leased by the Village of Dwight, and such shall specifically comply with Paragraph 12.605 of this Chapter.

c. Any receptacle owned, leased or operated by the Village of Dwight shall be available for receiving permitted types of waste, debris, and refuse pursuant to the provisions of this Paragraph and the rules as herein provided, from the hours of 7:00 A.M. to 4:00 P.M. on Monday through Friday, and from 4:00 P.M. to 7:00 P.M. with a police escort Monday through Friday; and weekends from 7:00 A.M. to 4:00 P.M. by police escort. Dumping at any other time except as set forth herein is prohibited.

d. At anytime that a dumpster or other receptacle as provided by the Village of Dwight, whether it be owned, leased or operated by the Village of Dwight is filled to its capacity, it shall be prohibited to place additional waste material, debris or refuse therein, or to place waste material, debris and refuse on the ground in or around said receptacle or to place any such waste material, debris and refuse on Village property at any time except in a receptacle so provided which has the capacity to accept the material being dumped.

e. Only those persons who are residents of the Village of Dwight shall be allowed to dump waste and other debris in any receptacle owned, leased or operated by the Village of Dwight provided that the rules as set forth herein are otherwise complied with.

f. Any garbage or debris, which is normally picked up by the Village Garbage Collector under the Residential Pickup Contract with the Village, shall not be placed in any receptacle owned, operated or leased by the Village of Dwight.

g. No person shall be about the receptacle area unless lawfully placing permitted waste material, debris, or refuse within a receptacle or unless otherwise authorized. The receptacle area shall be that area within the fenced in area behind the Village Garage where the receptacles are kept and within fifteen (15) feet thereof.

h. No garbage, debris or refuse which shall decay and cause a disagreeable odor shall be allowed to be dumped in any receptacle owned, operated or leased by the Village of Dwight.

i. No rocks, cement, sand, bricks or similar type of material shall be discarded, dumped or otherwise placed in any dumpster or other receptacle owned, supplied or leased by the Village of Dwight.

j. Any person, firm, or other hauling, dumping, transporting or allowing waste material, refuse, or other debris from outside the Village of Dwight to be placed on property within the municipal limits of the Village of Dwight for the purpose of having the same picked up by the Village Garbage Collector, or any person who shall dump or allow to be dumped any debris, garbage or other refuse being transported into the Village of Dwight for such purpose, or any person, firm, or other hauling, dumping or transporting waste material, refuse or other debris from outside the Village to the Village

receptacle shall be subject to the fine and penalty as set forth under this Article.

12.607 Penalty. Any person, firm or corporation violating any provision of Sections 12.605 or 12.606 shall be fined as designated in the fine rate schedule for each offense; a separate offense shall be deemed committed on each day during or on which a violation of the terms and conditions as set forth above occurs or continues.

CHAPTER 13

ANIMALS

Article I - General Provisions

Article II - Dogs

ARTICLE I

General Provisions

13.101 Definitions. The following definitions shall apply in the interpretation and enforcement of this article:

At large: any animal off the premises of its owner and on other premises against the wishes of the person in possession of such other premises or upon the public streets, alleys, public grounds, school grounds or parks within the Village. An animal shall not be deemed at large if:

1. The animal is on the owner's property or a neighbor's property with that neighbor's consent; or
2. The animal is confined in a cage or motor vehicle; or
3. The animal is restrained by a leash of sufficient strength to control its action; or
4. A dog is actively engaged in training in dog obedience, for hunting or for other service under continual control of the owner or trainer provided that the owner or trainer is conducting the training in an open public area, is not endangering other users or animals in the area, has the dog within 30 yards and under continual voice control and has in his/her possession a dog leash appropriate to control the dog; or
5. The animal is a draft animal engaged in drawing vehicles or conveyances.

Owner: includes any person who owns, keeps or harbors an animal.

Animal: a nonhuman vertebrate.

13.102 Standard of Care. All owners and keepers of any animal shall comply with the following standards of care. Failure to comply with any standards shall be a violation of this section.

It shall be the duty of each person keeping an animal and no person keeping an

animal shall fail in that duty to provide:

a. Food, shelter and water for that animal. No person keeping an animal shall abandon any such animal. Abandon shall mean ceasing to provide control over, shelter, food and water for an animal without having made responsible arrangements for such care, custody, and physical control to be provided by another person;

b. Adequate food which shall mean providing at intervals appropriate for the species a quantity of wholesome food stuff, suitable for the physical condition and age of the animal, served in a clean receptacle or container, sufficient to maintain an adequate level of nutrition for such animal;

c. Adequate outdoor shelter for such animal when it is kept outdoors, tangle free, which shall mean a structurally sound, weather-proof, properly ventilated shelter, which provides access to shade from direct sunlight and regress from exposure to weather conditions. The shelter should be appropriate for the particular species and breed;

d. Adequate indoor shelter for such animal when it is kept indoors, which shall mean a properly ventilated and illuminated facility, sufficiently regulated by heating or cooling to protect the animal from extremes of temperature, and to provide for its health and comfort. The shelter should be appropriate for the particular species and breed;

e. Adequate sanitation, which shall mean periodic cleaning or sanitizing housing facilities, and any area where the animal is confined or restrained to remove excreta and other waste materials and dirt, so as to minimize vermin infestation, odors and disease hazards;

f. Adequate space, which shall mean primary enclosures and housing facilities, constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. The space shall be appropriate for the particular species;

g. Adequate veterinary care, which shall mean that a sick, diseased, or injured animal shall be provided with a proper program of care by a veterinarian, or humanely euthanized. All animals shall be provided with proper immunizations and preventive health care including parasite control;

h. Adequate water, which shall mean reasonable access to a supply of clean, fresh, potable water, provided in a sanitary manner. If potable water is not accessible to the animal at all times, it shall be provided daily, for such duration and of sufficient quantity as appropriate for the species; and

i. Proper grooming as appropriate for the species and to keep the animal clean.

13.103 Cruelty. No person shall cruelly treat any animal in the Village in any way; any person who inhumanely beats, overloads, underfeeds or abandons any animal shall be deemed guilty of a violation of this section.

13.104 Poisoned meat. No person shall knowingly expose any poisoned meat or other poisoned substances on public or private property where the same may be taken by any human being or domestic animal.

13.105 Duties upon striking an animal. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall report such injury or death to the Police Department.

13.106 Animal nuisance. The following acts and circumstances are hereby declared to be nuisances and therefore prohibited:

- a. The keeping of an animal on private property in such number or in such manner that allows for the accumulation of solid waste of such animal which becomes a detriment to or menace to the health of the animal, or an annoyance to humans.
- b. Allowing any dog to habitually bay or bark or any cat or other animal or bird to habitually screech, yell or make a sound of any kind or nature for prolonged periods in such manner as to unreasonably disturb the peace and quiet of the vicinity.
- c. Allowing a pet animal to cause any damage or defilement to public or private property.
- d. Allowing a pet animal to molest any person or animal on public or private property who has a legitimate reason to be thereon.

13.107 Animal Waste. Any Person who walks an animal on private or public grounds shall be responsible for the proper and immediate disposal of the solid waste from that animal, except when the animal is on the owner's property. This section shall not apply to an animal used by a handicapped person and especially trained for the purpose of assisting a handicapped person.

13.108 Harassment of animals. It shall be unlawful to engage in harassment of an animal except when such action is deemed necessary to protect persons or their property from the animal. No person, except the owner of an animal or authorized agent shall willfully open any door or gate on any private or public premises for the purpose of enticing or enabling any animal to leave such premises.

13.109 Protective custody of animals. When animal cruelty, abuse, or neglect as defined in this chapter is suspected and, if in the judgment of a police officer or county animal control officer, the well being of the animal is jeopardized, such officer may enter upon any premises upon which the animal is kept and remove the animal from the premises.

13.110 Dangerous animals. It shall be unlawful to keep a dangerous animal except as otherwise provided in this chapter.

a. For purposes of this chapter dangerous animal means:

1. Any animal, which has inflicted serious injury on a person without provocation;
2. Any animal that has at the animals own initiative, killed a domestic animal;
3. Any animal owned or harbored primarily or in part for the purpose of animal fighting; or
4. Any animal which by breeding, training, disposition or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals.

b. Questions or disputes as to whether a certain animal shall be considered dangerous shall be judged by a police officer or county animal control officer on the basis of reasonable evidence. If the police or county animal control officer has reason to believe that the animal threatens the safety of the public or other domestic animals, the officer may enter upon any premises upon which the animal is kept and remove the animal from the premises.

* **13.111 Dangerous wild and exotic animals.** It shall be unlawful to harbor or keep any dangerous wild or exotic animal, which is known to have caused serious injury, death, or disease to humans, or is manifestly capable of doing so. Questions or disputes as to whether a certain animal shall be subject to this regulation shall be determined by the Village Board of Trustees. **(Rev. 03/10/2008)*

13.112 Keeping of venomous reptiles. No person shall be permitted to keep venomous reptiles unless they have first demonstrated two (2) years of secure and humane keeping of harmless snakes. Thereafter the person shall be restricted for one (1) year to the keeping of non-lethal venomous reptiles, e.g. copperheads, pygmy rattlesnakes, and sidewinders.

a. No venomous reptile may be kept in buildings containing more than one dwelling unit.

b. Venomous reptiles shall be kept in locked cages in locked rooms and the cage shall be labeled to identify the reptile contained.

c. Venomous reptiles that have had duct legation surgery shall nevertheless be regarded as subject to these regulations.

d. Cages shall be so constructed as to not break or give way as a result of reasonable foreseeable accident or misuse.

13.113 Keeping of large non-venomous reptiles. No person shall be permitted to keep a non-venomous snake in excess of six (6) feet in length unless the person can

show two years of experience in the secure and humane keeping of constricting snakes.

a. All non-venomous constricting snakes shall be kept in locked cages in locked rooms.

b. Cages shall be so constructed as to not break or give way as a result of reasonable foreseeable accident or misuse.

c. No person shall be permitted to keep a reticulated python, African rock python or an anaconda except after demonstrating they have sufficient knowledge and experience to keep such reptiles in a safe and humane manner.

d. No non-venomous reptile may be kept in buildings containing more than one dwelling unit.

13.114 Prohibition on trapping.

a. It shall be unlawful for any person to set and maintain animal or bird traps upon public or private property at any time except as follows:

1. Traps set and maintained by the police or county animal control officers, or by persons acting under written permission of such officers, for the purpose of controlling animals determined by such officers to be a public hazard or nuisance; or
2. Humane live box traps on public or private property, with the written permission of the police or county animal control officers. Such permission shall be withheld if the traps used and/or the locations of placement are deemed to be cruel or a hazard to people or domestic animals; or
3. Instant kill snap traps designed for small rodents' pest control.

b. The use of cannibear traps, snare traps, steel jaw traps, leg hold traps, spring traps, or any similar device designed to catch and hold the animal by the leg or other part of the body; or which is likely for any reason to cause injury, pain and suffering before death, are prohibited.

* **13.115 Prohibited Animals.** It shall be unlawful to keep any cattle, horse, swine, sheep, goats, poultry, or any other animals commonly recognized as livestock within the corporate limits. Any one time events such as a petting zoo or circus are allowed.

*(Rev. 03/10/2008)

13.116 Killing dangerous animals. The members of the police department or any other person in the Village are authorized to kill any dangerous animal when necessary for the protection of any person or property.

13.117 Diseased animals. No domestic animal afflicted with a contagious disease or an infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof except under the supervision of the Chief of Police.

It is hereby made the duty of the Chief of Police to secure such disposition of any diseased animal and such treatment of contagion of infection, except in cases where the State Veterinarian is empowered to act.

* **13.118 Swine.** *(Deleted 03/10/2008)*

13.119 Impounding. Any animal running at large or for other reason as set forth in this chapter shall be impounded by a member of the Police Department or such other appropriate officer as designated by the Board of Trustees of the Village of Dwight. Such animals shall be impounded for a minimum period of five (5) days. If the animal has bitten a person, the impoundment shall include five (5) days from the date of biting, plus such other time period required by county or State health authorities.

13.120 Notice of Impoundment. When any animal has been impounded, the Chief of Police shall give written notice to the owner, if known, at such owner's last known address.

13.121 Redemption of Animals. The owner of any animal impounded under the provisions of this Article may redeem such animal upon complying with the following conditions:

- a. Obtaining and paying for the registration and vaccination of the animal, if required;
- b. Paying all reasonable fees for the boarding and care of the animal incurred as a result of the impoundment; and
- c. Payment of any fine as set forth herein.

13.122 Disposal of Animals. Any animal impounded under the provisions of this Article and not redeemed may be disposed of no sooner than five (5) days after mailing notice to the owner or after determining that the owner cannot be identified, by either:

- a. Placing the animal in an adoptive home;
- b. Selling the animal; or
- c. Destroying the animal in a humane manner.

13.123 Adoption of animals. Any person desiring to adopt an animal offered for adoption that has been impounded may do so upon payment of such reasonable fees

for the boarding and care of the animal incurred as a result of the impoundment.

13.124 Entry Upon Private Property. Any police officer or animal control officer shall have the authority to enter upon private property in a reasonable manner for the purpose of carrying out the provisions of this Article.

13.125 Penalty. Any person, firm or corporation violating any provision of this article shall be fined as designated in the fine rate schedule for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II

Dogs

13.201 Dogs. The Village of Dwight hereby adopts the Livingston County Animal Control Ordinance as it relates to dogs in its entirety and any future amendments thereto.

13.202 Definitions. Unless the context otherwise clearly requires, as used in this Article, the following words and phrases have the meanings set forth:

a. Administrator: a veterinarian licensed by the State of Illinois and appointed by the Livingston County Board of Health pursuant to the provisions of this Ordinance, or his/her duly authorized representative.

b. Animal: any vertebrate member of the animal kingdom, excluding humans.

c. Animal Control Center: any pound, lot, premises, and/or building maintained by or under contract with the County of Livingston for the care and custody of animals.

d. Animal Control Warden: any person appointed by the Administrator and approved by the Livingston County Board of Health to perform duties as assigned by the Administrator to effectuate this Ordinance. Also referred to as the county animal control officer.

e. Board: the Livingston County Board of Health.

f. Owner: any person having a right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his/her care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him/her.

g. Restraint: under the control of the owner or the owner's agent by leash, or within a vehicle being driven or parked.

h. Running at Large: to be free of restraint beyond the boundaries of the premises of the owner.

i. Stray: any animal found running at large which is not secured by a leash, or not confined within the real property limits of its owner.

j. Vaccination: protection provided against rabies by inoculation with anti-rabies vaccine as approved by the Department of Agriculture of the State of Illinois.

13.203 Animal Control Wardens. The Administrator shall appoint, with the approval of the Board, Animal Control Wardens to assist in carrying out and enforcing the provisions of this Ordinance.

13.204 Animal Control Centers. There are hereby created Animal Control Centers, which shall be established in such number and at such locations as may be designated by the Board.

13.205 Vaccination Against Rabies. Every owner of a dog four (4) months or more of age not confined at all times to an enclosed area, shall cause such dog to be vaccinated against rabies by a licensed veterinarian at such intervals as may be established by regulations pursuant to the Illinois Animal Control Act. Evidence of such rabies vaccination shall be entered on a certificate, the form of which the Board shall approve and which shall be signed by the licensed veterinarian administering the vaccine. The Board shall cause a rabies vaccination tag to be issued at such time as the dog is registered in accordance with 13.206 of this Ordinance.

13.206 Registration of Dogs. Every owner of a dog four (4) months of age or more shall cause such dog to be registered and shall pay an annual fee for such dog to the Office of the Animal Control Administrator. Each registered dog will be issued a registration certificate and tag. The tag shall be attached to a collar or harness and worn at all times by the dog for which the registration certificate and tags have been issued, except when such dog is confined. When an owner fails to register a dog, the Board shall cause the annual registration fee to be collected from the owner and registration certificate and applicable tags issued. The Animal Control Administrator shall collect an additional fee from the owner of each dog who fails to register a dog as provided herein, upon the request of the Administrator. This fee shall be in addition to the annual registration fee described above, and shall be applicable for each dog, which is not registered.

13.207 Possession of Stray Animals. It shall be unlawful for any person, without the knowledge and consent of the owner, to retain possession of any stray animal for more than forty-eight (48) hours without first reporting such possession to an Animal Control Administrator and providing his or her name, address, a description of the animal, the location of the animal, and a statement of the circumstances under which possession of the animal was obtained.

13.208 Running at Large. It is unlawful for any person to maintain a public

nuisance by permitting any dog to leave the premises of its owner when not under control by leash.

13.209 Surrender of Animals. It shall be unlawful for any person who obtains possession of a stray animal to refuse to surrender such animal to an Animal Control Warden upon demand.

13.210 Apprehension of Dogs. It shall be the duty of the Animal Control Warden to apprehend any dog found running at large.

13.211 Impoundment of Animals. It shall be the duty of the Administrator and the Animal Control Wardens to impound in an Animal Control Center any animal over which possession is obtained under the provisions of this Ordinance.

13.212 Notice of Impoundment. When any animal has been impounded in an Animal Control Center, the Administrator shall give written notice to the owner, if known, at such owner's last known address.

13.213 Redemption of Animals. The owner of any animal impounded under the provisions of this Ordinance may redeem such animal upon complying with the following conditions:

- a. Presenting proof of current registration and vaccination of the animal;
- b. Obtaining and paying for the registration and vaccination of the animal, if required; and
- c. Paying for the boarding and care of the animal at a rate to be established by the Administrator.

13.214 Disposal of Animals. The Administrator may dispose of an impounded animal not redeemed, no sooner than seven (7) days after mailing notice to the owner or after determining that the owner cannot be identified, by either:

- a. Placing the animal in an adoptive home;
- b. Selling the animal; or
- c. Destroying the animal in a humane manner.

13.215 Adoption of Animals. Any person desiring to adopt an animal offered for adoption by the Administrator may do so upon such conditions and after the payment of such expenses as the Administrator through rules and regulations may require.

13.216 Maintenance of Records. The Administrator and each Animal Control Center shall maintain records of all animals apprehended and/or impounded. Such records shall be maintained for at least one (1) year following disposal of each animal

and shall contain at least the following information:

- a. A complete description of the animal including at least color, size, sex and a description of any tags;
- b. The manner and date of acquisition of the animal;
- c. The manner and date of disposal of the animal;
- d. The name and address of the person adopting or purchasing the animal;
- e. A record of all fees and/or fines received in relation to the animal; and
- f. The reason for disposal of the animal and the manner used.

13.217 Entry Upon Private Property. The Administrator, Police Officers, and the Animal Control Wardens shall have the authority to enter upon private property at reasonable times and in a reasonable manner for the purpose of carrying out the provisions of this Article.

13.218 Violations - Penalties. Any person violating any provision of this Ordinance shall be fined as designated in the fine rate schedule. Said fine may be paid to the Livingston County Circuit Clerk. For a third or subsequent offense, payment may not be made to the Circuit Clerk, but must instead be determined by the Court.

13.219 Enforcement. Actions to recover penalties for violations may be instituted by serving a Notice of Violation upon the owner by the Administrator, Animal Control Warden, or Sheriff.

13.220 Service. Service of a Notice of Violation may be made by the Administrator or the Animal Control Wardens or the Sheriff by leaving a copy of the Notice with the owner of the animal, or by leaving a copy of the Notice at their usual place of abode with some member of the family of the age of thirteen (13) years or upwards and informing that person of the contents thereof, or by sending a copy of the Notice in a sealed envelope with postage fully prepaid and addressed to the owner at their usual place of abode.

CHAPTER 14

AMUSEMENTS

Article I - General Provisions

Article II - Motion Pictures and Performances

Article III - Gaming/Gambling

Article IV - Video Gaming Terminal Licensing Fee

ARTICLE I

General Provisions

14.101 Application of provisions. The provisions of this Article, except as to licensing and fees, shall apply to all public shows, performances, circuses and other amusements in the Village, whether specifically licensed in another article of this Chapter or not.

14.102 Street shows. A permit for any carnival, circus, exhibition, show or other amusement to be given on any public street or sidewalk or in such a place that the only main accommodation for the public or the audience will be in a public place is required, and shall be issued by the Village President and Board of Trustees. (Rev. 01/08/2007)

14.103 Order - crowding. The audience of any amusements, show or performances must be orderly and quiet at all times, and it shall be unlawful for any person attending any such amusement, show or performance to create a disturbance in the audience.

It shall be unlawful to permit or gather such a crowd to witness any amusement or show as to create a dangerous condition because of fire or other risks.

14.104 Inspections. It shall be the duty of the Chief of Police to see that every exhibition, amusement, performance or other public show is inspected by a member of the Police Department to ensure conformity with the provisions concerning such amusements.

14.105 Indecent shows. It shall be unlawful for any person, firm or corporation to present, exhibit, conduct or take part in any indecent show, performance, play, motion picture, exhibition or other form of public amusement as regulated in Chapter 16 of the Ordinances of the Village of Dwight.

14.106 Exhibition of criminals. It shall be unlawful to exhibit any criminal or the body of any criminal or the exhibition of any person who shall be notorious because of the commission of a crime, in any performance, exhibit, carnival or other public show or place.

14.107 Riots. It shall be unlawful to present in any public amusement or show of

any kind anything, which tends to or is calculated to cause or promote a riot or disturbance.

14.108 Smoking. It shall be unlawful to smoke or carry a lighted cigar, cigarette or pipe beneath the stage in any dressing room or any building used as an assembly hall with seating accommodations for more than one hundred (100) persons or in which performances, shows, amusements, lectures, or other entertainment is offered, operated, presented or exhibited.

14.109 Signs. It shall be the duty of the owner of such premises or of the occupant in charge, to provide and place printed signs on which the words "NO SMOKING" shall appear in letters at least four inches high, in conspicuous places, at least two such signs to be placed upon the stage or in the wings thereof and one in each dressing room.

14.110 Exit lights. It shall be the duty of the owner or occupant in charge of any building or hall used as an assembly hall with accommodations for one hundred (100) persons or more, in which performances, shows, amusements, lectures, or other entertainment are offered, operated or presented to provide and place an illuminated sign, on which the word "EXIT" shall appear in letters at least six (6) inches high, over every door or other opening from such hall to every means of egress there from. Such sign shall be kept illuminated at all times.

ARTICLE II

Motion Pictures and Performances

14.201 Prohibited pictures. It shall be unlawful to permit any person to offer or present any motion picture, which has a tendency to cause a riot or public disturbance of the peace, or any immoral, indecent or blasphemous picture or performance.

14.202 Crowding - order. It shall be unlawful to permit any person, excepting ushers or other theater employees, to remain standing in a hall or room in which a motion picture or performance is presented during the time of such performance; and it shall be unlawful to admit to any such hall more persons than can be accommodated by the seating arrangements for the premises.

14.203 Scenery. It shall be unlawful to use any scenery in any theater or auditorium other than non-flammable scenery or such as shall have been rendered non-flammable by the application of fire preventive coatings.

14.204 Building requirements. It shall be unlawful to present any public motion picture or performance in any building structure which does not contain the number of exits required by the Village or by the Statutes of the State of Illinois concerning buildings or places intended for performances, or in premises in which the electric wiring does not fully comply with the ordinances. All places used for the exhibition of performances must be kept adequately ventilated during performance and for so long a

time as the audience remains therein.

14.205 Exits. It shall be unlawful to obstruct or permit the obstruction of aisles, corridors or exits leading from the room or enclosure in which a performance is being given or in which an audience for such a performance is gathered.

14.206 Outdoor theaters. Outdoor theaters where the audience is not housed in a building shall be conducted in full compliance with all the applicable provisions of this Article.

Each outdoor theater shall be equipped with rest rooms, which shall include toilet facilities and washbasin; separate facilities shall be provided for men and for women.

14.207 Penalty. Any person, firm or corporation violating any provisions of this article shall be fined as designated in the fine rate schedule for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

***ARTICLE III**

GAMING/GAMBLING

**(Added 07/09/2012)*

14.301. – Unlawful Acts.

a. It is unlawful to gamble or attend any gambling resort or to make any bet, lottery or gambling hazard or to buy or sell any chances or tickets in any gambling game, arrangement or device, except the State Lottery and licensed raffles under Chapter 19, Article V, "Licensing of Raffles".

b. It is unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose, and any such device or paraphernalia kept with any such intent may be confiscated by the Dwight Police Department.

c. It is unlawful to maintain or patronize any establishment maintained for a gambling house or resort.

d. It is unlawful to advertise any gambling house or gambling resort in any street, alley or public place in the Village.

e. Notwithstanding the above, the prohibitions provided for in this Chapter and any other Chapter of the Dwight Municipal Code that may reference or govern gambling or gambling devices shall not apply to any device, equipment, paraphernalia or activity authorized and operated in full compliance with the Illinois Video Gaming Act (230 ILCS 40/1 et seq.), including but not limited to video gaming terminals and the equipment ancillary thereto.

As of January 1, 2020, each licensed establishment shall be licenses for six video gaming

terminals. Licenses Truck Stops may be licensed for six terminals. Licenses large truck stops, businesses defined as those selling more than 50,000 gallons of diesel or biodiesel per month will be allowed up to ten (10) video gaming machines. (Rev. 10/28/2019)

***ARTICLE IV**

VIDEO GAMING TERMINAL LICENSING FEE

(Added 07/09/2012)

14.401 Definitions.

“Board” means the Illinois Gaming Board.

“Credit” means one, 5, 10 or 25 cents either won or purchased by a player.

“Distributor” means an individual, partnership, corporation, or limited liability company licensed under this Act to buy, sell, lease, or distribute video gaming terminals or major components or parts of video gaming terminals to or from terminal operators.

“Terminal operator” means an individual, partnership, corporation, or limited liability company that is licensed under this Act and that owns, services and maintains video gaming terminals for placement in licensed establishments, licensed truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

“Net terminal income”: means money put into a video gaming terminal minus credits paid out to players.

“Video gaming terminal” means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

“Licensed establishment” means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises and includes any such establishment that has a contractual relationship with an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under this Act to any licensee licensed under the Illinois Horse Racing Act. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be (i) an inter-track wagering location licensee, (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. “Licensed establishment” does not include a facility operated by an organization licensee, an inter-track wagering licensee or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act, except as provided in this paragraph.

“Licensed fraternal establishment” means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

“Licensed veteran’s establishment” means the location where a qualified veteran’s organization that derives its charter from a national veteran’s organization regularly meets.

“Licensed truck stop establishment” means a facility (i) that is at least a 3-acre facility with a convenience store, (ii) with separate diesel islands for fueling commercial motor vehicles, (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month, and (iv) with parking spaces for commercial motor vehicles. “Commercial motor vehicles” has the same meaning as defined in Section 18b-101 of the Illinois Vehicle Code. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

14.402 License Required. It is unlawful to operate or allow placement of a video gaming terminal on the premises of a business without first obtaining a license therefore.

14.403 License Application – Investigation.

1. Applications for such licenses shall specify the location of the proposed video gaming terminal and the terminal operator and the licensed establishment.

2. No such licenses shall be issued for a video gaming terminal unless the terminal is licensed and approved by the Illinois Gaming Board.

3. No license shall be issued except to a licensed establishment, licensed fraternal establishment, licensed veteran’s establishment or licensed truck stop establishment.

14.404 License Fee. The annual fee for licensure of a video gaming terminal shall be \$25.00 each.

14.405 Violation – Penalty. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than \$100.00 nor more than \$750.00 for each offense; a separate offense shall be deemed committed on each day that a violation occurs or continues.

CHAPTER 15

FOOD DEALERS

Article I - General Provisions

Article II - Food Delivery Vehicles

ARTICLE I

General Provisions

15.101 Definitions. The term "food dealer" as used in this Chapter shall be construed to mean and include every person, firm or corporation engaged in selling at retail food, candy, or beverages other than alcoholic liquor, for human consumption.

15.102 Unwholesome food. No person, firm or corporation shall offer for sale any food of any kind intended for human consumption which is spoiled or tainted or is unwholesome and unfit for human consumption for any reason.

All tainted or unwholesome food, intended for human consumption may be condemned by the County Health Officer, and shall thereupon be seized and destroyed by the County Health Officer or by any police officer.

15.103 Adulteration. It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way or which does not comply with the statutes governing the same.

15.104 Sanitary regulations. Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four (24) hours and it shall be unlawful to permit any decaying animals or plant material to remain on such premises.

15.105 Flies and vermin. Premises used for the storage, preparation or sale of food intended for human consumption shall be kept free from flies, vermin and rodents.

15.106 Employees. All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing.

It shall be unlawful for any person who is afflicted with or is a carrier of any infectious or contagious disease to handle or be engaged in the care and preparation of any such food; and it shall be unlawful to permit any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver any such food.

15.107 Beverages - as food. The term "food" as used in this Article shall be construed to include beverages.

15.108 Penalty. Any person, firm or corporation violating any provision of this article shall be fined as designated in the fine rate schedule and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II

Food Delivery Vehicles

15.201 License required. It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by human power, for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products, or any other provisions intended for human consumption, including beverages, in the Village for the purpose of delivering any such foodstuffs to any place in the Village for use and consumption at, wholesale or retail, unless the provisions of this Article are fully complied with.

15.202 Regulations. All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.

If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle, which is screened and protected against dust and insects.

15.203 Inspections. It shall be the duty of the President to make or cause to be made such inspections as may be necessary to ensure compliance with the provisions of this Article.

15.204 Penalty. Any person, firm or corporation violating any provision of this Article shall be fined as designated in the fine rate schedule for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 16

DEALERS IN INTOXICATING LIQUOR AND PERSONAL CONDUCT

Article I - Definitions and General Provisions

Article II - Nudity and Sexual Conduct

Article III - Knowledge; Accountability; Witnesses

ARTICLE I

Definitions and General Provisions

16.101 Definitions. Unless the context otherwise requires, the following terms as used in this Chapter shall be construed according to the definitions given below:

Adjacent Property: Adjoining property used in conjunction with the Licensed Premises but outside of the licensed premises shall include but not be limited to entryways; stairs or steps; front stoops; front, side and rear yards; parking lots; storage buildings; rear entryways, and including all public sidewalks, streets, alleys, roads, and rights-of-way.

Alcoholic liquor: Includes alcohol, spirits, wine and beer, and every liquid or solid; patented or not, containing alcohol, spirits, wine or beer, containing over one-half (2) of one (1%) percent of alcohol by volume, and capable of being consumed as a beverage by a human being.

Bowling alley: Any establishment or building, or any part thereof, wherein the game of bowling played with composition balls and ten wooden pins is played.

Club: A corporation organized under the laws of this State, and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, which conforms to the definition of a club on Chapter 43, paragraph 95.24 of the Illinois Revised Statutes.

Hotel: Every building or other structure kept, used, maintained, advertised and held out to the public to be a place where meals are actually and regularly served and consumed and where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals to served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings, in connection therewith, and such building or buildings, structure or structures being

provided with adequate and sanitary dining room and kitchen equipment and capacity.

Licensed Premises: That portion of the interior of any permanent structure in which alcoholic liquor is sold which is used in conjunction with the business of selling alcoholic liquor pursuant to a license issued hereunder, including any temporary enclosure as approved by the Local Liquor Control Commissioner with the consent of the Village Board of Trustees.

Licensee: Any person, firm or corporation or partnership or club holding a license under the provisions of this Chapter.

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 convey any alcoholic liquor.

Public Area: Rights-of-way including streets, roads, alleys, highways, and sidewalks owned by any governmental authority or agency; also any public parks, governmental owned buildings and land, and any premises leased to any governmental authority agency.

Public Place: A place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public or agency; also any public parks, governmental owned buildings and land, and any premises leased to any governmental authority agency.

Restaurant: Any public place kept, used, maintained, advertised and held out to the public to be a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Retail sale: The sale for use or consumption and not for resale.

16.102 Local Liquor Control Commissioner. The Village President is hereby authorized to be the local Liquor Control Commissioner and shall be charged with the administration of the Dram Shop Act, Chapter 43 of the **Illinois Revised Statutes** and of such ordinances and resolutions relating to alcoholic liquor as may be needed. The Village President may appoint a person or persons to assist him in the exercise of the powers and performance of the duties provided for such, Liquor Control Commissioner.

16.103 License required. It shall be unlawful to sell or offer for sale in the Village any alcoholic liquor without having a license, or in violation of the terms of such license.

16.104 Applications. Applications for such licenses shall be made to the local Liquor Control Commissioner. Such applications shall be made in writing, and shall be

signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following information and statements:

a. The name, age and address of the applicant on the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation for profit or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officer and directors, and if a majority of the stock of such corporation, in interest, is owned by one person or his nominee, the name and address of such person;

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

c. The character of business of the applicant; and in the case of a corporation, the objects for which it was formed;

d. The length of time the said applicant has been in a business of that character, or in the case of the corporation, the date on which its charter was issued;

e. The amount of goods, wares and merchandise on hand the time application is made;

f. The location and description of the premises or place of business, which is to be operated under such license;

g. A statement as to whether applicant has made similar application for a similar license on premises other than described in this application, and the disposition of such application;

h. A Statement the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of the State or Ordinances of the Village;

i. Whether a previous license by state or subdivision thereof, or by the Federal government has been revoked and the reasons thereof; and

j. A statement the applicant will not violate any of the laws of the State of Illinois or the United States in the conduct of the place of business.

16.105 Restriction on licenses. No such licenses shall be issued to:

a. A person who is not a resident of the Village unless such license is for a corporation;

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

- c. A person who is not a citizen of the United States;
- d. A person who has been convicted of a felony under any Federal or State law if the Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust;
- e. A person who has been convicted of being the keeper or is the keeper of a house of ill fame;
- f. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- g. A person whose license issued under this Chapter has been revoked for cause;
- h. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license under a first application;
- i. A co-partnership, unless all the members of such co-partnership shall be qualified to receive a license;
- j. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5%) percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;
- k. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;
- l. A person who does not own the premises for which a license is sought, or does not have lease thereon for the full period for which the license is to be issued;
- m. Any law enforcing public official, Village President, any member of the Board of Trustees, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor; or
- n. Any person, association or corporation not eligible for a State Liquor Retail Dealer's license.

16.106 Term - pro-rating fee. Each such license shall terminate on the first day of April next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months, which have expired in the year prior to the issuance of the license.

16.107 Examination of applicant for local license. The local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any application for a local license or for a renewal thereof, or any licensee upon whom notice

of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee, to hear testimony and take proofs for the Commissioner's information in the performance of his/her duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the local Liquor Control Commissioner under this section, the Commissioner may authorize an agent to act on his/her behalf, as provided by statute.

16.108 License Classifications/Fees. Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the Village of Dwight shall pay a license fee as listed in the appendix of the Dwight Village Ordinances. Such fee shall be established and periodically reviewed and modified by the Village Board of Trustees.

Class A: Which shall permit the sale of alcoholic liquor, including beer and wine, for consumption on the premises only.

Class B: Which shall permit the sale of alcoholic liquor, including beer and wine, for consumption off the premises only.

Class C: Which shall permit the sale of alcoholic liquor, including beer and wine, for consumption on or off of the premises where sold, including package liquors.

Class D: Which shall permit the sale of alcoholic liquor, including beer and wine, for consumption on the premises or within an area specifically designated in such licenses. Such license may be issued to any person or firm currently holding a Village of Dwight liquor license and who would otherwise qualify for the issuance of a license for a special event to include but not be limited to wedding receptions, wine tasting, holiday parties, employee or customer relations events, Dwight Harvest Days, and the like. If the event is to be held out of doors, it shall be subject to the location and structure requirements as detailed in this chapter. A Class D license shall be issued for a specific period of time not to exceed two (2) days.

* Class E: Not-for-profit organizations which shall permit the sale of alcoholic liquor, including beer and wine, for consumption on the premises only. **(Rev. 05/12/2003)*

* Class F, Not-for-profit Special Event License: Which shall authorize the retail sale of beer and/or wine by not-for-profit entities. The not-for-profit entity must be located in the Village of Dwight and must be registered as a not-for-profit entity with the State of Illinois and/or Internal Revenue Service. A not-for-profit shall not receive more than two such licenses per calendar year and the daily fee shall be \$50.00. **(Rev. 10/05/2015)*

* Class G, Brew Pub License: Which shall permit the licensee to manufacture beer only on the premises specified in the license, provided that a full-

service restaurant shall also be located and operated on the designated premises. The retail sale of alcoholic liquor for consumption on the premises only is also allowed under a Class G license. The beer and stock of liquor kept on any such premises shall be so separated from the restaurant or other business premises that it can be closed off and locked up during the closing hours designated for all retail liquor sellers. The licensee shall be allowed to sell at retail for off-premises consumption from the licensed premises beer produced at a designated premises provided that a brew pub licensee shall not sell for off-premises consumption more than twenty thousand (20,000) gallons per year.

**(Rev. 20/05/2015)*

* Class H, Winery/Microbrewer/Distiller: Which shall permit a winery, craft distillery or microbrewery to:

- a) Ferment/distill/produce wine, spirits, beer or cider only on the specified licensed premises ("in-house products"),
- b) Furnish samples of those in-house products for consumption on the premises,
- c) Sell the in-house products for consumption on the premises.
- d) Sell the in-house products in the original corked, capped or sealed and labeled container for consumption on or off the premises.
- e) Permit the sale of alcoholic liquor, including beer and wine for consumption on the premises only. **(Rev. 11/26/2018)*

16.108a. No person, firm, organization, association, or corporation shall be issued more than two (2) Class D license in any one calendar year. Further, not more than two (2) Class D licenses of any purpose shall be issued for a location, premises or address in one calendar year. For the purposes of determining the number of Class D licenses, the owner joining in the application shall not be considered as a person, firm, organization, association or corporation under this subsection.

A Class D license, if issued, shall not in any manner be regarded to relieve the license holder of complying with any other requirement of law.

When a special event is held out of doors pursuant to any Class D license, the license holder shall:

- a. Use only paper or plastic products to serve alcoholic liquor or food;
- b. Provide fencing with at least two (2) means of ingress and egress around the area designated in the license;
- c. Monitor each means of ingress and egress so as to provide adequate crowd control;
- d. Prevent alcoholic liquor from being removed from the designated area by invitees or customers; and
- e. Within twenty-four (24) hours after the ending time of the event, remove all

refuse, litter, debris, garbage and the like from the property used for the event and the abutting public right-of-way. Upon written application, the twenty-four hour period may be extended by the local Liquor Commissioner for a definite period of time for good cause shown. Good cause shall include, but not be limited to natural disasters and extreme weather conditions. Failure to remove such refuse, litter, debris, garbage and the like within the said time period shall be deemed an implied consent for the Village to conduct such removal. Such implied consent shall be deemed to form a contract between the Village and the owner and licensee for payment of the costs for the removal of the refuse, litter, debris, garbage and the like. The costs for such removal shall be a lien upon the real property for which the license was issued and may also be grounds for revocation or suspension of any other Village of Dwight Liquor license held by the temporary festival licensee. (Rev. 06/26/2000)

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

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

16.111 Hours of Operation. It shall be unlawful to keep or permit to be kept open for business any premises licensed under a Class A, Class B or Class C license except as follows:

a. No alcoholic beverages shall be served or purchased during the following hours:

1:00 A.M. to 6:00 A.M. Monday through Sunday.

1. No alcoholic beverages shall be consumed on any premises licensed hereunder after 1:30 A.M. to 6:00 A.M. Monday through Sunday.

2. The restrictions and regulations regarding the serving, purchasing and consuming of alcoholic beverages as hereinbefore set forth shall not be interpreted to restrict the hours of operation of any business or enterprise in conjunction therewith.

16.112 Entry powers. The local Liquor Control Commissioner hereby is given the power to enter or authorize any law enforcing officer at any time upon any premises licensed hereunder to determine whether any of provisions of the Dram Shop Act, Illinois

Revised Statutes, Chapter 43, or any rules or regulations by him/her or by the State Liquor Commission have been or are being violated, and at such time to examine the premises of said licensee in connection therewith.

16.113 List. The local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him/her.

16.114 Transfer of license. A license is a legally personal privilege, not a right, good for not to exceed one (1) year after issuance unless sooner revoked as is in this Chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or exemption nor shall it be transferable or subject to encumbrancy, or lien. Such licenses shall not descend by the laws of testate or intestate devolution, it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such descendant, or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months, after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

Any licensee may renew their license at the expiration thereof, provided they are then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purposes.

16.115 Change of location. A liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Village President. No change of locations shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the Statutes of the State and the Ordinances of the Village.

16.116 Peddling. It shall be unlawful to peddle alcoholic liquor in the Village.

16.117 Sanitary conditions. All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the regulations enforced by the County Health Department dealing with the condition of premises used for the storage or sale of food for human consumption.

16.118 Employees. It shall be unlawful for any person, firm or corporation to employ in any premises used for the sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious, or venereal disease; and it shall be unlawful for any person afflicted with or who is a carrier of any such disease to work in or about any such premises or to engage in work in or about any such premises or to engage in any work in the handling, preparation or distribution of such liquor.

16.119 Location restrictions. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to clubs, or restaurants, food shops or other places where the sale of alcoholic liquor is not the principal business carried on, if such place of business not exempted shall have been established for such purpose prior to the taking effect of this Chapter; nor to the renewal of a license for the sale of alcoholic liquor on premises within one hundred (100) feet of any church where such church has been established within such one hundred (100) feet since the issuance of the original license.

16.120 - Consumption of Alcoholic Beverages:

a. Licensed Premises may only be located at the address as stated on the license issued hereunder, and must be within a permanent structure, except as authorized by Section 16.121 of the Municipal Code of the Village of Dwight. Any portion of the Licensed Premises outside of the permanent structure in which the Licensed Premises is located or outside of any temporary enclosure authorized by the Local Liquor Control Commissioner and approved by the Village Board of Trustees shall not be considered part of the Licensed Premises. Such areas not considered part of the Licensed Premises shall include but not be limited to parking lots, front, side and rear yards, storage buildings, and like areas including adjacent public property.

* b. A Dwight Harvest Days Entertainment Area (herein referred to as the "Entertainment Area") is hereby designated to include that portion of East Main Street (and adjacent parking lot) commencing 100 feet Northeast of the intersection with Chippewa Street and extending to the intersection with Franklin Street and to also include the portion of Franklin Street from its intersection with East Main Street to its intersection with Delaware Street. On the weekend of the Dwight Harvest Days celebration (the weekend beginning with the third Friday in September), it shall be lawful to possess and to consume alcoholic liquor within the Entertainment Area between the hours of 6:00 p.m. and 11:00 p.m. on Friday of that weekend, and the hours of 6:00 p.m. and 11:00 p.m. on Saturday of that weekend, subject to the restrictions and requirements of this sub-section:

1. In order to encourage responsible behavior and to ensure safety of the public, an identification procedure is hereby implemented to control possession and consumption of alcoholic liquor within the Entertainment Area. The Dwight Harvest Days Committee or other not-for-profit organization acting as sponsor of the Dwight Harvest Days celebration (herein referred to as the "Committee") is hereby authorized and required to administer the identification program for possession or consumption of alcoholic liquor within the Entertainment Area. In order to identify persons over age 21 who are authorized to possess or consume alcoholic liquor, the Committee must confirm the age of the person seeking to possess or consume alcoholic liquor in the Entertainment Area, and issue

to the person a wristband or other distinctive and non-transferrable identifier. The fact that any person is wearing such an identifier does not relieve the responsibility of each license holder to confirm the age of patrons as required by the Municipal Code of the Village of Dwight and by Illinois Compiled Statutes. The Committee or other sponsoring organization is required to erect barricades or other delineations of the Entertainment Area during the stated times. Alcoholic liquor may only be possessed or consumed by persons wearing a wristband or other identifier issued pursuant to this ordinance and contained in cups or containers as sold by license holders within or adjacent to the entertainment area. The Committee may charge a fee (the amount of which must be approved by the Liquor Control Commissioner in advance) to each person who is issued a wristband or other identifier, and such funds shall be used by the Committee exclusively to offset the cost of administering the program and for providing entertainment in the Entertainment Area.

2. No person may possess or consume any alcoholic liquor within the Entertainment Area except during the specified times and except while wearing a wristband or other identifier issued by the Committee.

3. No person may possess more than one (1) container which may be no larger than twelve fluid ounces in size containing any alcoholic liquor within the Entertainment Area.

To the extent not inconsistent with the foregoing sub-sections a. and b., the possession and consumption of alcoholic liquor is also subject to the terms and restrictions of the following sub-sections c. through j.

c. It shall be unlawful for the license holder, his/her employees or agents to allow any alcoholic liquor not in its original package to be taken or otherwise removed from the Licensed Premises.

d. It shall be unlawful for any person to remove any alcoholic liquor not in its original package from any Licensed Premises.

e. It shall be unlawful for any person to consume any alcoholic liquor, on any public street, sidewalk, park, or other public place except as authorized by the terms of a Renfrew Park reservation and permit and only within the immediate vicinity of the reserved shelter.

f. It shall be unlawful for any person to possess any alcoholic liquor, which is not in its original package on Public Street, sidewalk, park, or other public place except as authorized by the terms of a Renfrew Park reservation and permit and only within the immediate vicinity of the reserved shelter.

g. It shall be unlawful for any person to consume alcoholic liquor when such person is outside of a Licensed Premises but on adjoining property owned, leased or

otherwise in the control and possession of the license holder of the Licensed Premises and such adjoining property is used in conjunction with the Licensed Premises by patrons of the Licensed Premises.

h. It shall be unlawful for any person to have in his/her possession alcoholic liquor which is not in its original package when such person is outside of a Licensed Premises but on adjoining property owned, leased or otherwise in the control and possession of the license holder of the Licensed Premises and such adjoining property is used in conjunction with the Licensed Premises by patrons of the Licensed Premises.

i. It shall be unlawful for the license holder, his/her employees or agents to allow any person to consume alcoholic liquor when any such person is outside of a Licensed Premises but on adjoining property owned, leased or otherwise in the control and possession of the license holder of the Licensed Premises and such adjoining property is used in conjunction with the Licensed Premises by patrons of the Licensed Premises.

j. It shall be unlawful for the license holder, his/her employees or agents to allow any person to have in his/her possession alcoholic liquor which is not in its original package when any such person is outside of a Licensed Premises but on adjoining property owned, leased or otherwise in the control and possession of the license holder of the Licensed Premises and such adjoining property is used in conjunction with the Licensed Premises by patrons of the Licensed Premises. **(Rev. 09/09/2013)*

16.121 - Sale of Alcoholic Liquor Outside of Licensed Premises:

a. No sale or delivery of alcoholic liquor may be made by a licensed holder, his/her employee or agent outside of the Licensed Premises except in an enclosed area as approved by the Local Liquor Control Commissioner with the consent of the Village Board, and subject to the following provisions:

1. The type of temporary enclosure must be approved by the Local Liquor Control Commissioner.
2. A permit for a temporary enclosure which shall serve as a temporary extension of the boundaries of the Licensed Premises for the period of time the permit is issued only.
3. Any entertainment by singers, musicians, or otherwise within such temporary enclosure shall end no later than 12:00 a.m. local time.
4. Approval for a temporary enclosure for the sale of alcoholic liquor shall first be approved by the Local Liquor Control Commissioner and the Village Board of Trustees upon the request by the license holder in person at a regularly scheduled meeting of the Village Board of Trustees.

16.122 Stores selling school supplies, lunches, etc. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

16.123 Access from licensed premises to dwelling quarters. Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure, which is used, only by the licensee, his/her family and personal guests.

16.124 View from street. In premises in which the sale of alcoholic liquor for consumption on the premises is licensed, other than in a restaurant, hotel, or any bowling alley other than one situated on the first floor or ground floor, or club, no blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangement of lights or lighting shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises, and the entire space used by the public must be so located that there shall be a full view of the same from the street, road or sidewalk. All rooms where alcoholic liquor is sold for consumption on the premises shall be continually lighted during business hours by natural or artificial white lights so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the foregoing provisions shall be willfully obscured by the licensee or by him/her willfully suffered to be obscured or obstructed, such license may be revoked in the manner herein provided. In order to enforce the provisions of this section, the Local Liquor Control Commissioner shall have the right to require the filing with him/her of plans, drawings and photographs showing the clearance of the view as above required.

16.125 Minors - sale to. It shall be unlawful for any licensee in the Village of Dwight or any officer, associate, member, representative, agent or employee of such licensee to sell give or deliver alcoholic liquor, beer and/or wine to any person under twenty-one (21) years of age. No person after purchasing or otherwise obtaining alcoholic liquor, beer and/or wine shall sell, give or deliver such alcoholic liquor, beer and/or wine to any person under twenty-one (21) years of age.

It shall be unlawful for any person under twenty-one (21) years of age who, for the purpose of buying, accepting or receiving alcoholic liquor, beer and/or wine from any licensee, represents that he/she is twenty-one (21) years of age or over.

In every tavern or other place in the Village where alcoholic liquor, beer and/or wine is sold, there shall be displayed at all times in a prominent place a printed card

which shall be supplied by the Clerk and which shall substantially read as follows:

"WARNING TO MINORS"

You are subject to a fine up to five hundred (\$500.00) dollars under the Ordinances of the Village of Dwight, if:

1. While under the age of 21 years and for the purpose of buying, accepting or receiving alcoholic liquor, beer and/or wine, you represent that you are twenty one (21) years of age or over.
2. It is illegal after purchasing alcoholic liquor, beer and/or wine to sell, give or deliver such substance to persons under twenty-one (21) years of age.

It shall be unlawful for any holder of a retail liquor license or their agent or employee to suffer or permit any person under the age of twenty one (21) years to remain in any room or compartment adjoining or adjacent to or situated in a room or place where such licensed premises are located; provided that this paragraph shall not apply to any person under the age of twenty one (21) years who is accompanied by his or her parent or guardian or to any licensed premises which derives its principal business from the sale or services of commodities other than alcoholic liquor, beer or wine.

In addition to all other fines and penalties, the Village President may revoke or suspend the retail liquor dealers license for any violation of this Article.

It shall be unlawful for any parent or guardian to permit any minor child, of which he or she may be the parent or guardian to violate any of the provisions of this Section.

The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony is not prohibited by this Ordinance.

It shall be unlawful for any person under the age of twenty one (21) years to tend any bar, to draw, pour or mix any alcoholic liquor in any licensed retail premises, and it shall be unlawful for anyone under the age of 18 years who is employed by a Class I or II Liquor License Holder to sell alcoholic beverages to members of the public pursuant to this Ordinance. In addition, it shall be unlawful for anyone under the age of 18 years when, making a delivery pursuant to the order of their parent or pursuant to, and incidental to their employment to have in their possession an alcoholic beverage, including but not limited to working as a waiter or a waitress.

16.126 Purchase or acceptance of gift of liquor by persons of non-age Identification cards - Rules and Regulations. It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor or to have alcoholic liquor in his possession.

If a licensee or his/her agents or employees believe or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the non-age of the prospective

recipient, they shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his/her official duties.

No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Article.

16.127 Sale to intoxicated persons - habitual drunkards. It shall be unlawful for the holder of an alcoholic liquor dealer's license to sell, deliver or give any alcoholic liquor to any intoxicated person or to any person known to him/her to be a habitual drunkard, spendthrift, insane, feeble-minded or distracted person.

16.128 - Maintaining a Nuisance: The licensee, employee and/or agent of an establishment licensed hereunder who does not take affirmative steps to bar persons from such licensed premises who are known to such license holder, employee and/or agent to habitually become drunk and disorderly and involved in fighting, arguments and otherwise disrupting the peace, or when such licensee, employee and/or agent of such licensed premises refuses to cooperate with the Local Liquor Commissioner and/or Village, County, and/or State Police Departments or other appropriate authorities in the prosecution of any individual or individuals having been in or about the licensed premises who shall become drunk, involved in fights and arguments, or who have threatened the license holder, employees and/or patrons, or who otherwise disturb the peace shall be guilty of maintaining a nuisance under Chapter 12, Section 301, Paragraph o, of this Code. Cooperation with such authorities shall include but not be limited to the signing of a complaint and/or acting as a witness in the prosecution of such person or persons. Upon a conviction after a hearing before the Local Liquor Commissioner of the Village of Dwight of the license holder, his/her employee and/or agent, the licensee of the licensed premises shall be subject to a suspension of such license for a period of up to five (5) days, and if the license holder, employee and/or agent is/are convicted of such offense of a total of more than three (3) times in any twelve (12) month period, such license shall be revoked.

16.129 Revocation - Suspension: The Local Liquor Control Commissioner may revoke or suspend any license issued by him/her if he determines that the Licensee has violated any of the provisions of **Ill. Rev. Stat.**, Chapter 48, other State law, or any Ordinance of the Village of Dwight or Resolution enacted by the Board of Trustees of the Village of Dwight or any applicable rule or regulations established by the Local Liquor Control Commissioner or the State Commission which is not inconsistent with law. Prior to the suspension or revocation of any license, the Local Liquor Control Commissioner shall first comply with the applicable provisions of **Ill. Rev. St.**, Chapter 43, Section 149, as from time to time amended, or such other applicable State statute or local Ordinance as may be appropriate.

16.130 Penalty: Any person, firm, or corporation violating any provision of this Chapter or of **Ill. Rev. St.**, Chapter 43, other state law, or any Ordinance or resolution

enacted by the Board of Trustees of the Village of Dwight, or any applicable rule or regulation establish by the local Liquor Control Commissioner which is not inconsistent with law may be fined up to the amount designated in the fine rate schedule for each Violation; each day on which a violation continues shall constitute a separate violation. With respect to any licensee, not more than ten thousand (\$10,000.00) dollars in fines under this Section may be imposed against any licensee during the period of his/her license. Proceeds from such fines shall be paid into the General Corporate Fund of the Municipal Treasury.

16.131 Hearing Procedure. Upon the issuance of a written citation by the Local Liquor Control Commissioner, or his/her appointed representative, the Local Liquor Control Commissioner or his appointed representative shall cause a written notice to be served on the liquor license holder receiving such written citation, and such notice shall set forth the reasons for such written citation, the proposed fine, and the proposed suspension and/or revocation of such liquor license. A Public Hearing shall be held before the Local Liquor Control Commissioner with regard to any offense under this Chapter, such hearing to be held after first having given three (3) days written notice to the local liquor license holder. The local liquor license holder in such notice shall be advised of the time and place of such hearing, and the reasons and allegations upon which the citation issued by the Local Liquor Control Commissioner are based. At the time and place of the hearing before the Local Liquor Control Commissioner, and after all evidence has been presented, the Local Liquor Control Commissioner shall within five (5) days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within five (5) days upon the licensee.

16.132 Effective Date of Suspensions and Revocations. All suspensions and/or revocations shall be effective as stipulated by the Local Liquor Control Commissioner after service on the licensee of the order and findings as set forth in 16.131 above.

16.133 Temporary Suspensions. In the event that the Local Liquor Control Commissioner believes that the operation of a particular licensed premises under this Chapter would immediately threaten the welfare of the community, he/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises to be closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of other business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

16.134 Hearing before the Local Liquor Control Commissioner. All hearings before the Local Liquor Control Commissioner shall be public and if required by resolution of the Village Board of Trustees, shall be reduced to writing and shall be maintained as an official record of such proceedings.

16.135 Penalty and Fine Enforcement All penalties and/or fines as set forth herein shall be immediately payable and/or enforceable after the hearing as required

before the Local Liquor Commissioner as hereinbefore set forth, except as to a temporary suspension as provided for in 16.133 hereof, in which case such temporary suspension shall be immediately enforceable, and in the event the decision of the Local Liquor Control Commissioner is appealed to the State Liquor Control Commission, any fine unpaid or any suspension and/or revocation shall be held in abeyance until a determination of the State Liquor Commission has been made with regard to the order of the Local Liquor Control Commissioner.

ARTICLE II

Nudity and Sexual Conduct

16.201 Nudity on premises where alcoholic liquor is offered for sale, or at a public area or place.

a. It shall be unlawful for any licensee, the licensee's agent, or employee or manager operating a licensed establishment at which alcoholic liquors are offered for sale, or proprietor, proprietor's agent, or employee or manager of a public place:

1. To permit any female person, while on the premises of that establishment, to expose to the public view that area of the human breast at or below the areola thereof;
2. To permit any female person, while on the premises of that establishment, to employ any device or covering which is intended to give the appearance of or simulate those portions of the human female breast as described in paragraph a. 1. Any device or covering of the human female breast is to be constructed of an opaque material; *(Rev. 03/20/2000)*
3. To permit any person, while on the premises of that establishment, to expose to public view their genitals, pubic area, buttocks, anus, or anal cleft or cleavage; or
4. To permit any person, while on the premises of that establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage. Any device or covering of these described areas is to be constructed of an opaque material.

b. It shall be unlawful for any female person, while on the premises at which alcoholic liquors are offered for sale, or public area or place to expose to the public view that area of the human breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate those portions of the

human female breast as described herein. Any device or covering of the human female breast is to be constructed of an opaque material.

c. It shall be unlawful for any person, while on the premises at which alcoholic liquors are offered for sale, or public area or place to expose to the public view his or her genitals, pubic area, buttocks, anus, or anal cleft or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, or anal cleft or cleavage. Any device or covering of the above-described areas are to be constructed of an opaque material.

16.202 Sexual Conduct Prohibited.

a. The following conduct on premises at which alcoholic liquors are offered for sale, or on a public area or place is prohibited:

1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, or deviate sexual conduct;
2. The actual or simulated touching, caressing, or fondling of the genitals, buttocks, or female breast; or
3. The displaying of films or pictures depicting acts set forth in paragraphs a. 1. and 2. above.

b. It shall be unlawful for any licensee or operator, agent, employee, or manager to suffer or permit any person or persons to perform any of the acts set forth in paragraph a. above. *(Rev. 03/20/2000)*

16.203 Penalty. Any person, firm or corporation violating any provision of this Chapter 16, Article 2 shall be fined as designated in the fine rate schedule for each offense. Additionally, the Local Liquor Control Commissioner may revoke or suspend any liquor license issued if it is determined, through a hearing procedure, that the licensee/s has/have violated this Chapter 16, Article 2.

ARTICLE III

Knowledge; Accountability; Witnesses

* **16.301** In all prosecutions or commission hearings held under this Chapter 16, it shall not be necessary to show the knowledge of the principals to hold them responsible for the acts of any agent or employee. Every act or omission of any nature constituting a violation of any of the provisions of this Chapter 16 by any officer, director, manager, agent, or employee of any licensee shall be deemed and held to be the act of such licensee and the licensee shall be punishable in the same manner as if such acts or omissions had

been done or committed by them personally. In all cases, persons to whom intoxicating liquors shall be sold that are in violation of the provisions of this Chapter 16 shall be competent witnesses. * (Rev. 03/20/2000)