

CHAPTER 17

OTHER BUSINESSES

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*** ARTICLE I *(Rev. 6/09/2008)**

Canvassers, Solicitors and Peddlers

17.101 Definitions. That for the purpose of this Article, the following words as used herein shall be construed to have the meaning herein ascribed thereto, to wit:

Bucket Brigade: a type of solicitation whereby the solicitors, while standing on or adjacent to traveled lanes of any public street, make an oral or written request for donation or money or other thing of value from drivers of vehicles traveling upon such public street, or while stopped for a traffic-control device controlling an intersection upon such public street.

Charitable or charitable purpose: means and includes the words patriotic, philanthropic, social services, welfare, benevolent, educational, civic or fraternal, either actual or purported.

Charitable Organization: any benevolent, philanthropic, patriotic, or eleemosynary entity or one purporting to be such for solicitation and collection of funds for charitable purposes, including any local, county, or area division within this state of such charitable organization.

Charitable Solicitation: the solicitation engaged in or for a charitable purpose.

Contribution: the promise or grant of any money or property of any kind or value, including the promise to pay or to give anything of value including, but not necessarily limited to, alms, food, clothing, money, subscriptions, property or donations under the guise of a loan of money or property, financial assistance or other thing of value.

Fixed Location Itinerant Merchant: any person, firm, corporation, partnership or other business organization engaged in the selling of goods and/or services from a temporary location, either within a permanent structure or temporary structure, or from a vehicle or from an open area.

Fixed Location Merchant: any person, firm, corporation, partnership, or other

business entity continuously engaged in the selling of goods and/or services from a location within a permanent structure, including adjacent buildings and display areas immediately adjacent to such permanent structure, for which a Zoning Certificate and /or Occupancy Permit have been issued or are hereinafter issued, or if engaged in such business prior to the effective date of the Village of Dwight Zoning Ordinance or other regulation for which such Zoning Certificate and/or Occupancy Permit were required, would be eligible for such Zoning Certificate and/or Occupancy Permit on the date of this Amendment.

Political Solicitation: meaning solicitation engaged in for the purpose of lobbying, campaigning, promoting, advancing, espousing or benefiting a political cause, party or candidate for political office.

Premises: all separately addressed places of business, residences or other locations in which persons live, work or otherwise occupy in the village.

Religious or Religious purpose: the means of or relating to an organized religion or religious group or identifiable and definable set of religious beliefs or other ideology.

Religious Solicitation: meaning solicitation engaged in for a religious purpose.

Registered Solicitors: includes any person who has obtained a valid Certificate of Registration as hereinafter provided, and which Certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

Residence: includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure or the privately owned premises on which such residences are located.

Solicitation: communicating with another person without invitation for a specific commercial, charitable, religious, political or other purpose by means of:

- a. In-person contacts on streets, highways, sidewalks and at residences within the village;
- b. Distribution of written material, including the placement or delivery of such materials at the premises or on any property belonging to a third person.

Village: the corporate boundaries of the village of Dwight.

17.102 Certificate of Registration. Every person desiring to engage in soliciting as herein defined from persons in residences within this Village, or desiring to engage in the solicitation to persons within businesses of goods or services not for utilization by the business person or employee in the operation of the business, or in the case of a Fixed Location Itinerant Merchant, from a fixed location on a temporary basis, is hereby required to make written application for a Certificate of Registration as

hereinafter set forth, provided, that any Fixed Location Merchant shall be exempt from the provisions of this Chapter 17, Article I.

17.103 Certificate of Registration Required. A certificate of registration shall be required including, but not necessarily limited to the following:

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

b. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, except by invitation;

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

d. To promote, market or advance any commercial purpose;

e. Political solicitation;

f. Religious solicitation;

17.104 Certificate of Registration Exemption: Persons engaging in the following activities shall be exempt from the certificate of registration requirement:

a. Specifically exempted from the definition of soliciting for the purposes of this Section 17.101 shall be seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

b. The distribution of handbills, flyers, brochures, pamphlets, leaflets, papers, and other literature and written materials, shall be exempt from the permit requirements, unless the persons distributing the handbills, flyers, brochures, pamphlets, leaflets papers, etc., engaged the persons being solicited in conversation about the subject matter of the pieces being distributed; and, in that event, such persons shall be subject to the solicitation permit requirements for the solicitation unless the solicitation falls within the exempt categories described in subsection a. of this section.

c. All persons who are exempt from the solicitation permit requirement are nevertheless subject to the duties of solicitors as contained in Section 17.108 of this chapter.

17.105 Application for Certificate of Registration. An Application for a Certificate of Registration shall be made upon a form provided by the Village Clerk of this Village and filed with the Village Clerk. The applicant shall truthfully state in full the information requested on the application, to-wit:

a. Name and address of applicant, and whether or not the applicant is making application as agent for a principal. The applicant or applicant's agent should state the present address and length of residence if the applicant is an individual, or if the applicant is a corporation or business, then the agent or the individual making application for the business or corporation should state the individual's capacity in the business or corporation, state the name and address of the corporation and/or business, list the principal officers of the corporation or the owner or owners of an unincorporated business, and set forth the name and address of the individual making the application.

b. All addresses of the applicant and the applicant's agent making the application for the applicant within the last three years;

c. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;

d. A short and concise identification of the subject matter of the solicitation in which the applicant will engage;

e. Period of time for which the Certificate is being applied for;

f. Physical description of Applicant including date of birth, sex, height, weight, eye color and hair color;

g. Whether the applicant has ever been convicted of a violation of any of the provisions of this article, or the ordinance of any other Illinois municipality regulating soliciting;

h. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state laws of the United States;

i. Such additional information as may be required by the Village Clerk upon the submission of the written application for identification purposes; or such additional information as the Village Board shall request when the applicant appears before the Village Board for review of the applications.

j. A background check by the Dwight Police Department is required for all solicitor applicants.

The Village Clerk shall cause to be kept an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Ordinance, and of the denial of applications. Applications for Certificates of Registration shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be numbered in consecutive order as filed, and every Certificate issued and

any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

The Village Clerk shall inform the applicant upon submission of the application as hereinbefore set forth of the time and date of the next regularly scheduled meeting of the Village Board of Trustees, or of the date of a Special Meeting of the Board of Trustees called for the purpose of considering such applications, at which time the applicant or a representative or agent of the applicant shall personally appear before the Board of Trustees to answer any questions or to submit any additional information as may be reasonably requested by the Board of Trustees in consideration of the application.

17.106 Issuance and Revocation of Certificate. The Village Board of Trustees, after consideration of the application and upon the appearance before the Village Board of Trustees of the applicant or the applicant's duly authorized agent or representative, shall approve the application if the applicant has conformed to the requirements of this Ordinance, pursuant to a finding by the Village Board of Trustees that the issuance of a Certificate of Registration hereunder is not adverse to the public health and welfare of the community. The certificate of Registration shall be issued by the Village Board of Trustees at any regular or special meeting thereof, and the Board of Trustees shall set an effective date of the Certificate of registration, such registration to be effective not less than ten (10) days after the appearance before the Board of Trustees of the applicant or the applicant's duly authorized agent. In the event that the Village Board of Trustees shall deny the application and refuse to issue a Certificate of Registration hereunder, the Village President shall endorse the denial with explanation on said application, and notice thereof shall be sent to the applicant. The applicant may appeal at the next regular meeting of the Village Board of Trustees.

Any Certificate of Registration issued hereunder shall be revoked by the Village President if the holder of the Certificate of Registration is convicted of a violation of any of the provisions of this Ordinance, has made a false and material statement in the application as submitted, or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Ordinance. Immediately upon any such revocation, notice thereof shall be given by the Village Clerk to the holder of the Certificate of Registration in person or by United States Mail to the applicant's address as shown on the application. Thereafter, the Certificate of Registration shall become immediately null and void. In addition, the Certificate of Registration shall become null and void upon the expiration date as set forth on the Certificate.

Any certificate issued hereunder except as may be revoked as hereinbefore set forth shall be valid for a period of one (1) year from issuance, provided however, that on each occasion within the one (1) year issuance period which the holder of such certificate wishes to solicit within the Village of Dwight, such holder of the certificate shall first receive a Solicitor's Validation Card from the Dwight Village Clerk for the period of time which the solicitor wishes to solicit within the Village during such one (1) year certificate period, and shall in addition pay the fee as hereinafter set forth.

17.107 Display of Soliciting Permit: A permit card approximately five inches by three inches containing the name of the solicitor, organization represented, and effective dates shall be visibly displayed by each person subject to the solicitation permit requirement while soliciting within the corporate limits. All permits shall bear the name of the Village of Dwight and signed by the Village Clerk.

17.108 Duty of solicitors:

- a. Any solicitor who has gained entrance to any residence or is on private property, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the owner or occupant.
- b. All Fixed Location Itinerant Merchants may engage in business from a fixed location only by written permission, by lease or otherwise, of the owner or person in control of the location from which the Fixed Location Itinerant Merchant engages in the trade or business of the Fixed Location Itinerant Merchant, and such written agreement shall be signed by the parties thereto and shall include the dates for which such permission is granted to the Fixed Location Itinerant Merchant to engage in the trade or business to be carried on.
- c. No Fixed Location Itinerant Merchant shall display any tangible personal property, signs or advertisements closer than fifteen (15) feet from the curb line, or in the event there is no curb line, from the street right-of-way, except when the street is closed for special events as approved by the Village Board. All signs and advertisements shall comply with the appropriate sections of the Dwight Zoning Ordinance.
- d. Fixed Location Itinerant Merchants may only conduct their trade or business in an area in which the zoning is approved for the business activity of the Fixed Location Itinerant Merchant.
- e. Any owner, lessee, invitee or lawful occupant of a residence may prohibit solicitation by posting prominently on the front door, and upon any other door or prominent location of the residence, a sign which states, "No Solicitors" or "No Trespassing" or words of similar meaning. Whenever any person engaging in solicitation, whether having a solicitation permit or no, encounters such a sign described above, such person shall not engage in solicitation at such premises and shall immediately and peacefully depart from the premises.

17.109 Time limit on soliciting. It is hereby declared to be unlawful for any person whether registered under this Ordinance or not, to go upon any premises and ring the door bell or knock upon or near any door of a residence located thereon, or in any manner calculated to attract the attention of the occupant thereof and engage in soliciting as herein defined, prior to 9:00 A.M. or after 7:00 P.M. Monday through Saturday. No solicitation is permitted on Sundays and holidays.

17.110 Prohibited Solicitation. No solicitation permit shall be issued, nor shall

any person engage in solicitation, for the following purposes:

- a. Any prescription or nonprescription drugs or medicines;
- b. Any meat, fish or poultry if the person who seeks the solicitation permit does not possess the necessary licenses or permits from all regulatory agencies having jurisdiction over the handling and sale of such items;
- c. No solicitation permit shall be issued to any person who is required to register with the Illinois Sex Offender Registry as provided by State Sex Offender Registration Act (Illinois Compiled Statutes 730 ILCS 150/2(B)), and no person who is required to register with the Illinois Sex Offender Registry as provided by State Sex Offender Registration Act may solicit in the Village of Dwight.

17.111 Bucket Brigades. The following requirements shall apply to any bucket brigade solicitation, and provided that, if any of the requirements as stated within this section are in conflict with requirements stated in other provisions of this Article, then the provisions of this section shall apply as to such bucket brigade solicitations:

* a. Bucket brigades will be permitted to occur only on Friday and Saturday morning between the hours of 7:00 a.m. through 4:00 p.m., and not more than twelve (12) per calendar year shall be permitted. The bucket brigades will not be permitted on two (2) consecutive weekends (except in the event of a rescheduling of an event due to inclement weather). If inclement weather causes a cancellation of an event scheduled for a Friday or Saturday, the event may be rescheduled, but for the following Saturday only. *(Rev. 4/29/2014)

b. The application for permit to solicit shall be made by the charitable organization in writing to the office of the Village Clerk at least fifteen (15) days in advance of the proposed date of the event, and such application shall be presented to the Village Board for approval at the next regularly scheduled meeting of the Village Board. At the Village Board meeting at which the application is to be considered, the organization requesting the permit shall have a representative present, prepared to give testimony to the Village Board about the event. The organization shall include with the application a certificate of insurance to insure against liability for personal injury to persons conducting the event for the organization, and a certificate of insurance insuring against liability of the Village for damage or injury to persons or property. The limits of liability shall be as required by the Village and in effect from time to time. In addition, the application for permit shall include an agreement by the organization to indemnify and hold harmless the Village for any loss, damage, claims or liability for injury or damage to persons or property arising out of the event to be scheduled.

* c. Bucket brigade events shall be permitted only on streets or intersections as are specifically designated by the Village Board for the specific event, which shall be determined by the board at the time of approval of the permit. No more than two (2) persons will be permitted to be located at any station at one (1) given time. A station is

defined as a place on each roadway right-of-way leading to a stop sign. For example, at a 4-way stop intersection, there are four (4) stations; at a 2-way stop intersection, there are two (2) stations, etc. No person under age seventeen (17) shall be permitted to conduct or participate in the brigade event. If a seventeen year old is involved, the organization conducting the bucket brigade is responsible for making sure there is at least one adult at the site at all times to oversee the operation. **(Rev. 2/23/2015)*

d. The organization to which a permit is granted shall notify the Public Works Director on the Thursday preceding the date of the event in order to obtain orange traffic safety cones which shall be placed at each intersection as a warning to motorists of persons in the street. The organization shall deliver the orange cones to the Village garage on the Monday following the event, and any loss or damage to the orange safety cones shall be paid for by the organization.

e. Any violation of the provisions of this section shall be cause for preventing the offending organization from being granted a permit for conducting any other bucket brigade for a period of twenty-four (24) months.

17.112 Fees. The fee schedule for a Certificate of Registration shall be established and periodically reviewed and modified by the Village Board of Trustees.

Each period as set forth above shall commence from the date the Certificate of Registration is effective until the lapse of the time period for which the fee was paid.

A solicitation of gifts of money or of any material items for the support or benefit of any charitable or non-profit association, organization, corporation or project shall be without fee, provided that all other aspects of this Ordinance and the provisions hereof shall be complied with. At the conclusion of any such solicitation, the Village of Dwight requires a statement of total monies or material items received, and how such monies or material items are disbursed. The Village Clerk shall keep such statements on file.

17.113 Severance clause. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

17.114 Penalty clause. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine as designated in the fine rate schedule for each offense.

*** ARTICLE II **(Rev. 10/25/2010)***

Mobile Home Parks

17.201 Definitions. As used in this article, the following terms shall have the meaning indicated below:

Mobile home: a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons. The term "mobile home" shall include manufactured homes constructed after June 30, 1976, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

Mobile home park: a tract of land or two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for five (5) or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park.

17.202 Incorporation of State Statutes and Regulations. The Mobile Home Park Act, Illinois Compiled Statutes, Chapter 210, Act 115, and the Illinois Mobile Home Tie Down Act, Illinois Compiled Statutes, Chapter 210, Act 120, and Regulations promulgated thereunder by the Illinois Department of Public Health, are all incorporated by reference and made a part of this ordinance.

17.203 Location of Mobile Homes for permanent use Outside parks prohibited. It shall be unlawful for any person to place, locate, or maintain any mobile home for human habitation or for any other purpose upon a plat of ground within the Village except in a licensed mobile home park.

17.204 License required. It shall be unlawful to establish, maintain or operate any mobile home park in the Village without first having obtained a license therefore from the Department of Public Health.

17.205 Location restrictions. It shall be unlawful to locate a trailer coach park in any area other than that prescribed by the Zoning Ordinance.

17.206 Manager. Every mobile home park shall be managed by a responsible individual and/or licensee whose name, address and telephone number shall be on file at all times with the Village Clerk and whose duty it shall be to maintain the park, its facilities and equipment in a clean, orderly and sanitary condition, and shall be responsible, with the licensee, for any violation of the provisions of this Act.

17.207 Spaces. Each mobile home shall be allotted a site of not less than three thousand five hundred square feet. No mobile home shall be parked closer than twenty (20) feet to the side lot lines of a trailer coach park, if the abutting property is improved

property, or closer than twenty (20) feet to a public street, alley or building. Each individual trailer lot shall abut or face on a driveway or clear unoccupied space of not less than twenty (20) feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least twenty (20) feet between any trailer and any building or other structure.

17.208 Water Supply. An adequate supply of water of safe, sanitary quality, approved by the Department of Public Health shall be furnished at each mobile home park. Each site shall be provided with a cold-water tap located in accordance as per regulations of the Department of Public Health.

17.209 Sewage and water carried wastes. All sewage and other water carried wastes shall be disposed of into the Village sewerage system.

17.210 Sewer connections for each mobile home. When a water carriage system of sewage is used each site shall be provided with a sewer connection for the combined liquid waste outlet or outlets of each mobile home. It shall be the duty of the owner or operator of said mobile home park to provide an approved type of water and odor tight connection from the mobile home water drainage to the sewer connection, and it shall be the duty of said owner or operator to make such connection and keep all occupied mobile homes, connected to said sewer while located in the park. No water or waste shall be allowed to fall on the ground from a mobile home.

17.211 Garbage storage and disposal. A sufficient number of adequate fly-proof and watertight containers in accordance with rules and regulations adopted by the Department of Health shall be supplied for the storage of garbage. Garbage containers shall be emptied at least once a week and shall not be filled to overflowing, or allowed to become foul smelling or a breeding place for flies. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and which is approved by the Department of Public Health.

17.212 Fire protection. Mobile homes in mobile home parks shall each be equipped with fire extinguishers in working order, one in each end of the mobile home.

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

17.214 Plumbing and sewer facilities. Installation of plumbing and sewer facilities shall comply with the provisions of the State Plumbing Code.

17.215 Standards for Mobile Home Parks. No special use zoning certificate may be granted or continued for a mobile home park unless the mobile home park complies with the following standards:

- a. No mobile home park shall be located in an area where the conditions of soil, groundwater level, drainage or topography may cause hazard to the property,

health or safety of the occupants.

b. Ingress and egress to a mobile home park shall be provided in such a manner to facilitate access by emergency vehicles, and shall be designed to provide efficient and safe traffic circulation in the vicinity. Each mobile home park shall have two separate entry/exit points.

c. No part of any mobile home park shall be used for non-residential purposes except accessory uses that are required to directly serve mobile home park residents and for management and maintenance of the mobile home park.

d. No additions or alterations may be made to any existing mobile home park unless such additions or alterations are in conformity with this ordinance.

e. There shall be located within each newly established mobile home park a storm shelter located within a building in the mobile home park constructed in compliance with Village building codes for permanent structures.

17.216 Standards for Mobile Homes.

a. No mobile home may be placed within a mobile home park if the date of manufacture of such mobile home is more than ten years prior to the date of placement of the mobile home within the mobile home park.

b. Each mobile home shall comply with the standards of the Illinois Department of Public Health Illinois Mobile Home Park Act.

17.217 Exceptions. Nothing in this article shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not used for living or sleeping purposes.

17.218 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

Businesses Selling Tobacco Products

17.301 Definitions. "Tobacco Accessories" shall mean cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter, or exchange is made unlawful under this Ordinance.

"Tobacco Products" shall mean cigars, cigarettes, smokeless tobacco, or tobacco in any of its forms.

"Smokeless Tobacco" means any tobacco products that are suitable for dipping or chewing.

17.302 Furnishing Tobacco Products or Tobacco Accessories to Minors Prohibited.

No person shall sell, give away, barter, exchange, or otherwise furnish any tobacco products, tobacco product samples and/or tobacco accessories:

- a. To any individual under eighteen (18) years of age.

No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under 18 years of age. Tobacco products listed above may be sold through a vending machine only in the following locations:

- a. Factories, businesses, offices, private clubs, and other places not open to the general public;

- b. Places to which minors under 18 years of age are not permitted access;

- c. Places where alcoholic beverages are sold and consumed on the premises;

- d. Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this section, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.

- e. Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

Any person violating any provision of this Ordinance shall, upon a conviction thereof, be subject to a fine as designated in the fine rate schedule for each offense.

17.303 Purchases by Minors Prohibited.

- a. It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or the use of any false or altered identification for the purpose of purchasing tobacco products.

b. Any person under the age of eighteen (18) violating any provision of this Ordinance shall, upon a conviction there of, be subject to a fine as designated in the fine rate schedule for each offense.

17.304 Possession by Minors Prohibited.

a. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years is under the direct supervision of the parent or guardian of such person in the privacy of the parent or guardian's home shall not be prohibited.

b. Any person under the age of eighteen (18) violating any provision of this Ordinance shall, upon a conviction there of, shall be subject to a fine as designated in the fine rate schedule for each offense.

17.305 Signage Required for all Vendors Engaged in Selling Tobacco Products.

Every Vendor selling any tobacco, or tobacco related items shall be required to post a sign in each location, or on any vending machine dispensing tobacco products a sign conspicuously placed stating the following:

"The sale of Tobacco, Tobacco accessories, and smoking herbs to persons under the age of 18 is prohibited."

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

ARTICLE IV

Dwight Adult Use Licensing

17.401 Definitions.

Adult Booth: Any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

Adult Entertainment Establishment: Any of the following Commercial Establishments, as defined herein:

a. Adult Cabaret: Any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following:

1. Persons who appear Nude or Semi-Nude.
2. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
3. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

b. Adult Store: Any Commercial Establishment:

1. that contains one or more Adult Booths;
2. that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or
3. that has a segment or section devoted to the sale or display of Adult Materials.

c. Adult Theater: Any Commercial Establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

B. Adult Establishment Employee. Any individual, including entertainers, who work in or at, or render any services directly related to the operation of, an Adult Entertainment Establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.

C. Adult Establishment License. A license issued for an Adult Entertainment Establishment pursuant to the provisions of this Ordinance.

D. Adult Establishment Patron. Any individual, other than an Adult Establishment Employee, present in or at any Adult Entertainment Establishment at any time when such Adult Entertainment Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.

E. Adult Material. Any of the following, whether new or used:

1 (a) Books, magazines, periodicals, or other printed matter, or digitally-stored materials; or

(b) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depicts or describes Specified Anatomical Areas.

G. Adult Use Commission. The President and Board of Trustees of the Village, pursuant to Section 4 of this Ordinance. The Village Administrator and Police Chief shall be ex-officio, non-voting members.

H. Village Zoning Ordinance. That part of the Dwight Municipal Code known and referred to as the Dwight Zoning Ordinance, as it may be amended from time-to-time.

I. Commercial Establishment. Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

J. Days. Calendar days, unless otherwise specifically set forth in this Ordinance.

K. Licensed Premises. The place or location described in an Adult Establishment License where an Adult Entertainment Establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the Licensed Premises.

L. Effective Date. The Effective Date of this Ordinance shall be deemed to be April 1st, 2000.

M. Licensee. Any person or entity that has been issued an Adult Establishment License pursuant to the provisions of this Ordinance.

N. Nude or State of Nudity. A state of dress or undress that exposes to view (i) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a

discernibly turgid state.

O. Reviewing Departments. The Village Administrator, the Local Fire Department, and/or the State Fire Marshall=s office, the Village Police Department, the Village Planning Commission and the Building Inspector.

P. Semi-Nude. A state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

Q. Specified Anatomical Areas. Any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

G. Specified Criminal Act. Any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes:

1. Article 11 of the Illinois Criminal Code (sex offenses).
2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping).
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile).
4. The Obscene Phone Call Act, 720 ILCS 135/0.01 *et seq.*
5. The Wrongs to Children Act, 720 ILCS 150/0.01 *et seq.*
6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 *et seq.*
7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 *et seq.*
8. The Cannabis Control Act, 720 ILCS 550/1 *et seq.*

9. The Illinois Controlled Substances Act, 720 ILCS 570/1 00
et seq.

S. Specified Sexual Activities. Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

3. Masturbation, actual or simulated.

4. Human genitals in a state of sexual stimulation, arousal, or tumescence.

5. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1, 2, 3, or 4 of this definition.

T. Straddle Dance. The use by any person, including specifically, but without limitation, an Adult Establishment Employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any Adult Establishment Patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any Adult Establishment Patron. Conduct shall be a "Straddle Dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any Specified Anatomical Area. Conduct shall also be a "Straddle Dance" regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance", "table dance", and "face dance" shall be included within this definition of Straddle Dance.

Section 4. Adult Use Commission.

The President of the Village is hereby designated as the Adult Use Commission pursuant to the terms and conditions of this Ordinance. The Adult Use Commission shall have the following powers and duties:

1. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of, Adult Establishment Licenses as set forth in this Ordinance.

2. To conduct or provide for such inspections of Adult Entertainment Establishments as shall be necessary to determine and ensure compliance with the provisions of this Ordinance and other applicable provisions of law.

3. To periodically review the provisions of this Ordinance and the conduct and operation of Adult Entertainment Establishments and Adult Establishment Licensees, and to make such related reports and recommendations to the Village Board of Trustees as the Adult Use Commission shall deem necessary.

4. To conduct such hearings, studies, and reports on Adult Entertainment Establishments, and the regulations relating thereto, as the Adult Use Commission shall deem necessary, and to conduct such hearings on the revocation or suspension of an Adult Establishment License as required pursuant to Section 17 of this Ordinance.

5. To take such further actions, as the Adult Use Commission shall deem necessary to carry out the purposes and intent of this Ordinance and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Ordinance.

6. To delegate administrative/enforcement duties to the Village Administrator and/or Chief of Police.

Section 5. Adult Establishment Licenses Generally.

T. Adult Establishment License Required. An Adult Establishment License shall be required to establish, operate, or maintain an Adult Entertainment Establishment within the Village.

U. Operation Without License Prohibited. Except as provided in Subsection F of this Section with regard to Adult Entertainment Establishments existing prior to the effective date of this Ordinance, it shall be unlawful for any person not having a current and valid Adult Establishment License to establish, operate, or maintain an Adult Entertainment Establishment within the Village at any time after the effective date of this Ordinance.

V. Operation in Violation of License Prohibited. It shall be unlawful for any Licensee to establish, operate, or maintain an Adult Entertainment Establishment within the Village except in the manner authorized by, and in compliance with, the provisions of this Ordinance and the Licensee's Adult Establishment License.

W. Content and Display of License. Every Adult Establishment License shall be provided by the Village and shall, at a minimum, prominently state on its face the name of the Licensee, the expiration date, and the address of the Adult Entertainment Establishment. Every Licensee shall cause the Licensee's Adult Establishment License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Licensed Premises so that it can be easily seen and read at any time by any person entering the Licensed Premises.

X. License Term. Except as hereinafter provided, Adult Establishment Licenses shall be operative and valid, unless first terminated, suspended,

or revoked, for a term of one year commencing on January 1 of the year following the year of issuance and terminating on December 31 of that same year. Adult Establishment Licenses issued after January 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31 of that same year.

Y. Existing Establishments.

1. **Application Generally.** An Adult Entertainment Establishment existing and operating on or prior to the Effective Date (Existing Establishment) may continue to exist and operate as of the Effective Date; provided, however, that the Existing Establishment (i) shall submit an application for an Adult Establishment License not later than 60 days after the Effective Date; (ii) shall cease operations not later than 240 days after the Effective Date (the "Licensure Date"), unless it has secured an Adult Establishment License by the Licensure Date; and (iii) shall comply with, and continue at all times to comply with, the requirements of Paragraph 2 of this Subsection F.

2. **Required Compliance on Effective Date.** An Existing Establishment shall, as of the Effective Date, be subject to the provisions of Sections 9, 11.A through 11.C, 11.E through 11.J, 12.A, 12.B, 12.F, 12.G, 13.C through 13.E, 14, and 15, and shall at all times continue in compliance with said provisions.

G. Renewal. An Adult Establishment License may be renewed only by making application as required for an initial License pursuant to Section 6 of this Ordinance. Application for renewal shall be made at least 30 days before the expiration of the then-current License term. The expiration of the License shall not be affected or extended by a renewal application that is made less than 30 days before expiration.

Section 6. Form and Submittal of License Application.

1. **Required Form.** An application for an Adult Establishment License, or the renewal thereof, shall be made in writing to the Adult Use Commission on a form prescribed by the Adult Use Commission and shall be signed (i) by the applicant, if the applicant is an individual; (ii) by at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization; (iii) by a duly authorized agent if the applicant is a corporation; or (iv) by the trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the Licensed Premises for which an Adult Establishment License is sought. Each initial or renewal application shall be accompanied by four (4) identical copies.

2. **Administrative Processing Fee and Security.**

1. Administrative Processing Fee. Every applicant for an Adult Establishment License or for the renewal of an existing Adult Establishment License shall pay an Administrative Processing Fee in the amount of \$500 by certified check to the Village at the time of filing such application. The Administrative Processing Fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the Village.

2. Bond or Other Security. Each Adult Establishment License, and any renewals thereof, shall be conditioned on the acquisition and maintenance in good standing by the applicant and Licensee of a surety bond or other similar security in favor of the Village in the amount of \$2,500 to the Village. Before an Adult Establishment License may be issued, the applicant shall furnish such bond or security, and before an Adult Establishment License is renewed or reinstated following revocation or suspension, the Licensee shall submit evidence that the bond or other security, in the amount required pursuant hereto, remains in full force and effect. The bond or other security, or part thereof, for an Adult Entertainment Establishment shall be forfeited automatically pursuant to Section 17.B.4 of this Ordinance in order to reimburse the Village for the Village's costs in association with the proceedings related to any suspension or revocation of the License.

C Required Information and Documents. Each application shall include the following information and documents:

(a) Individuals: The applicant's legal name, all of the applicant's aliases, the applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.

(b) Corporations: The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than 50 percent of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.

(c) Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization: The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

(d) Land trusts: The applicant land trusts complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses, and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the Licensed Premises.

2. If a corporation or partnership is an interest holder that must be disclosed pursuant to Subparagraph 6.C.1(b) or 6.C.1(c) above, then such interest holders shall disclose the information required in said Subparagraphs with respect to their interest holders.

3. The general character and nature of the business of the applicant.

4. The length of time that the applicant has been in the business of the character specified in response to Paragraph 3 above.

5. The location, including street address and legal description, and telephone number, of the premises for which the Adult Establishment License is sought.

6. The specific name of the business that is to be operated under the Adult Establishment License.

7. The identity of each fee simple owner of the Licensed Premises.

8. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineers or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance with the provisions of this Ordinance. The requirements of this Paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certifies that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.

9. The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has received a license or other authorization to conduct or operate a business (a) substantially the same as an Adult Entertainment Establishment, and the names and addresses of each such business; (b) requiring a federal, state, or local liquor license; or (c) requiring a federal, state, or local gaming license.

10. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate in the Licensed Premises.

11. A copy of each Adult Establishment License, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection.

12. Whether the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has been, within five years immediately preceding the date of the application, convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.

13. Whether the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of, the establishment at issue.

14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Adult Entertainment Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to Subparagraph 1 (a), and Paragraphs 9, 11, 12, and 13 of this Subsection.

15. For the individual or individuals executing the application pursuant to Subsection 6.A of this Ordinance, and the individual or individuals identified pursuant to Paragraph 6.C.14 of this Ordinance, a fully executed waiver on a form prescribed by the Village to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act. .

D. Incomplete Applications Returned. Any application for an Adult Establishment License that does not include all of the information and documents required pursuant to Subsection C of this Section as well as the Administrative Processing Fee and bond or other security required pursuant to Subsection 8 of this Section, shall be deemed to be incomplete and shall not be acted on or processed by the

Village. The Adult Use Commission shall, within five days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

Section 7. Processing of License Application.

A. Reviewing Departments. Within three days after receipt of a complete application for an Adult Establishment License that includes all of the information and documents required pursuant to Subsection 6.C of this Ordinance, as well as the Administrative Processing Fee and bond or other security required pursuant to Subsection 6.B of this Ordinance, the Adult Use Commission shall transmit a copy of the application to the Reviewing Departments as defined under Section 3, Subparagraph O.

B. Reviewing Department Reports. Each of the Reviewing Departments shall, within 25 days after transmittal of the application thereto, or within such other period of time as the Village and the applicant may otherwise agree, (i) review the application; (ii) conduct such inspections of the proposed Licensed Premises and background investigations of the applicant and any of the individuals identified in the application pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations; and (iii) prepare and submit to the Adult Use Commission a written report regarding the results and findings of such reviews, inspections, and investigations.

C. Adult Use Commission Review. The Adult Use Commission shall also conduct such inspections and investigations as the Adult Use Commission shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations.

D. Reliance on Diagram. In the event that the Licensed Premises has not yet been constructed or reconstructed to accommodate the proposed Adult Entertainment Establishment, the Adult Use Commission and the Reviewing Departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to Sec. 6, Subparagraph 6.C.8 of this Ordinance. Any Adult Establishment License issued prior to the construction or reconstruction necessary to accommodate the proposed Adult Entertainment Establishment shall contain a condition that the Adult Entertainment Establishment shall not open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.

E. Applicant Cooperation Required. An applicant for an Adult Establishment License shall cooperate fully in the inspections and investigations

conducted by the Adult Use Commission and the Reviewing Departments. The applicant's failure or refusal (i) to give any information reasonably relevant to the investigation of the application; (ii) to allow the Licensed Premises to be inspected; (iii) to appear at any reasonable time and place for examination under oath regarding the application; or (iv) to otherwise cooperate with the investigation and inspection required by this Ordinance, shall constitute an admission by the applicant that the applicant is ineligible for an Adult Establishment License and shall be grounds for denial of the License by the Adult Use Commission.

F. Time for issuance or Denial. The Adult Use Commission shall, within 30 days after submittal of a properly completed application, or within such other period of time as the Village and the applicant shall otherwise agree, either issue an Adult Establishment License pursuant to the provisions of Subsection 8.A of this Ordinance or deny issuance of the Adult Establishment License pursuant to the provisions of Subsection 8.B of this Ordinance. The Adult Use Commission shall issue or deny the License within said 30-day period, or such other period of time as shall have been agreed to by the Village and the applicant, regardless of whether or not the Adult Use Commission has received all of the Reviewing Department reports.

G. Decision Final. The action taken by the Adult Use Commission to issue or deny an Adult Establishment License pursuant, respectively, to Subsections 8.A or 8.B of this Ordinance shall be final and shall be subject to judicial review.

Section 8. Standards for Issuance or Denial of License

A. Issuance The Adult Use Commission shall issue an Adult Establishment License to an applicant if, but only if, the Adult Use Commission finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Adult Use Commission and the Reviewing Departments and on any other credible information on which it is reasonable for the Adult Use Commission to rely:

1. All information and documents required by Section 8 of this Ordinance for issuance of an Adult Establishment License have been properly provided and the material statements made in the application are true and correct.

2. For Adult Stores and Adult Theaters, all persons identified in the application pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance are at least 18 years of age and not under any legal disability. For Adult Cabarets, all persons identified in the application pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance are at least 21 years of age and not under any legal disability.

3. No person identified in the application pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance has been convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act within five years immediately preceding

the date of the application.

4. No person identified in the application pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance has been convicted of, or pleaded *nolo contendere* to, any violation of a provision of this Ordinance within five years immediately preceding the date of the application.

5. No person identified in the application pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Adult Entertainment Establishment.

6. No person identified in the application pursuant to Sec. 6, subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance is residing with, or married to, a person (i) who has been denied an Adult Establishment License within 12 months immediately preceding the date of the application, (ii) whose Adult Establishment License has been revoked within 12 months immediately preceding the date of the application, or (iii) whose Adult Establishment License is under suspension at the time of application.

7. The Adult Entertainment Establishment and the Licensed Premises, and the proposed operation of the Adult Entertainment Establishment, comply with all then-applicable building, health, and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Village Zoning Ordinance.

8. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Ordinance and all provisions of the Village Zoning Ordinance applicable to Adult Entertainment Establishments, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Adult Entertainment Establishment and its proposed operation are and shall be in compliance therewith.

B. Denial. If the Adult Use Commission determines that the applicant has not met any one or more of the conditions set forth in Subsection A of this Section, then the Adult Use Commission shall deny issuance of the Adult Establishment License and shall give the applicant a written notification and explanation of such denial. The Adult Use Commission's notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. The Adult Establishment License shall be deemed denied on the day that the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided in this Subsection.

C License Deemed To Be Issued. If the Adult Use Commission does not issue or deny the Adult Establishment License within 30 days after the properly completed application is submitted, then the Adult Establishment License applied for

shall be deemed to have been denied.

Section 9. Inspections by the Village.

A Authority. The Adult Use Commission and other Village representatives and departments with jurisdiction shall periodically inspect all Adult Entertainment Establishments as shall be necessary to determine compliance with the provisions of this Ordinance and all other applicable law.

B Licensee Cooperation. A Licensee shall permit representatives of the Village to inspect the Licensed Premises and the Adult Entertainment Establishment for the purpose of determining compliance with the provisions of this Ordinance and all other applicable law at any time during which the Licensed Premises is occupied or the Adult Entertainment Establishment is open for business.

C Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Adult Establishment Employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the Village pursuant to this Ordinance or any other authority.

D Suspension or Revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Adult Establishment License pursuant to Section 17 of this Ordinance.

Section 10. Change in Information.

During the pendency of any application for, or during the term of, any Adult Establishment License, the applicant or Licensee shall promptly notify the Adult Use Commission in writing (i) of any change in any material information given by the applicant or Licensee in the application for such License, including specifically, but without limitation, any change in managers of the Adult Entertainment Establishment or in the individuals identified in the application pursuant to Sec. 6 Subparagraphs 6.C.1 or 6.C.2 of this Ordinance; or (ii) if any of the events constituting grounds for suspension or revocation pursuant to Section 17, Subparagraph A of this Ordinance occur.

Section 11. REGULATIONS APPLICABLE TO ALL ADULT ENTERTAINMENT ESTABLISHMENTS

A General Compliance. All Licensed Premises and Adult Entertainment Establishments shall comply with the provisions of this Ordinance; all other applicable Village ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.

B. Hours of Operation.

1. No Adult Entertainment Establishment shall be open for business

at any time on any State of Illinois or Federal holiday.

2. No Adult Entertainment Establishment shall be open for business at any time after 1:00 a.m. on any Sunday.

3. No Adult Entertainment Establishment shall be open for business between the hours of 1:00 a.m. and 11:00 a.m. on any Monday through Saturday.

C. **Animals.** No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at any time at or in any Adult Entertainment Establishment or Licensed Premises.

D. **Restrooms.** All restrooms in Adult Entertainment Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restrooms of an Adult Entertainment Establishment. Separate male and female restrooms shall be provided for and used by Adult Establishment Employees and Adult Establishment Patrons.

E. **Restricted Access.** No Adult Establishment Patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Adult Establishment Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

F. **Specific Prohibited Acts.**

5. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment, other than an Adult Establishment Employee employed to provide adult entertainment in accordance with the regulations in this Ordinance, shall appear, be present, or perform while Nude or Semi-Nude.

6. No Adult Establishment Employee or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Patron or any other Adult Establishment Employee or any other person. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Employee or any other Adult Establishment Patron or any other person.

7. Straddle Dances shall be prohibited at all Adult Entertainment Establishments.

G. Exterior Display. No Adult Entertainment Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located. No portion of the exterior of an Adult Entertainment Establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to Subsection H of this Section with regard to signs. This Subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

H. Signage Limitations. All signs for Adult Entertainment Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this Ordinance shall contain only (i) the name of the Adult Entertainment Establishment and/or (ii) the specific type of Adult Entertainment Establishment conducted on the Licensed Premises. Temporary Signage shall not be permitted in connection with any Adult Entertainment Establishment.

I. Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.

J. Gambling and Related Devices Prohibited. No Adult Entertainment Establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.

K. Manager's Station. Each Adult Entertainment Establishment shall have one or more manager's stations. The interior of each Adult Entertainment Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Adult Establishment Patron is permitted access for any purpose.

L. Alcohol Prohibition. No Adult Entertainment Establishment shall be issued a liquor license nor shall any Adult Entertainment Establishment allow any alcoholic liquor as defined in Chapter 16 of the Municipal Code of the Village of Dwight to be sold, given, consumed and/or be present on the premises of an Adult Entertainment Establishment.

Section 12. Special Regulations For Adult Booths.

A. Prohibited Except in Adult Stores. Adult Booths shall be prohibited in all Adult Entertainment Establishments except Adult Stores.

B. Occupancy and Prohibited Acts. Only one individual shall occupy an Adult Booth at any one time. No individual occupying an Adult Booth shall engage in any Specified Sexual Activities. No individual shall damage or deface any portion of an Adult Booth.

C. Open Booth Requirement. In addition to satisfying the manager station requirements of Subsection 11.K of this Ordinance, all Adult Stores containing Adult Booths shall be physically arranged in such a manner that the entire interior portion of each Adult Booth shall be visible from the common area of the Adult Store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each Adult partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the Adult Store Booth and for the entranceway from the area of the Adult Store that provides' other Adult Materials to the area of the Adult Store containing the Adult Booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, containing the Adult Booths or any person situated in an Adult Booth. It shall be unlawful to install Adult Booths within an Adult Entertainment Establishment for the purpose of providing secluded viewing of Adult Materials or live performances.

D. Aisle Required. There shall be one continuous lighted main aisle along side the Adult Booths provided in any Adult Store. Each person situated in a Booth shall be visible at all times from the aisle.

E. Holes Prohibited. Except for the open Booth entranceway, the walls and partitions of each Adult Booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

F. Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each Adult Booth that states (i) that only one person is allowed in an Adult Booth at any one time, (ii) that it is unlawful to engage in any Specified Sexual Activities while in an Adult Booth, and (iii) that it is unlawful to damage or deface any portion of an Adult Booth.

G. Age Limitations.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Booth or a Licensed Premises that includes an Adult Booth shall be under the age of 18.

2. No person under the age of 18 shall be admitted to any Adult Booth or any Licensed Premises that includes an Adult Booth.

3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Booth or at any Licensed Premises that includes an

Adult Booth.

4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Booth or any Licensed Premises that includes an Adult Booth.

Section 13. Special Regulations For Adult Cabarets

A. Performance Area. The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least 18 inches from all areas of the premises to which Adult Entertainment Patrons have access. A continuous barrier at least two feet in height and located at least 18 inches from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No Adult Patron shall be allowed at any time on any Cabaret Stage.

B. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers shall be maintained at all times for all areas of the Adult Cabaret where Adult Establishment Patrons are admitted.

C. Tipping. No Adult Establishment Patron shall offer, and no Adult Establishment Employee having performed on any Cabaret Stage shall accept, any form of payment or gratuity offered directly or personally to the Employee by the Adult Establishment Patron. Rather, all tips and gratuities to Adult Establishment Employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Entertainment Establishment or shall be placed by the Adult Establishment Patron on the Cabaret Stage on which the Adult Establishment Employee is performing.

D. Notice of Select Rules. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE VILLAGE OF DWIGHT.

ENTERTAINERS ARE:

A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.

B. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY OR PERSONALLY FROM PATRONS. ANY SUCH TIPS MUST BE PLACED INTO

THE RECEPTACLE PROVIDED BY MANAGEMENT OR MUST BE PLACED DIRECTLY ON THE CABARET STAGE.

E. Age Limitations.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Cabaret or a Licensed Premises used for an Adult Cabaret shall be under the age of 21.

2. No person under the age of 21 shall be admitted to any Adult Cabaret or to any Licensed Premises used for an Adult Cabaret.

3. No person under the age of 21 shall be allowed or permitted to remain at any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

4. No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

Section 14. Special Regulation For Adult Stores.

A. Windows and Signs. Window areas for Adult Stores shall not be covered or obstructed in any way. No signs or other obstructions shall be placed in the windows.

B. Age Limitations.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Store or a Licensed Premises used for an Adult Store shall be under the age of 18.

2. No person under the age of 18 shall be admitted to any Adult Store or to any Licensed Premises used for an Adult Store.

3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Store or any Licensed Premises used for an Adult Store.

4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Store or any Licensed Premises used for an Adult Store.

Section 15. Special Regulations For Adult Theaters.

A. Seating. Each Adult Theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.

B. Aisle. Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible from the aisle at all times.

C. Sign. Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

D. Age Limitations.

1 No Adult Establishment Employee or Adult Establishment Patron at an Adult Theater or a Licensed Premises used for an Adult Theater shall be under the age of 18.

2 No person under the age of 18 shall be admitted to any Adult Theater or to any Licensed Premises used for an Adult Theater.

3 No person under the age of 18 shall be allowed or permitted to remain at any Adult Theater or any Licensed Premises used for an Adult Theater.

4 No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Theater or any Licensed Premises used for an Adult Theater.

Section 16. Licensee Responsibility For Employees.

Every act or omission by an Adult Establishment Employee constituting a violation of the provisions of this Ordinance shall be deemed to be the act or omission of the Licensee if such act or omission occurs either with the authorization, knowledge, or approval of the Licensee, or as a result of the Licensee's negligent failure to supervise the Adult Establishment Employee. The Licensee shall be punishable for any such act or omission in the same manner as if the Licensee committed the act or caused the omission. Accordingly, any such act or omission of any such Employee constituting a violation of the provisions of this Ordinance shall be deemed, for purposes of determining whether the Licensee's Adult Establishment License shall be revoked, suspended, or renewed, to be the act or omission of the Licensee.

Section 17. License Revocation or Suspension.

A. **Grounds.** Pursuant to the procedures set forth in Subsection B of this Section, the Adult Use Commissioner may suspend for not more than 30 days, or revoke, any Adult Establishment License if the Adult Use Commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

1. The Licensee has violated any of the provisions or requirements of this Ordinance or the Adult Establishment License issued pursuant hereto, or the provisions of the Village Zoning Ordinance applicable to the Licensed Premises or the Adult Entertainment Establishment.

2. The Licensee (i) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Village for the issuance or renewal of any Adult Establishment License or (ii) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf.

3. The Licensee has committed a felony or Specified Criminal Act on the Licensed Premises.

4. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Adult Entertainment Establishment, allows, an Adult Establishment Employee, an Adult Establishment Patron, or any other person to (i) violate any of the provisions or requirements of this Ordinance or of the provisions or requirements of the Adult Establishment License issued pursuant hereto, or (ii) commit any felony or Specified Criminal Act on the Licensed Premises.

5. The Licensee, or any person identified pursuant to Sec. 6, Subparagraphs 6.C.1, 6.C.2, or 6.C.14 of this Ordinance becomes disqualified for the issuance of an Adult Establishment License at any time during the term of the License at issue.

B. **Procedure.** An Adult Entertainment Establishment License may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this Subsection B.

1. Notice. Upon determining that one or more of the grounds for suspension or revocation under Subsection A of this Section may exist, the Adult Use Commission shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. The written notice shall, at a minimum, (i) state that Adult Use Commission has determined that the Adult Establishment License may be subject to suspension or revocation pursuant to Subsection 17.A of this Ordinance; (ii) identify the specific grounds for the Adult Use Commission's determination; and (iii) set

a date for a hearing regarding the Adult Use Commission's determination as to the possibility of suspension or revocation of the Adult Establishment License. The date of the hearing shall be no less than five days after service of the Adult Use Commission's notice, unless an earlier or later date is agreed to by the Licensee and the Adult Use Commission.

2. Hearing. The hearing shall be conducted by the Adult Use Commission. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Adult Use Commission for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Adult Entertainment Establishment pursuant to Section 18 of this Ordinance shall be made part of the hearing record. Within three days after the close of the hearing, the Adult Use Commission shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Adult Use Commission shall be final and shall be subject to judicial review.

3. Notice and Effective Date of Suspension or Revocation. The Adult Use Commission's written decision shall be posted at the office of the Dwight Village Clerk and shall be served on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Adult Use Commission's written decision is delivered in person or three days after it is placed in the U.S. mail as provided in this paragraph.

4. Surrender of License and Security. Upon the suspension or revocation of an Adult Establishment License pursuant to this Ordinance, (i) the Adult Use Commission shall take custody of the suspended or revoked License; and (ii) such part or all of the bond or other security submitted for the Adult Entertainment Establishment pursuant to Sec. 6, Subparagraph 6.B.2 of this Ordinance shall be forfeited, as the Adult Use Commission shall deem necessary to reimburse the Village for the costs associated with the proceedings related to the suspension or revocation at issue. Such bond or other security shall be replenished to equal the amount required pursuant to Sec. 6, Subparagraph 6.B.2 of this Ordinance prior to the issuance of any new Adult Establishment License for the Licensed Premises or for the reinstatement of any suspended License.

Section 18. Administrative Record.

The Adult Use Commission shall cause to be kept in the office of the Dwight Village Clerk an accurate record of every Adult Establishment License application received and acted on, together with all relevant information and material pertaining to such application, any Adult Establishment License issued pursuant thereto, and any Adult Entertainment Establishment operated pursuant to such Adult Establishment License.

Section 19. Record keeping by License

The Licensee of every Adult Entertainment Establishment shall maintain a register of all of its Adult Establishment Employees. For each such Employee, the register shall include the following information:

1. Legal name.
2. Any and all aliases.
3. Date of birth.
4. Gender.
5. Social security number.
6. Date of commencement of employment.
7. Date of employment termination, if applicable,
8. Specific job or employment duties.

The register shall be maintained for all current Employees and all Employees employed at any time during the preceding 36 months. The Licensee shall make the register of its Adult Establishment Employees available for inspection by the Village immediately upon demand at all reasonable times.

Section 20. Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Ordinance or of any of the provisions or requirements of every Adult Establishment License, shall be fined not more than \$500 for each such violation. Each day such violation continues shall constitute a separate offense. The Adult Use Commission shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application.

Section 21. Nuisance Declared.

Any Adult Entertainment Establishment established, operated, or maintained in violation of any of the provisions or requirements of this Ordinance or of any Adult Establishment License shall be, and the same is, declared to be unlawful and a public nuisance. The Licensee shall have 48 hours after being served notice that such Adult Entertainment Establishment was established, operated, and/or maintained in violation of any such provision and/or requirement of this Ordinance or of any Adult Entertainment Establishment License to abate such nuisance. The Village may, in addition to or in lieu of any other remedies set forth in this Ordinance, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an Adult Entertainment Establishment contrary to the provisions of this Ordinance.

Section 22. Computation of Time

Unless otherwise specifically set forth in this Ordinance, the time within which any act required by this Ordinance is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Illinois holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

Section 23. Severability.

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the Village that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

CHAPTER 18

OCCUPATION TAXES

Article I - Municipal Retailer's Occupation Tax

Article II - Municipal Service Occupation Tax

Article III - Special Use Tax

Article IV - Municipal Utility Tax

*Article V - Municipal Telecommunications Infrastructure
Maintenance Fee*

Article VI - Hotel/Motel Tax

ARTICLE I

Municipal Retailers' Occupation Tax

18.101 Tax. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this Village at the rate of one per cent of the gross receipts from such sales made in the course of such business while this Ordinance is in effect, in accordance with the provisions of Section 8-11-1 of the Illinois Municipal Code.

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

18.103 Payment to State. At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

ARTICLE II

Municipal Service Occupation Tax

18.201 Tax rate. A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of one per cent of the cost price of all tangible personal property transferred by said serviceperson either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code.

18.202 Account. Every supplier or serviceperson required to account for Municipal Service Occupation Tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Nine of the "Service Occupation Tax Act", approved July 10, 1961, as amended.

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

ARTICLE III

Special Use Tax

18.301 Tax. A tax is hereby imposed in accordance with the provisions of Section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one per cent of the selling price of such tangible property with selling price to have the meaning as defined in the "Use Tax Act", approved July 14, 1955.

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

ARTICLE IV

Municipal Utility Tax

18.401 Tax. A tax is imposed on all persons engaged in the following occupations or privileges:

* a. Persons engaged in the business of transmitting messages by means of electricity, at the rate of five percent (5%) of the gross receipts from such business originating within the corporate limits of the Village of Dwight. *(Rev. 04/22/2002)*

* b. Persons engaged in the business of distributing, supplying, furnishing, or selling natural gas for use or consumption within the corporate limits of the Village of Dwight, and not for resale, at the rate of five percent (5%) of the gross sales receipts there-from. *(Rev. 04/22/2002)*

* c. Persons engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of the Village of Dwight, and not for resale, at the rate of five percent (5%) of the gross sales receipts there from. The tax imposed by this Section 1, Subparagraph shall not apply with respect to gross receipts pertaining to bills for the distribution, supplying,

furnishing, or sale of electricity where the use of consumption of the electricity is subject to the Electric Utility Tax imposed by Section 3.1 of this Article IV. (*Rev. 4/22/2002*)

The tax imposed under Section 1 of this Ordinance shall not be imposed on any such utility service rendered to the Village of Dwight.

18.402 Exceptions. None of the taxes authorized by this Ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Ordinance for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers, Occupational Tax Act" authorized by Section 8-11-1; nor shall any tax authorized by this Ordinance be imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality whether privately or municipally owned or operated, or exercising the same privilege within the Village.

18.403 Tax Imposed.

a. A tax is imposed on all persons engaged in the following occupations and privileges:

The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

(i) For the first 2,000 kilowatt-hours used or consumed in a month;
0.384 Cents per kilowatt-hour.

(ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.252 Cents per kilowatt-hour.

(iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.226 Cents per kilowatt-hour.

(iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.220 Cents per kilowatt-hour.

(v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.213 Cents per kilowatt-hour.

(vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.202 Cents per kilowatt-hour.

(vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.198 Cents per kilowatt-hour.

(viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.196 Cents per kilowatt-hour.

(ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.191 Cents per kilowatt-hour.

(x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.189 Cents per kilowatt-hour.

The tax rates set forth in the preceding table will be used at least through December 31st, 2008, are proportional to the rates enumerated in 65 ILCS S 5/8-11-2 (as modified by Public Act 90561), and do not exceed the revenue that could have been collected during 1997 using the rates enumerated in 65 ILCS S 5/8-11-2 (as modified by Public Act 90-561).

b. Pursuant to ILCS S- 5/8-11-2, the rates set forth in subsection (a) above shall be effective: (A) on August 1, 1999 for residential customers; and (B) on the earlier of (1) the first bill issued on or after January 1st, 2001, or (2) the date of the first bill issued pursuant to 220 ILCS S 5/16-104, for nonresidential customers.

c. The provisions of Section 3.1 shall not be effective until August 1st, 1999.

18.404 Additional Taxes. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

18.405 Collection. The tax authorized by this ordinance shall be collected from the purchaser by the person maintaining a place of business in this State who delivers electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Ordinance and any such tax collected by a person delivering electricity shall constitute a debt owed to the Village by such person delivering the electricity, provided that the person delivering electricity shall be allowed a credit for such tax related to deliveries of electricity the charges for which are written off as uncollectable, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering the electricity shall also be authorized to add to such gross charge an amount equal to three percent (3 %) of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Village in the manner prescribed by the Village. Persons delivering electricity who file returns pursuant to this paragraph © shall, at the time of filing such return, pay the Village the amount of the tax collected pursuant to this Ordinance.

18.406 Any tax imposed under this Chapter 18, Article IV shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or there under of poles, wires, pipes or other

equipment used in the operation of the taxpayer's business.

18.407 For the purposes of this Ordinance the following definitions shall apply:

a. "Gross receipts" means the consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, electricity, or water for use of consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. The term "gross receipts" shall not include any charges added to customers, bills pursuant to the provisions of Sections 9-221 or 9-222 of the Illinois Public Utilities Act or any other separately stated charge added to customers, bills in respect of any tax or other governmental imposition.

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

c. "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court.

Revised 03/08/93

18.408 Reports to Municipality. On or before the last day of each month, each taxpayer shall make a return to the Village for the preceding month stating:

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

The taxpayer making the return provided for shall, at the time of making such return, pay to the Village of Dwight, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if so elects, report and pay an

amount based on his/her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

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

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

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

ARTICLE V

Telecommunications Infrastructure Maintenance Fee

18.501 DEFINITIONS. As used in this Article, the following terms shall have the following meanings:

a. A Gross Charges means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. A Gross charges for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, across charges shall not include:

1. Any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the

Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;

2. Charges for a sent collect telecommunication received outside the Village;
3. Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
4. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
5. Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;
6. Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;
7. Bad debts (A bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
8. Charges paid by inserting coins in coin-operated telecommunications devices;
or
9. Charges for telecommunications and all services and equipment provided to the Village.

b. "Public Right-of-Way" means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal Village property that is not specifically described in the

previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

c. A Retailer maintaining a place of business in this State, or any like term, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

d. A Sale of telecommunications at retail means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

e. A Service address means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, a service address shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

f. A Telecommunications includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, A telecommunications shall also include wireless telecommunications as hereinafter defined. A Telecommunications shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. A Telecommunications shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. A Telecommunications shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village

through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

g. "Telecommunications provider" means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

h. A Telecommunications retailer or A retailer or A carrier means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the Village.

i. A Wireless telecommunications includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. '332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

18.502 Registration of telecommunications providers.

a. Every telecommunications provider as defined by this Article shall register with the Village within 30 days after the effective date of this Article or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provided, however, that any telecommunications retailer that has filed a return pursuant to 18.5.4(c) of this Article shall be deemed to have registered in accordance with this Section.

b. Every telecommunications provider who has registered with the Village pursuant to 18.5.2 (a) has an affirmative duty to submit an amended registration form or current return as required by 18.5.4(c), as the case may be, to the Village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the Village.

18.503 Municipal telecommunications infrastructure maintenance fee.

a. A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of [1.0%¹] of all gross charges charged by the telecommunications retailer to service addresses within the

¹Fee may be imposed in quarter percent increments or not more than 1.0%

Village for telecommunications originating or received in the Village.

b. Upon the effective date of the infrastructure maintenance fee authorized in this Article, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

c. The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 18.5.4 of this Article.

18.504 Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.

a. A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.

b. Unless otherwise approved by the Village Administrator the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed two percent (2%) of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

c. Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form to be prescribed by the Village Administrator, which shall contain such information as the Village Administrator may reasonably require.

d. Any infrastructure maintenance fee required to be collected pursuant to this Article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under 18.5.4(a) by the telecommunications retailer pursuant to this Article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

e. If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Article, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Administrator may request, and telecommunications retailer shall provide, written substantiation for

such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

f. Amounts paid under this Article by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

1. A gross charges for purposes of the Telecommunications Excise Tax Act;
2. A gross receipts for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
3. A gross charges for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
4. A gross revenue for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.

g. The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Article to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five percent (5%) of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed five percent (5%) of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for same.

h. The Village Administrator, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Article, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to 18.5.2 of this Article of such regulations.

18.505 Compliance With Other Laws.

Nothing in this Article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- a. Generally applicable taxes; and
- b. Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other

structures upon the public rights-of-way, as provided; and

c. Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

d. Compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

18.506 Existing Franchises and Licenses.

Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Article regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

18.507 Penalties.

Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the general penalty provisions of the Village Municipal Code.

18.508 Enforcement. Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article.

18.509 Severability. If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

18.510 Conflict. This Article supersedes all Articles or parts of Articles adopted prior hereto which are in conflict herewith, to the extent of such conflict.

Section 3. Waiver and Fee Implementation.

a. The Village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the Village by a telecommunications retailer pursuant to any existing Village franchise, license, or similar agreement with a telecommunications retailer during the time the Village imposes the Telecommunications Infrastructure Maintenance Fee. This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided for in this Ordinance is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

b. The Village Clerk shall send a notice of the waiver by certified mail/return receipt requested to each telecommunications retailer with whom the Village

has a franchise.

c. The Village infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on the first day of the month not less than ninety (90) days after the Village provides written notice by certified mail to each telecommunications retailer with whom the Village has an existing franchise, license, or similar agreement that the Village waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the Village. The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

ARTICLE VI

Hotel/Motel Tax

18.601 DEFINITIONS.

As used in this Ordinance, unless the context otherwise requires:

1. "Hotel" means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses, bed and breakfast, and apartment houses.

2. "Operator" means any person operating a hotel.

3. "Occupancy" means the use or possession, or the right to use or possession, or any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

4. "Room" or Rooms" means any living quarters, sleeping or housekeeping accommodations.

5. "Permanent Resident" means any person who occupied or has the right to occupy any room or rooms in a hotel for at least (30) consecutive days.

6. "Rent or Rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

7. "Clerk" means the Village Clerk of the Village of Dwight.

8. "Person" means any natural individual, firm, partnership, association,

joint stock company, joint venture, public or private corporation, or a receiver, executor, trustee, guardian or other representative appointed by the court.

18.602 RATE-EXEMPTION

*A tax is imposed on persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of five percent (5%) of the gross rental receipts for such renting, leasing, or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel, and excluding there from any amount collected pursuant to the Hotel Operators' Occupational Tax Act (35 ILCS 145). **(Rev. 11/03/2008)*

Persons subject to the tax imposed by this Article may reimburse themselves for their tax liability under this Article by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any tax imposed pursuant to the Hotel Operators' Occupational Tax Act.

If any hotel operator collects an amount (however designated) which purports to reimburse such operator for hotel operators' occupational tax, or if any hotel operator, in collecting an amount (however designated) which purports to reimburse such operator for hotel operators' occupational tax liability measured by receipts which are subject to tax under this Act, collects more from the customers than the operators' hotel operators' occupational tax liability in the transaction is, the customer shall have a legal right to claim a refund of such amount from the operator. However, if such amount is not refunded to the customer for any reason, the hotel operator is liable to pay such amount to the Clerk.

18.603 BOOKS AND RECORDS

Every operator shall keep separate books or records of his/her business as an operator so as to show the rents and occupancies taxable under this Ordinance separately from his/her transaction not taxable hereunder. If any such operator fails to keep such separate books or records, they will be liable to tax at the rate designated in Section 2 of this Ordinance upon the entire proceeds from the operation of the hotel. Upon reasonable notice to the operator, all applicable books and records shall be made available to the Clerk or other authorized representative for evaluation with respect to this Ordinance.

18.604 CERTIFICATE OF REGISTRATION LAW APPLICABLE

It shall be unlawful for any person to engage in the business of renting, leasing, or letting rooms in a hotel in the Village of Dwight without a Certificate of Registration from the Village Clerk or the State of Illinois. Those persons who are registered with a and possess a Certificate of Registration from the State of Illinois do not have to register with the Village Clerk.

18.605 RETURN OF TAXPAYER - PAYMENT OF TAX.

Except as provided hereinafter in this Section, on or before the last day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in the Village of Dwight during the preceding calendar month shall file a return with the Village Clerk stating:

1. The name of the operator;
2. The address of the operator's principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of renting, leasing or letting rooms in a hotel in the Village of Dwight.
3. Total amount of rental receipts received during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month and consideration other than money shall be described in detail;
4. Total amount of rental receipts received during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month and the component parts of this amount shall be described in detail;
5. Total amount of other exclusions from gross rental receipts allowed by this Ordinance and the component parts of this amount shall be described in detail;
6. Gross rental receipts which were received during the preceding calendar month and upon the basis of which the tax is imposed;
7. The amount of tax due;
8. The amount of penalty due, if any;
9. Such other reasonable information as the Village Clerk may require.

If the operator's average monthly tax liability to the Village Clerk does not exceed \$50.00, the Village Clerk may authorize such returns to be filed on a quarterly basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year.

If the operators average monthly tax liability to the Village Clerk does not exceed \$10.00, the Village Clerk may authorize such returns to be filed on an annual basis with the return for a given year being due by January 31 of the following year.

Such quarterly and annual returns, as to the form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Ordinance concerning the time within which an operator may file a return, in the case of any operator who ceases to engage in a kind of business which makes operator responsible for filing returns under this Ordinance, such operator shall file a final return under this Ordinance with the Village Clerk not more than one (1) month after discontinuing such business.

Where the same person has more than one (1) business registered with the Village Clerk under separate registrations under this Ordinance, such operator shall not file such return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

When filing returns, the operator shall determine the value of any consideration other than money received in connection with the business and shall include such value in the return and shall describe said value in detail. Such determination shall be subject to review and revisions by the Village Clerk in the manner hereinafter provided for the proper correction and submission of returns.

Each return filed by an operator shall be signed by the President, Vice-President, Secretary, or Treasurer of a corporation, by an active partner of a partnership, by an individual operator or by the properly accredited agent of any operator.

The person filing the return herein provided shall, at the time of filing such return, pay the Village Clerk the amount of tax herein imposed. If a return is not filed when and as required or if the payment is not made as required, the taxpayer shall be liable for a penalty equal to 5% of the tax due during the applicable period for each month or fraction of a month until such return is filed and payment is made as required. The Finance Committee shall be authorized to compromise or waive part or all of the penalty requirements of this Section if it finds that the situation for which the individual(s) charged was due entirely or in part of the fault of the Village or any agent thereof, or the individual(s) to be charged under said Section was without fault in bringing about the situation for which the individual is to be charged, and the imposition of the financial requirements would work a hardship upon the said individuals.

The Village Clerk may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Village Clerk on a form prescribed by the Village Clerk within not less than thirty (30) days after receipt of the notice an annual informational return for the tax year specified in the notice. Such annual returns to the Village Clerk shall include a statement of gross receipts as shown by the operator's last State income tax return and other reasonable information that the Village Clerk may require. If the total receipts of the business as reported in the State income tax return do not agree with the gross receipts reported to the Village Clerk for the same period, the operator shall attach to the annual information return a schedule showing a reconciliation

of the two amounts and the reasons for the difference.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable for a penalty equal to 1% of the tax which became due from such taxpayer under this Ordinance during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required. The authority of the Finance Committee to waive part or all of the previously stated penalty is also applicable to this penalty.

The chief executive officer, proprietor, owner or highest-ranking manager shall sign the annual return to certify the accuracy of the information contained herein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Village Clerk shall include a warning that the person signing the return may be liable for perjury.

18.606 VIOLATIONS

Any person engaged in the business of renting, leasing or letting hotel rooms in the Village of Dwight who fails to make a return, or to keep the books or violates any rule or regulation of the Village Clerk for the administration and enforcement of the provisions of this Ordinance, or any officer or agent of a corporation engaged in the business of renting, leasing or letting hotel rooms in this State who signs a fraudulent return made on behalf of such corporation shall, upon conviction therefore, be fined no less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Any hotel operator who collects or attempts to collect an amount (however designated) which purports to reimburse such operator for operators= occupation tax liability measured by receipts which such operator knows are not subject to hotel operators= occupation tax, or any hotel operator who over-collects or attempts to over-collect an amount purporting to reimburse such operator for hotel operators= occupation tax liability in a transaction which is subject to the tax that is imposed by this Ordinance shall, upon conviction therefore, be fined no less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Any person who violates any provision of Section 4 of this Article shall, upon conviction therefore be fined no less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

18.607 EXEMPTIONS.

Persons engaged in the business of renting, leasing or letting rooms in a hotel only to permanent residents are exempt from the provisions of this Ordinance.

18.608 DELINQUENT TAXES - LIENS.

In the event any Hotel Operators' Occupation Tax, including penalties, is not paid within sixty (60) days after payment thereof is due, such charges shall be deemed and are hereby declared, and thereafter such delinquent taxes and all subsequent taxes, including penalties, incurred while the delinquent charges remain unpaid and all costs filing any lien notice(s) and of releasing any lien(s) shall constitute a lien upon the real estate to which such taxes relate. The Finance Committee or its authorized representative is hereby authorized to file sworn statements showing such delinquencies and subsequent taxes, including penalties, in the office of the Records and Deeds of Livingston County. These statements shall contain the legal description of the involved premises, the amount of the unpaid taxes for the total amount. The filing of such statements shall be deemed lien notices for the payment of such taxes and penalties.

18.609 FORECLOSURE OF LIEN AND OTHER JUDICIAL ACTION

1. Any and all lien(s) for the Hotel Operators' Occupation Tax(es) established by law against the premises to which they relate may be enforced and foreclosed by and on behalf of the Village at any time in the Circuit Court of Livingston County, Illinois according to the rules and practices of said Court. Said Lien(s) also may be enforced and foreclosed by intervention at any time in any suit already commenced in said Court or any other Court whatever when said intervention is proper under the law. Whenever the Village is made a defendant in any suit in any Court, it shall have full power to enforce said lien(s) in said proceedings at any time in any manner permitted by law. The party or parties responsible for said taxes and penalties may also be sued for the amount therefore as debt(s) owed to the Village.

2. No method(s) herein provided for collecting said taxes shall be considered as excluding any other remedy of any other method of collecting said taxes but shall be concurrent with all other remedies and methods.

18.610 EXPENDITURE OF AMOUNTS COLLECTED

The Village of Dwight shall expend the amounts collected for purposes and uses authorized under the Village by Illinois law.

CHAPTER 19

MISCELLANEOUS REGULATIONS

Article I - Fireworks and Explosives

Article II - Public Buildings

Article III - Public Gatherings

Article IV - Sound Amplifiers

Article V - Raffles

Article VI - Sidewalk Café/Outdoor Restaurant Seating Standards

ARTICLE I

Fireworks and Explosives

19.101 Fireworks. It shall be unlawful to store any fireworks in the Village excepting as may be necessary for the performance of a licensed public exhibition of pyrotechnics, as hereinafter provided for. Any such storage must be under the supervision of and subject to the approval of the Fire Marshal.

It shall be unlawful to sell or offer for sale any fireworks or pyrotechnics in the Village; provided that public exhibitions of fireworks and pyrotechnics may be given if a permit therefore be granted by the President and Board of Trustees. Such exhibitions shall be given subject to the supervision of the Fire Chief and the Chief of Police or their designees.

19.102 Dynamite. It shall be unlawful to keep or store any dynamite in the Village in excess of five (5) pounds on any one premises or in any one building.

19.103 Nitroglycerine; T.N.T. It shall be unlawful to keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the Village in any quantities, excepting for medical or laboratory purposes, and for such purposes no more than one quarter (3) ounce shall be stored in any one building or premises.

19.104 Gunpowder. It shall be unlawful to keep or store any black powder or gunpowder or guncotton in excess of five (5) pounds on any one premises in the Village.

19.105 Rules of State Fire Marshal. All explosive material kept or stored in the Village shall be kept and stored in accordance with the rules enforced by the State Fire Marshal, with regard thereto.

19.106 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; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE II

Public Buildings

19.201 Responsibility. The owner, agent, occupant or person charged with the custody of any public building, auditorium, hotel, theater, lodge hall, or church, and in the case of schools the president of the board of education or the person in charge thereof and owning the same, shall be held liable for the equipment and maintenance of such apparatus as is required in this Article for the maintenance and safety of all exits, doors, windows or passageways.

19.202 Enforcement. It shall be the duty of the Fire Chief or his assistants to inspect all apparatus to be installed, and their location, and to make or cause to be made periodic inspections concerning the operation and accessibility of regular and emergency exits in all such public places.

19.203 Fire prevention appliances. Any public building, auditorium, hotel, theater, lodge hall, or church shall be equipped with an adequate sprinkler system or have sufficient fire fighting appliances installed as required by the State Fire Marshall and the BOCA code as adopted by the Village.

19.204 Fire drills. It shall be the duty of the principal or other person in charge of the pupils in every school in the Village to establish and maintain a good and efficient fire drill, which shall be practiced at least three (3) times during the regular school term.

19.205 Removal of apparatus. It shall be unlawful to remove from its proper place any fire apparatus or appliances except for inspection or in case of emergency.

19.206 Doors. All public buildings which may be or are used for church, school, opera performances, theater, lecture room, hotel, public meeting places or similar purposes or which may be or are used for the collection of, people for worship, amusement or construction, and all buildings used for stores to which the public is invited, shall be so built that all doors leading from the main hall or place of assembly shall open outward and all means of egress for persons within such buildings shall be by means of doors which shall open outward from the main hall and from the building.

19.207 Exit lights. In all theaters and public meeting halls, a red light illuminating the word "Exit" shall be kept illuminated over each regular and emergency exit at all times.

19.208 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

Public Gatherings

19.301 Regulation. It shall be unlawful to hold, manage or conduct any meeting or entertainment of any kind in the Village, in any premises other than a building constructed in full compliance with the ordinances and laws pertaining thereto for auditorium, theater or lodge room purposes; excepting in compliance with the provisions of this Article.

19.302 Inspections. No such gathering or entertainment shall be held or presented in any premises other than a building as described in the preceding section, unless such premises have been examined by the Fire Marshall or Building Inspector and found to be free from any fire hazard and found to be suitable for the purpose. No structure enclosed by a roof shall be used for such purposes unless the same is constructed of non-flammable materials. Provided that tents or structures covered by canvas or similar materials may be so used if such canvas or other material has been properly treated so as to be rendered fire resistive.

19.303 Exits. Adequate unobstructed exits shall be provided in all premises used for such purposes to permit rapid egress of all persons attending, and there shall be least two (2) separate exits located at least thirty (30) feet from each other. There shall be two (2) lineal feet of doorway or exit space for each one hundred (100) people accommodated.

19.304 Seats. Any stands or rows of seats used in such premises shall be so constructed as to be safe for the use designed, and shall be sufficiently strong to carry the same weight and stress as is required for the construction of the auditorium floors of theater buildings.

It shall be unlawful to admit into any such premises a number of persons to exceed the actual number of seats maintained for the accommodation.

19.305 Doors. All doors or gates on exits from premises used for such purposes shall open outward and no such exit shall be constructed or locked that egress from inside the premises is blocked.

19.306 Notice. It shall be the duty of any person or persons conducting, calling for or managing any gathering in any premises other than a theater, lodge room or auditorium building constructed as provided in the first paragraph of this Article, to notify the Village Clerk of the date of such intended performance at least ten (10) days before the meeting is to take place; upon such notice to the Fire Marshall or the Building Inspector shall inspect the premises to determine whether or not they comply with the provisions hereof. Any permit issued for such gathering shall be subject to the condition that this Article be fully complied with, whether or not such condition is embodied in the permit.

19.307 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 IV

Sound Amplifiers

19.401 License required. It shall be unlawful to maintain or operate any loud speaker or amplifier connected with any radio, phonograph, microphone or other device by which sounds are magnified and are heard over any public street or public place without having first obtained a permit therefore.

19.402 Application. Any person, firm or corporation desiring a permit for the use or operation of such a device shall file an application therefore with the Village Clerk setting forth the name and address of the applicant, the name and address of the owner of such device, the date upon which it is intended to be used, and such other information as may be prescribed.

19.403 Issuance of permit. Such permit shall permit the use of any such device subject to the terms and conditions of this Article, only upon the date specified on such permit and no other.

19.404 Restrictions. No licensee shall use, operate or employ any such device within the Village limits on Sunday or after the hour of 8:00 o'clock P. M. prevailing time, of any day, or before the hour of 8:00 o'clock A. M. prevailing time of any day unless authorized by the Village Board of Trustees; no licensee shall use, operate or employ any such device within a radius of two (2) blocks from any hospital, church or other place of public worship while services are being held there.

This section shall not apply to radios in homes or in private pleasure vehicles, when the same are operated in such a manner as not to be audible at a distance of seventy-five (75) feet from such vehicle nor to noise devices, bands, or other musical devices used in any public parade or procession in accordance with the ordinances of the Village.

No person shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane or indecent language or sounds, or any false representation of any matter, product or project advertised thereby the sale of which is prohibited by law, ordinance or statute.

The restrictions set forth under 19.404 (1) shall apply to the Municipal Swimming Pool of the Village of Dwight except there shall be no limitation as to operation on Sundays, and the hours of permissible operation shall be from 8:00 A. M. to 10:00 P. M.

19.405 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 V

LICENSING OF RAFFLES

19.501 License required. No person, firm, organization or corporation shall conduct raffles or sell chances without first having obtained a license therefore, pursuant to the Raffles Act, 230 ILCS 15/1, et seq.

19.502 Application. Any bona fide religious, charitable, labor, business, fraternal, educational, and veteran's organization, firm or corporation desiring a license shall file an application with the Village Clerk setting forth the name and address of the applicant, the name and address of the presiding officer and secretary of the applicant, the date upon which it is intended to be used, and such other information as may be prescribed.

19.503 Issuance of license. Such license shall permit the conducting of a raffle to the terms and conditions of this Article, and only upon the prescribed date specified on such permit and no other.

ARTICLE VI

SIDEWALK CAFÉ/OUTDOOR RESTAURANT SEATING STANDARDS

19.601 Location Requirements. A minimum of six (6') feet of clear path of travel is required adjacent to the street on all sidewalk cafés located within the downtown business district. This will be measured from the outside edge of the sidewalk café wall, fencing or fence base to the back of curb.

19.602 Application Requirements. The Village Building Inspector and Village Administrator will review applications for outdoor restaurant seating licenses to make sure the outdoor seating area complies with the requirements of the Village ordinance. Site Plan review will normally be completed within ten (10) days of the submission of a completed application.

Outdoor restaurant seating licenses are available only to restaurant businesses that hold a valid County Public Health food handler license. The applicant must submit to the Village the following:

- a. A completed application form.
- b. The applicable fee.
- c. A copy of the applicant's current County food handler license.
- d. A copy (if Applicable) of the applicant's current Village liquor license.
- e. Proof of insurance, including general liability insurance, workers compensation insurance, and if applicable, dram shop insurance in an amount approved by the Village's insurance carrier.
- f. A signed indemnification agreement with the Village.
- g. A detailed "site plan" drawing to scale of the proposed site indicating the existing building, the points of ingress and egress, the proposed location of the tables, chairs, planters, borders, umbrellas, or other facilities to be included in the outdoor seating area.

19.603 Operating Requirements.

- a. The licensee must comply with all applicable Federal, State and Village health and sanitation laws and regulations, and operation of the outdoor restaurant seating area shall not be detrimental to the health, safety or welfare of persons residing or working in the vicinity.
- b. No outdoor keeping or storage of food or beverages to be served is permitted.
- c. No open keeping or storage of used dishes, utensils, or food scraps is permitted.
- d. Operation of outdoor restaurant seating areas is permitted only when the main place of business is open and not before 8:00 a.m. or after 10:00 p.m.
- e. Doors from the restaurant to the outdoor seating area must be self-closing.
- f. The sale and consumption of alcoholic beverages in the outdoor seating area will be restricted by the liquor license governing the restaurant. An outdoor seating area where alcoholic beverages are sold or consumed must be enclosed by some type of border or fencing and be supervised at all times by a restaurant employee. No alcoholic beverages may be removed from the outdoor seating area.
- g. The outdoor seating area must be accessible to the disabled, and the licensee must at all times comply with all applicable Federal, State and Village laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of services.
- h. The outdoor seating area cannot obstruct any fire exit, fire escape, or other required ingress or egress.

19.604 Special Operating Requirements for Outdoor Restaurant Seating Areas on Village Sidewalks.

- a. The use of public sidewalks or right-of-way for outdoor restaurant seating is only permitted when incidental to the operation of a restaurant on private contiguous property and only along the frontage of the restaurant.
- b. The operation of the sidewalk seating area cannot interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the sidewalk to

- less than six (6) feet of all obstruction, measured from the end of curb.
- c. Fencing is required to delineate the sidewalk café from the pedestrian path of travel. The following design standards apply to fencing:
 - 1. Fencing must be between thirty (30) and forty-two (42) inches in height.
 - 2. Fencing must be detectable by cane to warn visually impaired persons of potential hazards in the path of travel. Fencing must include one or more of the following detectable elements:
 - i. A toe rail with its top edge at six (6) inches minimum in height and its bottom edge no higher than one and a half inches (1½") above the adjacent surface;
 - ii. Fencing, landscaping, or other elements detectable by cane spaced no more than twenty-seven (27) inches vertically and no more than twenty-four (24) inches horizontally; or
 - iii. Elements sufficiently detectable by cane to warn visually impaired persons of potential hazards in the path of travel;
 - iv. Fence posts must be free standing bases;
 - v. Fencing must be generally transparent. Solid sheeting surfaces are not permitted;
 - vi. Fencing must be constructed of high-quality decorative finish materials. Plastic and/or raw pressure-treated lumber along with posts with pointed tops are not allowed;
 - vii. Fencing shall not contain electrical or other utility elements;
 - viii. All seating and table must be movable to accommodate wheelchair access.
 - d. The placement of furnishings for the outdoor seating area and its operation cannot obstruct access to public property.
 - e. The licensee will be responsible for the maintenance and upkeep of the public right-of-way used for the outdoor seating area. No furniture or furnishings may be attached by any means to the public sidewalk or any other public property.
 - f. All furnishings and obstructions must be removed from the public sidewalk or right-of-way from November 1 through April 30.
 - g. The Village Board of Trustees will establish the annual fee for issuance of an outdoor restaurant seating license.
 - h. The license will expire annually on November 1.

CHAPTER 20

MISDEMEANORS and OTHER OFFENSES

Article I-Misdemeanors

Article II-Willful and Malicious Acts

Article III-Truancy

Article IV-Parental Responsibility

ARTICLE I

MISDEMEANORS

20.101 Gambling. It shall be unlawful to gamble or attend any gambling resort or to make any bet, lottery or gambling hazard, or to buy or sell any chances or tickets in any gambling game, arrangement or device except the State Lottery.

It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose; and any such device or paraphernalia kept with such intent may be confiscated by any member of the Police Department.

It shall be unlawful to maintain or patronize any establishment maintained for a gambling house or resort.

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

20.102 Disorderly conduct. It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise and shouting or yelling shall be considered disorderly conduct.

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

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

20.105 Indecent conduct. It shall be unlawful for any person to commit any indecent or immoral act; or to appear in any public place not properly or decently garbed.

20.106 Fighting. It shall be unlawful for any person to commit any assault or battery or to fight in any public place in the Village.

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

20.108 Cheating. It shall be unlawful for any person, firm or corporation to obtain possession of any goods, property or thing of value by any false proceedings or by cheating or by fraud of any kind.

20.109 Disturbing assemblages. It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.

20.110 Hunting. It shall be unlawful for any person to engage in killing any animal other than as prescribed by law in the Village.

20.111 Combustible refuse. It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard, or to store or throw any refuse of any kind on any alley, street or other public place in the Village.

20.112 Missiles. It shall be unlawful to cast, throw or propel any missile on any street, alley or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles, on any street, sidewalk or alley in the Village.

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

20.114 Unlawful assemblages. It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered for any unlawful purpose.

20.115 Bonfires.

Definitions:

a. Fire/Burning: When the terms "fire" or "burning" are used in the ordinance, they shall not be construed to mean or include a fire in a furnace, stove, boiler, fireplace or barbecue grill, provided such uses creates no fire hazard.

b. Open Burning: As used herein, is defined as the combustion of any matter in the open without originating in or passing through equipment for which a permit has been issued by the Illinois Environmental Protection Agency (Clean Air Act CCCPP).

c. Rubbish: Rubbish shall include but not be limited to items such as paper, plastic, rubber, food products, metal, glass, combustible liquids, construction materials and asphalt products.

d. Lawn Waste: Lawn waste shall include but not be limited to items such as grass, leaves, vegetables, garden byproducts, flowers and animal solids.

Controls:

a. Size - A bonfire/open fire shall not be more than three feet by three feet by three feet (3x3x3) in dimension.

b. Material - Fuel for a bonfire/open fire shall consist of seasoned dry wood, dry twigs or branches. Prohibited fuels for bonfires/open fires include rubbish and yard waste.

c. Location –

1. No bonfire/open fire shall be permitted on sidewalks, public streets, alleys, right-of-ways or highways under any circumstances.

2. No bonfire/open fire shall be so close to buildings or other structures as to endanger them.

d. Conditions –

1. Weather- No burning shall be done at any time or place where wind conditions create a nuisance to anyone, or the property of anyone in the vicinity.

2. Supervision- any bonfire/open fire shall be constantly attended by an adult, until the fire is extinguished.

3. Control- No burning shall be done unless an adequate water supply/fire extinguisher is readily available to the bonfire/open fire site to control the fire.

e. Burning Moratorium - When conditions warrant, the Fire Chief and/or the Village Administrator may declare a burning moratorium for a specified period of time, during which all bonfires/open burning is prohibited.

f. Exemptions - Exceptions to the above Controls of Bonfire/Open Fires may be permitted in the performance of official duties by the Dwight Fire Chief or his designee when necessary.

20.116 Discharge of firearms. It shall be unlawful to discharge any firearms, air gun or spring gun in the Village or so that the bullet there from enters the Village; provided that this section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of duty; nor to any citizen to discharge a firearm when lawfully defending their person or property.

20.117 Bathing. It shall be unlawful for any person to bathe at any public place or in any public place or any place open to public view unless such person is adequately garbed in a bathing suit or unless such place is specifically constructed for such a purpose and has separate facilities for males and females.

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

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

20.120 Indecent publications. It shall be unlawful to sell or offer for sale, or to circulate, pass from one person to another or expose in any public place or anywhere in view of a store or place frequented by the public, any immoral, indecent or obscene publications, printed or written matter or picture or other representation.

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

20.121 Scaffolds. Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place in the Village, shall be firmly and properly constructed and safeguarded; and it shall be unlawful to place or leave any tools or article on any such street, sidewalk, alley or other public place, at a height greater than four feet.

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

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

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

20.125 Vagrancy and Prostitution. It shall be unlawful for vagrants to frequent any depot, store, theater, street, alley, sidewalk, park or other public place or any place frequented

by the public in the Village. Any person found sleeping in any such place, and who has no established domicile or residence shall be a vagrant. It shall be unlawful to beg for any item or money or to solicit as a prostitute any place in the Village.

20.126 Loitering. Any person who shall loiter in the streets or in or about any public grounds, public places or buildings for any illegal or immoral purpose, or who shall with the evident intent or purpose of annoying, disturbing or insulting other persons by any acts, gestures or language, which, when viewed in its entirety, show no lawful intent, or purpose; or which evident an intent or purpose of annoying, disturbing or insulting other persons by any such acts, gestures or language; or who shall idly and without lawful business or purpose remain upon the public streets, sidewalks, public ways and places; shall be guilty of the offense of loitering.

20.127 Fuel tanks. It shall be unlawful to install or maintain any fuel oil, gas or liquid gas tanks in the Village unless such tank and all equipment connected therewith is installed and maintained in accordance with the rules of the State Fire Marshal or of any other State agency having jurisdiction thereof.

20.128 Noises. It shall be unlawful to make or cause to be made any noise or sounds of such volume or of such a nature as to cause annoyance to residents of the Village. It shall be unlawful to disturb the peace by the making of any unnecessary noise.

20.129 Unused or abandoned refrigerators. It shall be unlawful to permit any unused or abandoned refrigerator, icebox or deepfreeze or other freezers to remain in any place accessible to any child, without first removing the doors or breaking the hinges of the door or doors, of any such icebox, refrigerator or freezer.

20.130 Debris on streets. It shall be unlawful to throw or deposit any landscape waste, glass, nails, tacks or other similar articles on any street, alley, sidewalk or other public place in the Village.

20.131 Vehicles on Blocks. It shall be unlawful for any vehicle to be supported and/or elevated by any device other than the wheels and tires fastened as designed for the vehicle while unattended in the Village.

20.132 Theft of Recyclables. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item placed out for collection as part of the Village of Dwight's recycling collection program, unless said person is licensed as the Village of Dwight's recycling collection contractor.

20.133 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

WILLFUL AND MALICIOUS ACTS

20.201 Willful and Malicious Acts. It shall be unlawful for any person to willfully and maliciously injure, deface, destroy, interfere or otherwise destroy or damage any property belonging to another, whether public or private, within the Village of Dwight. Any person committing the above act or acts shall be guilty of the offense of willful and malicious destruction of property.

20.202 Penalty. Any person violating the provisions of this Article, including any parent or legal guardian who has failed to exercise proper parental responsibility as hereinafter provided, shall be subject to penalties for each offense of willful and malicious destruction of property committed as designated in the fine rate schedule.

Each additional offense of willful and malicious destruction of property committed after the first such offense shall be punishable by a fine as designated in the fine rate schedule. Provided however, that for the purposes of assessing fines set forth hereunder, but not for the purposes of assessing damages, any person who has not previously committed an act of willful or malicious destruction of property and who commits more than one such act and willful and malicious destruction of property occurring within a twelve (12) hour period shall be assessed a fine equal to the first offense fine amount for each separate offense committed within the twelve (12) hour period. Damages caused shall be paid as previously set forth.

An offense of willful and malicious destruction of property committed by a minor shall constitute the same offense for which the responsible parent or guardian shall be held accountable, and fines and damages assessed under this Article shall be assessed only once for each act of willful and malicious destruction of property.

20.203 Damages collected. All money collected under this Article as damages shall be paid to or for the benefit of the owner or owners of the property damaged or destructed, or to the person who suffered the damage or loss sustained by the act of willful and malicious destruction of property involved.

ARTICLE III

TRUANCY

20.301 Truancy Definitions.

RELIGION: Includes all aspects of religious observance and practice, as well as belief.

TRUANT: A child subject to compulsory school attendance and who is absent without

valid cause from such attendance for a school day or portion thereof.

20.302 Truancy Prohibited. It shall be unlawful for any person to be a truant.

It is a defense to a violation under this Section that the child was absent from school because of:

- a. Illness;
- b. Observation of a religious holiday;
- c. Death in the immediate family
- d. Family emergency;
- e. And such other situations beyond the control of a student as determined by the board of education in each district or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

20.303 Penalty for Truancy.

- a. Fine: Any person convicted of a violation of this Section, shall be fined twenty five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation, and one hundred dollars (\$100.00) for any violation after two (2) violations in one school year.
- b. Community Service: In addition, or in the alternative to any fine issued pursuant to the preceding subsection, any person convicted of a violation of any act declared to be unlawful by this Section, may be sentenced to community service.
- c. Separate Offenses: Each day or portion of each day that a person is truant shall constitute a separate offense.

ARTICLE IV

PARENTAL RESPONSIBILITY

20.401 It is determined that it is necessary for the preservation of public peace, health, safety and welfare of the people of the Village of Dwight for parents to exercise reasonable control and supervision over their minor children to prevent their minor children from committing or participating in the commission of certain acts.

- a. Definitions.

DELINQUENT ACTS means those acts which violate the laws of the United States, the laws of the State of Illinois, the ordinances of Livingston and Grundy counties, or the Municipal

Code of the Village of Dwight; those acts which cause or would tend to cause the minor to come under the jurisdiction of the Juvenile court Act as defined by 705 ILCS 405/1-1 et seq.; or those acts by which the minor intentionally causes physical harm to another or deliberately creates an unreasonable risk of physical harm to himself or to others. The term "delinquent acts" does not include civil infraction traffic violations but does include misdemeanor traffic violations.

DRUGS mean any controlled substance as defined now or hereafter by the Public Health Code.

MINOR means any unemancipated person under 18 years of age.

PARENT means as mother, father or legal guardian of a minor who has the responsibility for the health, welfare, care, maintenance and/or supervision of the minor at the time of the delinquent act is alleged to have been committed by the minor.

b. The parent of any minor has a continuous responsibility to exercise reasonable control and supervision over the minor to prevent the minor from committing or participating in the commission of any delinquent act.

Parental responsibility to exercise reasonable control includes the following duties, set forth for the purpose of illustration and not limitation;

1. To keep drugs out of the home and out of the possession of the minor, except those drugs duly prescribed by a licensed physician or other authorized medical professional;
2. To keep firearms out of the possession of the minor except those used in accordance with local ordinance and state law, and with the knowledge and supervision of a parent;
3. To know the curfew provisions of the State of Illinois and to require the minor to observe those curfew provisions;
4. To require the minor to attend regular school sessions and to prevent the minor from being absent from school for more than two days without valid cause;
5. To prevent the minor from maliciously or willfully damaging, defacing or destroying real or personal property belonging to others, including that belonging to the Village of Dwight;
6. To arrange for proper supervision for the minor when the parent must be absent;

c. Whenever a minor is arrested or detained by the police department for the commission of any delinquent act, the police shall notify the parent of the minor as soon as reasonably possible of the minor's arrest or detention and the reason therefore, and the parents' responsibility under this section. A record of such notification shall be kept by the police department.

20. 402 Penalty. If the minor of a parent residing within the Village of Dwight commits a delinquent act, including, but not limited to the foregoing, the parent shall be guilty of a petty offense if the parent knew or reasonably should have known that the minor was likely to commit a delinquent act, but failed to take timely and appropriate actions to prevent the commission of the delinquent act by the minor, and shall be subject to the following penalties;

a. Fine. Any person convicted of a violation of any act declared to be unlawful by this section shall be fined fifty dollars (\$50.00) for the first violation; one hundred dollars (\$100.00) for the second violation; and one hundred, fifty dollars (\$150.00) for any violation after two (2) violations.

b. Community Service. In addition, or in the alternative to any fine issued pursuant to this section, any person convicted of any act declared to be unlawful by this section may be sentenced to community service not to exceed one hundred twenty (120) hours.

c. Separate Offenses. Each day or portion of each day that a person is truant shall constitute a separate offense.

CHAPTER 21

SUB-DIVISIONS

21.001 Approval of plats required. No land shall hereafter be subdivided and no street or other public space shall hereafter be laid out or annexed within the Village until the plans of such subdivision or street or other public space have been submitted to and approved by the corporate authorities. Such approval must be in writing or stamped on such plan or plans.

21.002 Copy of plat. Any person hereafter subdividing any piece or parcel of land, block, lot or sub-lot or any part thereof in the municipality shall make a map or plat thereof, and before recording the same in the Recorder's office of the County, shall submit it with a duplicate thereof, to the corporate authorities for approval or rejection. If approved such approval shall be certified thereon, and signed by the President and attested by the Clerk; and no such map or plat shall be valid or entitled to record until it shall have been approved as aforesaid.

No lot, tract or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given, until such subdivision has been formally approved.

21.003 Improvements. No such plat of subdivision shall be approved unless all street and sidewalk pavements, and water and sewer mains have been installed or provisions have been made to ensure such installation, in compliance with the ordinances of the Village.

No improvements, such as water supply, drainage, sewerage, sewage disposal, gas service, electric service, lighting, grading, paving, or surfacing of streets shall hereafter be made within any such subdivision, by any owner or owners or their agent or by any public service corporation at the request of such owner or owners or their agent, until the plans for the subdivision and also the plans for such improvements have been formally approved by the Village.

Such approval shall not be given in any instance here above named unless all the plans and specifications and all the proposed work conforms to the requirements of this chapter.

21.004 Custody. The duplicate of such major plat shall be kept on file with the Village Clerk and no such map or plat shall be approved as aforesaid until the same shall have been properly certified by a surveyor and acknowledged by the owner.

21.005 Taxes. All taxes and assessments on property platted must be paid before the plat shall be recorded.

21.006 Requirements. In general, the minimum requirements for the subdivision

of land and the laying out of streets and other public space shall be as follows:

All plans submitted for approval shall be in triplicate, drawn to a scale of not more than one hundred feet to the inch, and shall be clearly and neatly drawn. Preliminary or tentative plans may be first submitted before the final plans are prepared.

All final plans shall show the proposed street lines, sidewalk lines, lot lines, building lines and all property or subdivision boundaries. They shall show, in accordance with an accurate land survey, the controlling points and lines to the other controlling survey points within or near the Village. All survey monuments shall be indicated, and there shall be at least one (1) permanent monument placed at each property corner of the subdivided area, and at least one at each street intersection. Such monuments shall be placed when the surveys are made and shall consist of one (1) inch iron pipe driven at least two (2) feet into the ground and preferably imbedded in concrete.

Sufficient topography shall be shown to indicate the natural drainage and the probable finished grades of streets. All existing and proposed streets and alleys and other public spaces shall be shown, with the width and type of pavement or surfacing, and all other important features. Sufficient information shall be drawn to scale on the plans to indicate the relation of the proposed streets and other public spaces to the present street system of the Village.

The dimensions of all lots, subdivisions and resubdivisions of lots shall be shown.

The proposed use of each lot, or group of lots, or subdivision shall be indicated. No lot shall be proposed for a use of a classification higher than permitted in the zoning plan.

The north point and scale shall be shown, and the name and addresses of the petitioner and of the engineer shall be given on each plan.

Whenever improvements are proposed within any such subdivision or in any such street or other public space, detailed plans, profiles and at least outline specifications of such improvements shall be otherwise submitted in triplicate. Such plans and specifications shall show or indicate every essential detail of such improvements.

One (1) copy of all such plans, profiles and specifications shall be filed with the Clerk, one shall be preserved in the files of the Village, and the third shall be returned to the petitioner, all with the approval or disapproval of the corporate authorities clearly indicated.

21.007 Subdivision requirements.

Section 1. (a) Drainage of lots. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with

the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from one lot to adjacent lots. (02/22/1993)

Section 2. (a) Rules for streets, lots, etc. The minimum width for any street shall be fifty (50) feet except by special permit for purely local drives. Through streets and every street more than six hundred (600) feet long shall be at least sixty-six (66) feet wide.

All streets and other public spaces and easements shall conform in effect to Village requirements, both as to location and as to width or size.

When adjoining undeveloped property, a half street may be dedicated.

The minimum width of any alley, wherever provided, shall be fifteen (15) feet. Where alleys are not provided, easements may be required along lot lines of or across lots where necessary for the extension of water mains, sewers and similar purposes.

No block shall be longer than twelve hundred (1200) feet between street lines. Blocks over eight hundred (800) feet in length shall have one crosswalk not less than ten (10) feet in width, situated near the center of the block.

The arrangement of streets in new subdivisions shall make provision for the direct continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. In general, such streets shall be a width at least as great as the existing streets. The street and alley arrangement must also be such as to provide opportunity for access and use by adjoining property owners. Wherever a street is stub-ended so that it will not dead end open into another street, an adequate turn-around, either circular or T-shaped, shall be provided.

All curb corners shall have radii of not less than twelve (12) feet and at important corners not less than twenty-four (24) feet.

Grades of streets shall be the lowest feasible and no grade shall be in excess of five percent (5%) on through traffic streets nor in excess of ten percent (10%) on any other street.

Whenever streets or alleys are paved or surfaced, such paving or surfacing shall be of a type and strength suitable for the volume and character of traffic to be expected.

Standards. No lots shall be subdivided nor indicated for sale as business lots or industrial lots except at points designated for these uses on the zoning plan or general development plan of the Village, and the front street lines of all such business lots shall be placed not less than fifty-four (54) feet from the center of the street on which they front.

All lots shall be sufficiently wide and deep to permit full conformity with the zoning ordinance.

At important intersections and at all acute corners the property corner shall be rounded or cut off.

All improvements shall conform to the best engineering standards. Due consideration shall be given through-out to the appearance of the subdivision and the various features thereof within its own boundaries and also in its environment in the Village.

21.008 Public grounds. Each subdivision plat shall designate such areas as may be needed for school sites, park sites, or other public lands in conformance with the requirements of the municipality.

Lands so designated cannot be used for any other purpose for one (1) year following the approval of the plat; if such land is not acquired by purchase or condemnation by the appropriate board or commission within one year after approval it may be used in any manner consistent with the ordinances applicable thereto after having given 30 days notice to the Village Board of Trustees.

21.009 Sale contract. A copy of the subdivider's sale contract showing restrictions shall be furnished to the corporate authorities before final approval of the subdivision plan. Such contract shall relate that the lot or lots contracted for are subject to the zoning ordinance, building ordinance, and subdivision ordinances.

21.010 Dedication. The subdivider shall furnish to the corporate authorities an effective dedication of all streets, and other public spaces to be dedicated, and of all easements provided by the subdivision plan or plans.

CHAPTER 22

STREETS AND SIDEWALKS

Article I - General Provisions
Article II - Driveways
Article III - Sidewalks
Article IV - Excavations
Article V - Trees and Shrubs

ARTICLE I

General Provisions

22.101 Supervision. All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Director of Public Works. The Director of Public Works shall have supervision over all work thereon, and the cleaning thereof.

22.102 Construction. It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same without having first secured permission therefore. Application for such permission shall be made to the Village Clerk, and shall state the location of the intended pavement or repair, the extent thereof, and the firm who is to do the actual construction work. No such permission shall be issued except on order of the corporate authorities or its assigned agents.

22.103 Bond. Each applicant may be required to file a bond or policy, in the amount of at least fifty thousand dollars with sureties to be approved by the corporate authorities, conditioned to indemnify the Village from any loss or damage resulting from the work undertaken or the manner of doing the same.

22.104 Specifications. All street and sidewalk pavement shall be made in conformity with the specifications approved from time to time by the corporate authorities.

22.105 Injury to pavements. It shall be unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or alley pavement while the same is guarded by a warning sign or barricade; or to knowingly injure any street, sidewalk or alley pavement.

22.106 Repairs. All public streets, alley and sidewalk pavement shall be in good repair. Such repair work, whether done by the Village or the abutting owner, shall be under the supervision of the Director of Public Works.

22.107 Defects. It shall be the duty of every Village officer or employee becoming cognizant of any defect in any street, alley or sidewalk, or any obstruction

thereof, to report the same to the Director of Public Works as soon as possible.

22.108 Barricades. Any person, firm or corporation laying or repairing any pavement on a street, sidewalk or other public place or making an excavation in the same shall maintain suitable barricades to prevent injury of any person or vehicle by reason of the work; such barricades shall be protected by suitable lights at night time.

Any defect in any such pavement shall be barricaded to prevent injury; and any person, firm or corporation properly maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades and lights.

22.109 Disturbing barricades. It shall be unlawful to disturb or interfere with any barricades or lights lawfully placed to protect, mark any new pavement, excavation, opening in, or to prevent access to any public street, alley or sidewalk.

22.110 Private use. It shall be unlawful for any person, firm or corporation to use any street, sidewalk or other public place, as space for the display of goods or merchandise for sale; or to write or mark any signs or advertisements on any such pavement without having first secured permission therefore. Application for such permission shall be made to the Village Clerk. No such permission shall be issued except on order of the Corporate authorities.

22.111 Encroachments. It shall be unlawful to erect or maintain any building or structure, which encroaches upon any public street or property.

22.112 Drains. It shall be unlawful to obstruct any drain in any public street or alley.

22.113 Poles and wires. It shall be unlawful to erect any poles or wires or to maintain any poles or wires over any public place, street, alley or other public way without first having secured permission from the Corporate authorities.

22.114 Gas pumps. It shall be unlawful to maintain or erect any gasoline pump or tank in any public street, alley or sidewalk.

22.115 Openings. It shall be unlawful to construct or maintain any opening or stairway in any public street, alley, sidewalk, or other public place without a permit from the Corporate authorities.

All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the Director of Public Works.

22.116 Barbed wire fences-Electric current fences. It shall be unlawful to maintain or construct any fence composed in whole or part of barbed wire, or with any similar materials, designed to cause injury to person, or any wire charged with electrical current, anywhere within the Village except to protect industrial property in which case

the sharp pointed materials must be at least six (6) feet above but not further than eight (8) feet above ground level and extend inward of property. No fence may be electrified.

22.117 Deposits on streets. It shall be unlawful to deposit on any street any material, which may be harmful to the pavement thereof, or any waste material, glass, or other article, which may cause injury to any person, animal or property.

22.118 Deposits on sidewalks. It shall be unlawful to deposit on any sidewalk any material, which may be harmful to the pavement thereof, or any waste material, or any glass or other article, which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width of the sidewalks is not thereby reduced to less than four (4) feet; and provided that no such article shall remain on such walk for more than one half (2) hour.

22.119 Burning leaves and rubbish. It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any public street, sidewalk or alley in the Village.

22.120 View at corners. It shall be unlawful to construct, or maintain or permit to remain, any fence or other structure or any bushes or other plants, on a corner lot within fifty feet of the street line, which obstructs the view, at a height of more than five (5) feet above the level of the adjacent street pavement.

22.121. Any person, firm or corporation violating any provision of sections 22.101 through 22.120 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 such obstruction to view is permitted to remain after notice from any official of the Village to remove the same.

22.122. It shall be unlawful to consume alcoholic beverages on the public streets, sidewalks, rights-of-way and/or Village property within the Village of Dwight except when approved by the Village Liquor Commissioner or a permit has been obtained from the Police Department.

22.123 Penalty. Any person violating the provisions of Section 22.122 shall be subject to a penalty in the form of a fine, as designated in the fine rate schedule, in addition to any other fine or penalty under this Chapter for each such separate offense.

ARTICLE II

Driveways

***22.201 Permission required.** No person, firm or corporation shall perform curb cuts or construct a driveway for vehicles across any sidewalk or Village easement in

the Village without first having obtained permission, therefore.* (Rev. 11/26/2007) Upon receipt of the application by the office of the Village Clerk, all curb cut applications shall be brought to the Village Board of Trustees for approval. An Application fee equal to fifty (\$50.00) dollars per lineal foot of curb removed is required upon approval of the permit. (Added 10/1/2021)

If no application is submitted and approved prior to a curb cut being made, the resident will pay two hundred (\$200) dollars per lineal foot of curb cut removed plus be assessed a five hundred (\$500) dollar fine.

Applications for such permission shall be made to the Village Clerk.

*No permission for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served, shall be issued except upon the orders of the corporate authorities or its assigned agents. All permits shall be subject to approval of the Village Administrator. *(Rev. 01/13/2003)

22.202 Grade surfaces. No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction on the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level.

* **22.203 Specifications.** When a driveway entrance from the front curb crosses the Village Right of way, the surface must be a hard surface such as concrete or blacktop, and must be completed within two (2) years of the date when the permit is issued. *(Rev.01/13/2003)

For any new driveway or curb depression the Village shall require that the existing curb be mechanically cut by means of a machine specifically designed for curb cutting or the existing curb be removed and replaced with a new depressed curb and gutter. Prior to constructing the curb depression by either of the previous methods the Village shall be contacted for review and approval. (Added 8.8.16)

22.204 Repair. It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk, and free from obstruction and openings.

22.205 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

Sidewalks

22.301 Sectors. The Village shall be divided into four sectors, each sector's boundaries corresponding to one of the existing four voting precinct. Sector 1 shall correspond to Precinct #1, Sector 2 shall correspond to Precinct #2, Sector 3 shall correspond to Precinct #3, and Sector 4 shall correspond to Precinct #4. *(Rev. 8.8.16)*

22.302 Inspections. Our sector shall be selected by the Board of Trustees each year and those portions of sidewalks which are found to be defective and in need of repair or replacement shall be clearly marked and the owner of the property shall be notified. *(Rev. 8.8.16)*

22.303 Reimbursement. During the year in which the inspection is made with respect to each sector, the property owners within such sector shall be eligible for 50 / 50 % matching funding to repair and replace sidewalk up to a maximum contribution by the Village not greater than \$3.50 per square foot. Such repair and replacement will be on a voluntary basis and such work must be completed during the year in which the particular sector is inspected. *(Rev. 8.8.16)*

Eligibility for the matching funds shall expire as to each sector upon the close of the construction season during the particular year in which the particular sector is inspected and notices sent to the property owners as hereinbefore noted.

22.304 Debris removal. Work shall be arranged by the property owner, and the contractor shall be responsible for the removal of all debris including concrete and/or soil displaced during any such repair or replacement. *(Rev. 8.8.16)*

22.305 Inspection criteria. One or more of the following criteria shall be used by personnel of the Village upon inspection to determine whether or not a particular sidewalk is in need of repair or replacement:

- a. In the event that a section of sidewalk has an elevation of one inch or greater between that section and the elevation of an adjacent section or within the particular section itself, the section or sections shall be deemed to be defective and in need of repair or replacement.
- b. If a particular section of sidewalk has two (2) or more cracks which involve more than forty (40%) percent of the particular section, the entire section shall be deemed to be defective and in need of replacement.
- c. If an area equal to or larger than fifteen (15) square inches is missing from a particular section, the entire section shall be replaced.

A "section" as herein used shall correspond to that portion of sidewalk between the anti-cracking lines drawn across the sidewalk. *(Rev. 8.8.16)*

22.306 Mandatory Repair. After all four sectors have been inspected and the

property owners in each sector have had an opportunity to take advantage of the 50/50 % matching funding up to \$3.50 per square foot as herein noted, thereafter sidewalk repair and replacement shall no longer be on a voluntary basis but shall thereafter become mandatory under such terms and conditions as the Village Board of Trustees shall thereafter mandate. Specifications for standard sidewalks are 4 feet wide and 4 inches thick. All newly built Village sidewalks must be ADA compliant or like in kind. (Rev. 8.8.16)

22.307 Mandatory Replacement. Any existing public use sidewalk adjacent to the front or side yard of a lot may not permanently be removed. If such sidewalk is removed it must be replaced within ninety (90) days of such removal. Failure to do so may result in the Village replacing said sidewalk and charging costs for the same to the property owner. If the resultant charges are not paid within thirty (30) days of the billing, the Village Clerk will then place a lien for the charges against the property.

ARTICLE IV

Excavations

22.401 Permission required. It shall be unlawful for any person, firm or corporation to tunnel under or make an excavation in any street, alley or other public place in the Village without having obtained permission as is herein required, or without complying with the provisions of this article or in violation from the terms of any such permission granted.

22.402 Applications. Applications for such permission shall be made to the Village Clerk, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, and the person, firm or corporation doing the actual excavating work, and the name of the person, firm or corporation for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

* **22.403 Issuance.** No such permission shall be issued except as approved by the Village Administrator and Public Works Director. *(Rev. 11/26/2007)

22.404 Bond. No such permission shall be issued unless and until the applicant therefore has filed with the Clerk a bond of no less than the sum of fifty thousand (\$50,000.00) dollars conditioned to indemnify the Village for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the State of Illinois as a surety company.

* **22.405 Deposit.** No such permission shall be issued unless and until the applicant therefore has deposited with the Clerk a cash deposit in the sum of at least three hundred dollars (\$300.00), if no pavement is involved, and at least one thousand dollars (\$1000.00) if the excavation is in a paved area, to ensure the proper restoration of the

ground and laying of the pavement, if any. From this deposit shall be deducted the expense to the Village of relaying the surface of the ground or pavement and of making the refill if this is done by the Village or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface is restored. **(Rev. 11/26/2007)*

22.406 Barricades and lights. Any person, firm or corporation making or maintaining any excavation in any street or alley shall keep the same adequately guarded by barricades and lights to protect persons and property from injury.

22.407 Manner of excavating. It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permission granted therefore. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnel; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the Village department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed.

No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

22.408 Sidewalks. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users.

22.409 Time limits. Each application shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground, or until the refill is made ready for the pavement to be put on by the Village if the Village restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the Corporate authorities or its assigned agents.

22.410 Restoring surface. Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or public place in the Village shall restore the surface thereof to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground.

Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances and subject to the supervision of the Director of Public Works; and if such work is not done within ten (10) days after restoration is possible, the Village may restore the surface and charge the cost thereof to the permittee.

22.411 Supervision. The Director of Public Works shall from time to time inspect all excavations and tunnels being made in or under any public street, alley or other public place in the Village to see to the enforcement of the provisions of this article. Notice shall be given to the Director of Public Works at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

22.412 Exemptions. The provisions of this article relative to securing permission shall not apply to officers or employees of the Village engaged in doing work for the Village; nor to persons or corporations doing work for the Village under contract; nor to persons or corporations which are operating under a franchise or grant from the Corporate authorities if such franchise provides for the making of excavations and tunnels without securing permission therefore.

22.413 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 V

Trees and Shrubs

22.501 Planting. It shall be unlawful to plant any tree or shrub in any public street or parkway or other public place without having first secured permission therefore. Applications for such permission shall be made to the Village Clerk, and such application shall then be referred to the Corporate authorities.

22.502 Removals. It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured permission therefore. Applications for such permission shall be made to the Village Clerk, and such applications shall then be referred to the corporate authorities for approval before permission shall be granted.

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

22.504 Advertisements or notices. It shall be unlawful to attach any sign, advertisement or notice to any tree, shrub, in any street, parkway or other public place.

22.505 Dangerous trees. Any tree or shrub which overhangs any sidewalk, street or other public place in the Village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such trees or shrubs grow so that the obstruction shall cease.

Any limb of a tree which has become likely to fall on or across any public way or

place shall be removed by the owner of the premises on which such tree or shrub grows or stands.

22.506 Wires. It shall be unlawful to attach any wire or other rope to any tree without permission of the corporate authorities.

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

22.507 Gas pipes. Any person, firm or corporation maintaining any gas pipe in the Village shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks.

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

22.509 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 23

BUILDINGS

Article I - General Provisions

Article II - Fire Limits

Article III - Dangerous Buildings

Article IV - Construction Regulations

Article V - Building Operations

Article VI - Moving Structures

Article VII - Building Code

Article VIII – Registration of Contractors DELETED 4/1/2015

ARTICLE I

General Provisions

23.101 Building Codes Adopted. The Village of Dwight, an Illinois Municipal Corporation, does hereby adopt and incorporate by reference the 2006 International Building Code, the 2006 International Residence Code for one and two family dwellings, the 2006 International Property Maintenance Code, the 2006 International Mechanic Code, the 2006 Fuel Gas Code, the 2006 International Fire Code, the 2006 International Wildland-Urban Interface Code, the 2008 National Electric Code, Village of Dwight Electrical Guidelines, and the 2004 Illinois Plumbing Code, as from time to time amended, which, except where such provisions are in conflict with any other paragraph under the Ordinance such other paragraphs shall control. Copies of said code are now and shall always hereafter be on file in the Office of the Village Clerk of the Village of Dwight and the same are hereby adopted and incorporated as fully as if set forth at length herein.

23.102 Permit Required.

(a) It shall be unlawful to construct a residential building or structure in the Village or to alter or remodel any residential building or structure, so as to change the bearing walls, beams, supports or the roof thereof, without having first secured a building permit therefore. If electrical or plumbing work is involved, an electrical permit and/or plumbing permit are also required, with respect to the construction, alteration or renovation of a building or structure. *(Rev. 4.9.18)*

It shall be unlawful to construct a commercial building or structure in the Village or to alter or remodel any commercial building or structure without having first secured a building permit, therefore. If electrical and plumbing work is involved, and electrical and/or plumbing permit are also required, with respect to the construction, alteration or renovation of a building or structure. *(Added 4.9.18)*

(b) It shall be unlawful to renovate any building or structure, even though a building permit may not otherwise be required, without first having secured an electrical permit if electrical work is involved and a plumbing permit if plumbing work is involved. Provided however, no electrical or plumbing permit shall be required regarding the renovation of a private single dwelling unit in any building containing two (2) or fewer separate dwelling units when a building permit is not required for such renovation under Paragraph (a) above, unless such renovation requires the connection of a new electrical service to the structure and/or the installation of a new electrical meter for the structure by the Village's electric utility franchisee or its representative.

(c) An application for electrical permit shall be required to be completed when applying for a Building Permit, or if no Building Permit is required but an electrical permit as set forth is required, then an electrical permit application shall be applied for prior to the commencement of any electrical work for which an electrical permit is required. Upon issuing any electrical permit three (3) inspections are required to be conducted by the Village's Electrical Inspector. The first will generally be an inspection of the new electrical service when ready to be hooked up by ComEd. The second inspection is known as the "rough-in" inspection, which will be required after rough wiring is installed and before any lath, wallboard insulation or other wall covering is in place. The third electrical inspection known as the final inspection will be completed after all switches, outlets, fixtures and other electrical apparatus have been installed, and before any occupancy takes place. In cases of building up-grades and/or additions that do not require a new electrical service to be installed, there will only be two (2) inspections, the rough-in and the final inspection. An electrical permit is required for all structures being either constructed or renovated, all new construction, and upgrades to services that require a new service to be connected by ComEd. ComEd will not hook up any new service without the prior approval of the Village's Electrical Inspector.

(d) An application for plumbing permit shall be required to be completed when applying for a Building Permit, or if no Building Permit is required, but a plumbing permit as set forth above is required, then a plumbing permit application shall be applied for prior to the commencement of any plumbing work for which a plumbing permit is required. Upon issuing any plumbing permit, three (3) inspections will be completed by the Village's Plumbing Inspector if required. The first inspection, the Underground Plumbing Inspection, shall be completed during or after the underground installation, before being covered up. The second inspection, known as the Rough Plumbing Inspection, shall be called for after the above ground installation of all pipes is completed, but before any pipes are covered up. The third is the final, or Occupancy Inspection, and shall be completed after the fixtures and water meter are installed and all other construction work is complete, but before the new building or addition is occupied to ensure that the building is approved for occupancy from a plumbing perspective. A permit, together with the required inspections, shall be required for any plumbing work being done other than repair work.

(e) Upon approval of the Building, Electrical or Plumbing permits by the appropriate Inspector, construction must begin within one year of the date of application.

Once construction has begun, the permit is valid for eighteen months. If needed, an extension of the applicable permit must be approved by the Village Board of Trustees.

23.103 Application. Applications for building permits shall be made to the Building Inspector, applications for electrical permits shall be made to the Electrical Inspector, and applications for plumbing permits shall be made to the Plumbing Inspector. Where any such application is for construction or alterations, such application shall be accompanied by plans and specifications in duplicate showing the work to be done and shall be verified by the signature of either the owner of the premises or by the architect or by the contractor in charge of operations.

23.104 Approval of Plans. Such building applications with plans shall be referred to the Building Inspector who shall examine the same to determine whether the proposed alterations will comply with the Ordinance Provisions relating hereto. Electrical applications with plans shall be referred to the Electrical Inspector who shall examine the same to determine whether the proposed plans will comply with Ordinance Provisions relating thereto. Plumbing applications with plans shall be referred to the Plumbing Inspector who shall examine the same to determine whether the proposed plans will comply with Ordinance provisions relating thereto. Upon approval of such plans, one set shall be retained by the appropriate inspector, and one set of plans shall be returned to the applicant. No permit shall be issued except after the plans and payment of fee herein required.

23.105 Fee. The fee schedule shall be established and periodically reviewed and modified by the Village Board of Trustees as defined in the Building, Electrical and Plumbing fee Schedule.

23.106 Variations. It shall be unlawful to vary from the approved plans and specifications deposited with, and approved by the Building Inspector, Electrical Inspector, or the Plumbing Inspector, as the case may be, unless amended plans and specifications showing such proposed alteration or variation are first filed with and approved by the Building Inspector, Electrical Inspector, or the Plumbing Inspector, as the case may be. If such variation involves an increase in the total cost of the work, a statement to that effect shall be made and any necessary additional fee shall be paid.

* **23.107 Enforcement of Provisions.** It shall be the duty of the Building Inspector with respect to the enforcement of the International Building Code and General Building Regulations, and the duty of the Electrical Inspector with respect to the enforcement of the National Electrical Code, and the duty of the Plumbing Inspector with respect to the Illinois Plumbing Code as adopted herein, respectively, and any lawfully appointed Deputies thereof, to enforce the provisions of this chapter. The Building Inspector, Electrical Inspector, and Plumbing Inspector, are hereby empowered to make such inspections as may be reasonably necessary to see to the enforcement of those provisions, and to make any tests or examinations of materials or methods to be used, for the purpose of seeing if such materials or methods comply with the provisions of this Ordinance. Included in the duties of the Building, Electrical, and Plumbing Inspectors shall be

enforcement of the Dwight Contractor's License registration. **(Rev. 09/09/2013)*

* **23.108 Stop Order.** The Building Inspector, Electrical Inspector or the Plumbing Inspector as the case may be, or such other person as may be authorized by the Corporate authorities may order work stopped whenever any construction, alteration or repair work is being done in violation of any provision of this Chapter, including failure to have a Village Contractors License. Such Stop Order, when oral, shall be followed by a written Stop Order within twenty-four (24) hours. It shall be unlawful to continue work in violation of a stop order until such order has been revoked by the person issuing it or by Corporate authorities. **(Rev.09/09/2013)*

23.109. Any building constructed, altered or moved on to property located within the corporate limits of the Village for use as a dwelling shall be in a separate, legally described lot that has at least one side adjoining a publicly dedicated street.

23.110 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

Fire Limits

23.201 Boundaries. The fire limits of the Village shall include all areas zoned for any use other than single family residence use.

23.202 Exterior Coverings. Any building or structure or portion thereof or addition thereto, must meet the International Building Code standards.

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

23.204 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; 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.

ARTICLE III

Dangerous Buildings

23.301 Fire Damage, Decay or Other Causes. Any frame building or structure

within the Village which has or may be damaged by fire, decay or other causes to the extent of fifty (50%) per cent or more of its value, shall be torn down and removed, unless such building is made to conform to the provisions of this Chapter. Upon written notice by the Building Inspector, or the Fire Marshal to the effect that such building has been so damaged, filed with the Clerk, the said Clerk shall notify the President and Board of Trustees of the receipt of such notice.

The President and Board of Trustees shall then appoint three (3) persons to determine whether such building or structure has been damaged to the extent of fifty percent (50%) of its value.

A copy of the notice of the appointment of this board of three (3) persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail at his last known address.

Such notice shall be in substantially the following form:

"To.....

You are hereby notified that

has determined that the building owned by you at, located within the fire limits of the has been damaged by fire, decay or otherwise to the extent of fifty (50%) per cent or more of its value and that a board of three persons has been appointed to verify this finding, which board will hold its first meeting in the Village Hall on the..... day of..... at the hour of..... o'clock, at which time it will determine whether or not this finding is correct.

If this finding is verified by the board, you must tear down and remove the said building, or rebuild it with non-flammable walls."

If this finding is verified by the board of three (3) members and it determines that the building in question has been damaged to the extent of fifty percent (50%) of its value, it shall be the duty of the owner to tear down and remove the said building within sixty (60) days after the finding of such board, or to remodel it to comply with the requirements of new buildings in the fire limits; and it shall be unlawful to occupy or permit the occupancy of such building after such finding until it is so remodeled.

23.302 Penalty. Any person, firm, or corporation violating any provision of this Article, or permitting any dangerous building, or any building or structure to remain in a dangerous condition, or to remain in the fire limits, without remodeling as above provided for, after it has been damaged to the extent of fifty (50%) per cent of its value, 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 the violation occurs or continues.

ARTICLE IV

Construction Regulations

23.401 Regulations to be obeyed. It shall be unlawful to construct or alter any building, fence or structure in the Village, except upon compliance with the provisions of this chapter.

23.402 Material and methods not specified. Nothing in this chapter shall be construed to prevent the use of any material or method of construction not specifically provided for in this chapter, if, upon presentation of plans, methods of analysis, test data or other necessary information, to the Building Inspector by the interested person, or persons, the Building Inspector is satisfied that the proposed material or method of construction complies with specific provisions of or conforms to the intent of the standards contained herein.

23.403 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 V

Building Operations

23.501 Use of streets. The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than eighteen feet; provided that no portion of the street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file with the Village Clerk a bond with corporate sureties to be approved by the Board, to indemnify the Village for any loss or damage which may be incurred by it by reason of such use and occupation.

23.502 Night operations. No construction or alteration shall be carried on between 10:00 p.m. and 7:00 a.m. C.S.T. if the same are accompanied by loud noises.

23.503 Sidewalks. No sidewalk shall be obstructed while building construction or alteration without special permission from the Village Administrator or Building Inspector being first obtained.

23.504 Safeguards. It shall be the duty of the person or corporation doing any construction, altering or wrecking work in the Village to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is danger to pedestrians from falling

articles or materials.

23.505 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 VI

MOVING STRUCTURES

23.601 Structure Defined. The term "structure" as used in this division means any house, building, or other structure eight (8) feet or more in width, which is to be moved from one location to another upon, along, across, over, or near any street, avenue, alley, highway, sidewalk, or other public ground of the Village.

23.602 Permit Required. No person, firm, or corporation shall move any building from one location to another upon, along, across, over, or near any street, avenue, alley, highway, sidewalk, or other public ground of the Village without having first obtained a permit from the President and Board of Trustees. Applications for such permits shall be made in writing to the Building Inspector and shall state the name, address and telephone number of the applicant, the person who will have charge of work done, qualifications and experience as such, and that the person has knowledge of the provisions of this Code and the Village ordinances relating thereto. Additionally, the application shall state thereon the route and what hours it is intended that the structure should occupy any portion of any street, avenue, alley, highway, sidewalk, or other public ground of the Village.

23.603 The applicant agrees to reimburse the Village or others for all costs incurred in the moving of structures under the provisions of the permit issued, therefore.

23.604 Approval fee. Upon the approval of the intended route by the President and Board of Trustees, a fee established and periodically reviewed by the Village Board of Trustees as defined in the building fee schedule shall be charged for each day or fraction thereof that it is intended that the structure shall occupy any portion of any such public ground shall be paid to the Village Clerk and the permit issued. Any additional day or fraction thereof over and above the time stated on the permit, during which any building shall occupy any such public ground, shall be paid at the same rate.

23.605 Bond. The applicant must, before the license shall be issued, file with the Village Clerk a corporate surety bond executed to the Village in the amount of one hundred thousand dollars (\$100,000.00) with sureties approved by the Village Clerk, conditioned that all work done under such license shall be done in a good, competent manner and in accordance with the ordinances of the Village relating thereto and that the applicant or a surety will pay to the Village or any person injured all damages for injuries to persons or property caused by the negligence, fault or mismanagement of said applicant, or due to any other cause, in doing any work under said permit issued for such work, and will pay to the Village any cost or expense incurred in repairing or restoring any pavement, curbs, sidewalks, utility lines, or other public works injured and of restoring such works to its previous condition.

23.606 Insurance Required. The applicant must, before a permit shall be issued, file with the Village Clerk a certificate or affidavit executed by representatives of duly

qualified insurance companies, evidencing that said insurance companies have issued liability and property damage insurance policies covering all operations of the house mover, to protect the public and any person from injuries or damages sustained by reason of moving the structure. The certificate or affidavit shall specifically evidence the following amount of insurance coverage:

a. Public liability insurance: one hundred thousand dollars (\$100,000.00) per person, one hundred thousand dollars (\$100,000.00) per accident.

b. Motor vehicle bodily injury liability: one hundred thousand dollars (\$100,000.00) per person, one hundred thousand dollars (\$100,000.00) per accident.

c. Property damage: one hundred thousand dollars (\$100,000.00) per accident.

23.607 Compliance with building, zoning, and other ordinances. No moving permit shall be issued unless the structure, if moved to a new location in the Village, will comply with the zoning, building code and all other ordinances of the Village.

23.608 Obstructing Streets regulated. No moving permit shall be issued to move any structure over the streets, avenues or highways of the Village when the maximum width of such structure in the direction of travel shall occupy more than two (2) feet less than the total width of paving between curbs, and no structure shall be allowed to obstruct the free passage of any street, avenue, alley, or highway for a greater length of time than set forth in the permit issued therefore, except in case of unavoidable delay and through no fault or negligence on the part of the permit holder, the Village Administrator may grant such extension of time as is reasonable.

23.609 Authority to require planking of streets. When in the judgment of the Director of Public Works it is necessary to protect streets or street improvements, the Director of Public Works may require the mover of the structure to properly and adequately plank such streets and all rollers, trucks or other devices used in conveying and moving same shall run upon and rest upon such planks at all times.

23.610 Lights and warning. Whenever a street or alley is blocked by a structure which is being moved, warnings to that effect shall be placed by the permit holder to warn vehicles and persons from entering that portion of the street which is so blocked. The person, firm or corporation moving any structure through the streets shall keep warning signs and lanterns or lights at night on the structure to guard against any person or vehicle from colliding with it.

23.611 Wires - cutting. Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a structure the terms of any special or franchise ordinance governing shall apply and the bond therein specified shall be given. If no such terms apply, then the Director of Public Works shall estimate the expense of fixing the wires and the bond to be given to cover this.

23.612 Fire alarm wires. When any such moving building shall approach any fire alarm wire or pole which shall be endangered by the moving of said structure, it shall be the duty of the mover to notify the Chief of the Fire Department at least six hours before reaching such wire or pole so that they may be removed or cared for by the authorities of the municipality.

23.613 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 VII

Building Code

23.701 Department of Building, Electrical, and Plumbing Inspection.

a. The Building Inspector may prevent, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction not provided for in this Code, and may for the purpose of carrying out the intent of this Code, adopt accepted standards of federal or State bureaus, authoritative technical organizations or fire insurance underwriters, subject to final approval by the Village Board of Trustees.

b. It shall be the duty of the Building Inspector to enforce all laws relating to the construction of and alterations, repair, removal, and demolition of existing buildings and structures, and the installation of equipment and appurtenances thereto, within the Village of Dwight.

c. The Building Inspector shall receive applications required by this Code, receive permit applications and such notices or orders as may be necessary to embrace compliance with law. The Building Inspector shall keep careful and comprehensive records of applications of permits issued, of inspections made, and of notices of orders issued.

d. The Plumbing Inspector's duties shall include the examination of plans and specifications, inspection of plumbing, sewerage, drainage, and enforcement of all provisions of this Code affecting the above, not otherwise required by law to be enforced by other officials.

e. The Building, Electrical, or Plumbing Inspector, in the discharge of duties of the office, shall have authority to enter any building, structure or premises at any reasonable hour upon showing a badge or certification of office. Upon request assistance shall be provided by Village Administrator, Chief of Police, Fire Chief, Village Engineer, Village Attorney, and other Village officials in matters appropriate to their powers and functions. In the event that access is denied to any of the above listed inspectors for the

discharge of required duties, that inspector shall have the power to revoke any permit previously issued or to withhold any permit being requested until access is permitted and shall have authority to issue a stop order until compliance under Village Codes is determined.

f. Violations. If, after the issuance of an order or stop order by the Building or Plumbing Inspector, work or operations are continued in the defiance of said order, the Building or Plumbing Inspector is authorized to request the Police Department to use

police power in such manner and to such extent as the character of the violation and the interests of Public Health and Safety may demand.

23.702 Penalty. Any person, firm or corporation who shall continue work in violation of a stop order of the Building or Plumbing Inspector shall be fined as designated in the fine rate schedule for each day on which any work in violation of such stop order is done.

23.703 Inspections by Building Inspectors.

a. The minimum number of inspections shall be as follows:

Utility Sheds - 1.

Garages and other accessory buildings - 2.

Homes - 3.

Commercial Buildings - 3 or more as deemed necessary by the Building Inspector

b. Schedule of Inspections.

Utility sheds and other accessory buildings:

One (1) when framing is completed.

Garages: one (1) prior to pouring of foundation, one (1) when framing is complete.

Homes and Commercial Buildings: One (1) prior to pouring of foundation, one (1) at the time of rough in, and one (1) upon completion; and with respect to commercial buildings such other inspections as the Building Inspector shall deem appropriate and necessary during construction considering the nature and complexity of construction.

c. Inspection Fees. The fee schedule for inspections shall be established and periodically reviewed and modified by the Village Board of Trustees as defined the building fee schedule.

23.704 Penalty. Any person, firm, or corporation violating any of the provisions

of this Article shall be upon conviction, 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 VIII
Registration of Contractors
SUSPENDED INDEFINITELY EFFECTIVE 04/01/2015

23.801 Definitions. As used in this chapter:

"Contractor" means any person engaged in the business of constructing, altering or repairing buildings or other structures or sidewalks or street pavements including but not limited to general building contractors; cement or concrete contractors; masonry contractors; carpentry contractors; acoustical contractors; electrical contractors; drywall contractors; excavating contractors; fencing contractors; flooring contractors; garage contractors; glazing contractors; heating, air conditioning and refrigeration contractors; lawn, chemical and fertilizer applicators; painting contractors; plastering contractors; plumbing contractors; porch and deck contractors; roofing contractors; sewer and drain layers; sheet metal contractors; tuck pointing and cleaning contractors; window contractors; wrecking contractors; black top sealer contractors; landscaping contractors; swimming pool contractors; insulation contractors; water and damp proofing contractors; siding contractors; sign contractors; but does not include any person performing as a contractor for or on behalf of a governmental entity.

An owner of property may perform work on property that he will occupy or has occupied continuously for a period of at least six months and shall not be considered a contractor as set forth in this chapter. However, any person hired by such owner to perform work on such property, shall be considered a contractor.

"Landscaping contractor" means any person engaged in the business of commercial lawn care or who services ten or more private residences, said services to include but not limited to lawn mowing, tree and shrubbery trimming and all other lawn care.

"Person" means any person or individual, partnership, firm, association, corporation, trust or other legal entity.

23.802 Application for registration. Any person desiring to engage in the business of contracting within the Village shall file an application for registration with the office of Village Clerk. Upon the filing of such application on the proper form and inclusion of any or providing for all necessary bonds and insurance certificates along with payment of the registration fees set out in Section 23.804(B), the Village Clerk shall register the applicant as a contractor and classify the applicant into the proper category as outlined in Section 23.804(B). The registration of all contractors upon filing of the appropriate application and applicable contingencies and compliance thereof shall be

within the sole discretion of the building and zoning officer of the city.

23.803 Certificate issuance. Upon verification of the applicant's application, references, bond and insurance, the Village Clerk shall issue a certificate of registration which will authorize the applicant to engage in such business for the applicable fiscal year being April 1st through March 30th for the year within which it is issued.

23.804 Registration fees.

A. The fee for the registration of contractors is provided in subsection B of this section. The fee for the registration of contractors who register between October 1st and March 30th of each year shall be fifty percent of the amount set forth in subsection B of this section. The fees shall be an annual fee which shall be paid by the applicant to the Village in advance of the filing of the application. The certification of registration issued thereunder shall expire on the thirty first day of March of the then current fiscal year.

B. Fees:

<u>Class</u>	<u>Fee</u>	
General contractor	\$100.00	
Electrical contractor	100.00	
HVAC contractor	100.00	
Plumbing contractor	100.00	
Concrete contractor	100.00	
Carpentry contractor	100.00	
Drywall/plaster contractor	100.00	
Excavation contractor	100.00	
Glazing contractor	100.00	
Insulation contractor	100.00	
Landscaping contractor	100.00	
Masonry contractor	100.00	
Roofing contractor	100.00	
Sewer contractor	100.00	
Swimming pool/hot tub contractor	100.00	
Steel erection contractor	100.00	
Water proofing contractor	100.00	

Floor covering contractor	100.00	
Siding and gutter contractor	100.00	
Wrecking contractor	100.00	
Sign contractor	100.00	
Satellite/antenna contractor	100.00	
Fence contractor	100.00	
Paving contractor	100.00	
All other contractors	100.00	

23.805 Proof of insurance required. Every person registered as a contractor by the Village shall show proof of insurance to the building and zoning officer in the following amounts:

Bodily injury liability \$300,000.00
Property damage liability \$100,000.00
Workers Compensation As required by the Industrial Commission of the state of Illinois

Business Auto:
Bodily injury liability \$300,000.00
Property damage liability \$50,000.00

23.806 Revocation procedure. The building inspector, electrical inspector and/or the plumbing inspector in their discretion may revoke a contractor's registration if the contractor violates the codes or other applicable ordinances of the Village. The contractor must be notified of the intent to revoke the contractor's registration and of the alleged violations and the contractor will then be given ten days from the date that notice is given to correct said violations, to show cause why there is no violation or to otherwise, appeal in writing to the Village President and the Board of Trustees who shall conduct a hearing on such revocation. Notice shall be given by any of the following manners:

- A. Certified mail at the address provided on the contractor's registration;
- B. Personal delivery;
- C. Posting on the site within which the contractor is working.

23.807 Plumbing and roofing contractors--State licensing required. All plumbing contractors and roofing contractors shall also be duly licensed as required by the state by Illinois.

* **23.808 Violation--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 second offense shall be deemed committed on each day during or on which a violation occurs or continues. **(Rev. 09/09/2013)*

CHAPTER 24

PLUMBING AND SEWERS

Article I - Plumbing
Article II - Sewers
Article III - Wastewater Service Charges
Article IV - Industrial Cost Recovery
Article V - General Provisions

ARTICLE I

Plumbing

24.101 Permit required. No plumbing shall be installed in any structure in the Village unless a permit therefore is first obtained. Applications for such permits shall be made to the Village Clerk and shall state thereon the name of the person or contractor intended to have charge of the installation, and the nature and extent of the proposed installation.

24.102 New plumbing - exposure for inspection. In all buildings hereafter erected, both public and private, and in all buildings already built or erected wherein any plumbing is hereafter installed or wherein any sewer or connection pipe shall be hereafter repaired or changed, except for minor repairs, on the sewer side of the trap, the drain, soil, rainwater and other pipe or pipes directly or in-directly connected into any drain, soil or waste pipe, and all traps shall be exposed for view for inspection and test by the Plumbing Inspector, and shall not be covered until such test is made.

24.103 Plumbing code adopted. The Village of Dwight, an Illinois Municipal Corporation, does hereby adopt and incorporate by reference the 2004 Illinois Plumbing Code, as from time to time amended, promulgated by the Illinois State Department of Public Health, which shall be referred to collectively as the Plumbing Code, and is hereby adopted as the standard of specification for plumbing except where such provisions are in conflict with any other paragraph under this Ordinance such other paragraphs shall control. Copies of said code are now and shall hereafter at all times be on file in the office of the Village Clerk of the Village of Dwight and the same are hereby adopted and incorporated as fully as if set out at length herein.

24.104 Enforcing officer. The Plumbing Inspector shall enforce the provisions of the State Plumbing Code within the corporate limits of the Village.

24.105 Cross-Connections. If in accordance with the Illinois Plumbing Code or in the judgment of the Public Works Director or authorized agent, an approved backflow prevention device is necessary for the safety of the public water supply system, the Public

Works Director will give notice to the water customer to install such an approved device immediately. The water customer shall, at their own expense, install such an approved device at a location and in a manner in accordance with the State of Illinois Plumbing code and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the State of Illinois Plumbing Code and local regulations.

24.106 Other water supplies. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply, other than the regular water supply of the Village of Dwight, may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Director of Public Works and the Illinois Environmental Protection Agency.

24.107 Cross-connection inspection records. It shall be the duty of the Plumbing Inspector to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Public Works Director shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

24.108 Inspection access. Approved cross-connection control device inspector(s) shall have the right to enter at any reasonable time any property served by a connection to the public water supply of the Village of Dwight for the purpose of verifying the presence or absence of cross-connections, and that they shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Dwight for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Director of Public Works or authorized agent, any information which they may request regarding the piping system or systems, or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Public Works Director, be deemed evidence of the presence of improper connections as provided in this ordinance.

24.109 Cross-connection disconnects. The Director of Public Works of the Village of Dwight is hereby authorized and directed to take such precautionary measures as may be deemed necessary to eliminate any danger of contamination of the public water supply distribution mains. Where a contamination or imminent threat of contamination is present the Director of Public Works is authorized to immediately disconnect the water supply without notice to any party to prevent actual or anticipated contamination or pollution of the public water supply, provided that in the reasonable opinion of the Director of Public Works or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water

supply. Such action shall be followed by written notification of the cause of disconnection. The Director of Public Works is also directed to recommend the disconnection of water service to the Village Board of Trustees of any property wherein any connection in violation of the provisions of this ordinance, other than the above, is known to exist. The Village Board of Trustees may then direct that the disconnection be made after reasonable notice to the occupant thereof. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee is paid to the Village of Dwight. Neither the Village of Dwight, The Director of Public Works, nor its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

24.110 Contamination liability. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system of the Village.

24.111 Separate drainage for buildings. Every building shall be separately and independently connected with a public or private sewer when there is such within 300 feet of the lot occupied by such building.

The entire plumbing and drainage system of every building shall be entirely separate and independent from that of any other building, except where there are two (2) buildings on one (1) lot, one in the rear of the other; then if there is no sewer in the alley to which the rear building can be connected, the sewer in front of the building may be extended to serve the rear building.

24.112 Standards. All work done on any plumbing system shall follow the rules and regulations of the Illinois Plumbing Code and be performed in an efficient and workmanlike manner.

24.113 Penalty. Any person, firm or corporation violating any of the provisions of this article, or continuing to work in violation of a stop order issued by the building inspector or plumbing inspector 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

Sewers

24.201 Permits - Connection fees. It shall be unlawful to make any connection

with any Village sewer without having first obtained a permit therefore. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such connection, a description of the premises to be served, and the specifications of such pipe to be connected with the drain for the premises to the sewer pipe. Such applications shall be referred to the Plumbing Inspector; and no such permit shall be issued unless the Plumbing Inspector shall have found that the ordinances of the Village shall have been complied with.

The Fee shall be for connection to the Village Sewer, which shall be established and periodically reviewed and modified by the Village Board of Trustees as defined in the Building Fee Schedule. The fee for the above described service shall be double any established rate for installation outside the Village corporate boundaries.

24.202 Street openings. The provisions of the ordinances relating to excavations in streets shall be complied with in making excavations in streets or other public places for sewer connections per Chapter 22, Article IV of the Dwight Municipal Code.

24.203 Prohibited substances - injury. It shall be unlawful for any person to permit any gasoline, benzine, or other volatile liquid to flow into any public sewer in the Village; or to permit any material which might injure any part of the sanitary or storm sewer system to flow into it.

24.204 Rain water drains. It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village, and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than eighteen inches (18") above the ground or pavement or to permit the discharge of any water roof drain, down spout or sump pump to flow into any sanitary sewer.

24.205 Cross connections. It shall be unlawful to permit any sanitary sewage to flow into any storm sewer or to connect or cause to be connected any drain carrying toilet, sink, basement, septic tank, cesspool or industrial waste to any storm sewer, or to connect any fixture or device discharging polluting substances to any storm water drain or to permit any storm sewer to flow into a sanitary sewer.

24.206 Waste disposal. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Dwight or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste. It shall be unlawful to discharge to any outlet within the Village of Dwight, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

24.207 Other disposal facilities. Except as herein-after provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

24.208 Mandatory connection. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is available. A public sewer is available for the purposes of this ordinance if the said public sewer is within 300 feet of the property line of the property to be served by the said public sewer at the time that service is to be commenced.

24.209 Private sewage disposal system. Where a public sanitary sewer is not available at the time that service is to be commenced, as defined under the provisions of 24.111, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

24.210 Permit application. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the County Health Officer.

A permit and inspection fee equal that charged by Livingston or Grundy County, Illinois, dependent upon the location, shall be paid to the Village at the time the application is filed.

24.211 Inspection. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the County Health Officer. The Health officer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the County Health Office when the work is ready for final inspection, and before any under-ground portions are covered. The inspection shall be made within 48 hours of the receipt of written notice by the County Health Officer.

24.212 Private disposal system design. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than that deemed necessary by the County Health Department. No septic tank or cesspool shall be permitted to discharge to any outlet.

24.213 Private disposal system disconnection. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided

in 24.208, a direct connection shall be made at the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned cleaned of sludge and filled with suitable material, all to be done within six (6) months from the date the public sewer becomes available.

24.214 Private disposal system operation. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

24.215 Additional requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

24.216 Building sewers and connections.

Section 1. No unauthorized person shall uncover, make any connections with or opening into; use, alter; or disturb any public sewer appurtenance thereof without first obtaining a written Plumbing Permit from the Plumbing Inspector.

Section 2. There shall be two (2) classes of plumbing permits:

- a. for residential and commercial service, and
- b. for service to establishments producing industrial wastes. In either case, the owner or agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector. The industry, as a condition of permit authorization, must provide information describing its waste water constituents, characteristics, and type of activity.

Section 3. A plumbing permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer, pump stations and waste water treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Section 4. All costs and expense incident at the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village Plumbing Inspector, to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing codes or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with the Plumbing Code, and discharged to the building sewer.

Section 8. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing codes, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.

Section 9. The applicant for the building Plumbing Permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Plumbing Inspector or representative of the Plumbing Inspector.

Section 10. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

Section 11. Sewer cleanouts shall be required for all newly constructed buildings without basements such that said cleanouts will be located within four (4) feet of the building foundation, above ground level, and easily accessible. There shall be one cleanout for each branch line with minimum size of three (3) inches in diameter, the cleanout shall be of the same material as the branch line and conform to the Illinois State Plumbing Code.

24.217 Use of the Public Sewers.

Section 1. No person shall discharge, or cause to be discharged, any storm water, surface water groundwater, roof runoff, subsurface drainage, uncontaminated cooling

water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village Engineer. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village Engineer, to a storm sewer or natural outlet.

Section 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
- c. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, containers, and etc., either whole or ground by garbage grinders.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village Engineer that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

- a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F);

- b. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32⁰) and one hundred fifty degrees Fahrenheit (150⁰F), (0⁰ and 65⁰C);
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Plumbing Inspector;
- d. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- e. Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exceeding an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village Board for such materials;
- f. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village Board as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge at the receiving waters;
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Board in compliance with applicable State or Federal regulations;
- h. Any waters or wastes having a pH in excess of 9.5;
- i. Any mercury or any of its compounds in excess of 0.0005 mg/l at any time except as permitted by the Village Board in compliance with applicable State and Federal regulations;
- j. Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village Board in compliance with applicable State and Federal regulations;
- k. Materials which exceed or cause:

1. unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 2. excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 3. unusual biochemical oxygen demand (BOD), chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 4. unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
1. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge at the receiving waters.

Section 5. If any waters or wastes are discharged or are proposed to be discharged at the public sewers, which waters contain the substances or possess the characteristics enumerated in 24.217, Section 4 of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D. Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the Village Board may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village Board may:

- a. reject the wastes;
- b. require pretreatment to an acceptable condition for discharge at the public sewers;
- c. require control over the quantities and rates of discharge; and/or (i.e., time of discharge);
- d. require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Village Board permits the pretreatment or equalization of waste flows, the

design and installation of the plants and equipment shall be subject to the review and approval of the Village Engineer and subject to the requirements of all applicable codes, ordinances, and laws.

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Engineer they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

Section 8. Each industry shall be required to install a control manhole and when required by the Village Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Village Engineer. The manhole shall be installed by the owner and maintained by the owner at the owner's expense so as to be safe and accessible at all times.

Section 9. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of the "Standard of Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

Section 10. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with this ordinance.

24.218 Protection of Sewage Works from Damage. No un-authorized person

shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

24.219 Powers and Authority of Inspectors.

Section 1. The Village Engineer and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Village Engineer or other Village representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterway, facilities or waste treatment.

Section 2. While performing the necessary work on private properties referred to in Ordinance 24.219, Section 1 above, the Village Engineer, duly authorized employees of the Village, or duly authorized employees of the Illinois Environmental Protection Agency or the United States Environmental Protection Agency shall observe all safety rules applicable at the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Ordinance 24.217, Section 8.

Section 3. The Village Engineer and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

24.220 Penalties.

Section 1. Administrative Enforcement Remedies

Whenever the Public Works Director finds that any user has violated or is violating this ordinance, with the exception of Section 24.218, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the Public Works Director, or their agent, may serve upon said user a written Notice of Violation. Within fifteen (15) days of the receipt of this notice, an explanation of the violation and a plan for the

satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Public Works Director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Village to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Compliance Orders. When the Public Works Director finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that user come into compliance within fifteen (15) days. If the user does not come into compliance within the allotted number of days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

Emergency Suspensions. The Public Works Director may immediately suspend a user's discharge (after informal notice to the user) whenever suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Village that the period of endangerment has passed, unless the termination proceedings are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Public Works Director prior to the date of any termination hearing.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

Termination of Discharge. Any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring and sampling;
- E. Violation of pretreatment standards.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken.

Section 2. Judicial Enforcement Remedies

Civil Penalties.

- A. Any user, which has violated or continues to violate this ordinance, any order or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the Village of Dwight for civil penalties of not less than \$100 per violation per day, and not exceeding \$1,000 dollars per day.
- B. The Village may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Village.
- C. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

Criminal Prosecution.

- A. Any user that willfully or negligently violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder,

or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$100/day nor more than \$1,000/day per offense.

B. Any user that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$100/day nor more than \$1,000/day.

C. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be subject to a penalty of at least \$100/day nor more than \$1,000/day.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Section 1 above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined as designated in the fine rate schedule for each offense. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this article shall become liable for damages caused to the Village by reason of such violation.

ARTICLE III

Wastewater Service Charges

24.301 Basis for Wastewater Service Charges: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village of Dwight shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable.

The **user charge** shall be based on water usage as recorded by water meters for normal wastes having the following strengths:

- a. A five (5) day, 20 degrees Centigrade (20° C) biochemical oxygen demand (BOD) of 200 mg/l;
- b. A suspended solids (SS) content of 250 mg/l.

Water meter readings shall be assumed to equal sewage flow except in cases where the user may show that water passed through the meter is not returned to the sewer. An adjustment in meter readings will be made in such cases if the user furnishes

the Village actual meter readings of water flow not discharged to the sewer.

The user charge shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- a. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year and, the debt service requirements;
- b. Estimate wastewater volume discharged at the sewer system based on total water meter readings after appropriate adjustment for water not returned at the sewer and/or water from unmetered private sources which is discharged to the sewer system;
- c. Compute costs per 1,000 gallons for normal sewage strength wastes.

A **surcharge** will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water used as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS, respectively. Article III, 24.304 specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs including replacement costs and adjusted as required. One of the purposes of the annual review shall be to maintain service charges in relation to cost and assure that all user classes are being charged an equitable share.

24.302 Measurement of Flow: The volume of flow used for computing user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1,000 gallons.

- a. If the person discharging wastes into the public sewers procures any part or all of his water from sources other than the Village of Dwight Water System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at the owner's expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.
- b. Devices for measuring the volume of waste discharged at the sanitary sewer may be required by the Plumbing Inspector if these volumes cannot otherwise be determined from the metered water consumption records.

c. Devices for measuring the volume of waste not discharged to the sanitary sewer may be required by the Plumbing Inspector if reasonable estimates cannot be made for adjusting water meter readings.

d. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village Board.

24.303 User Rate: There shall be and there is hereby established a minimum charge and basic user rate for the use of and for service supplied by the Wastewater Facilities of the Village. The rates are established by the Village Board of Trustees and are as shown in the water and sewer rate schedule.

24.304 Surcharge rate: For waste strengths above normal strength of 200 mg/l BOD and 250 mg/l SS, a surcharge as designated in the water and sewer rate schedule shall be applied.

ARTICLE IV

Industrial Cost Recovery

24.401 Industrial Cost Recovery Required: The State Environmental Protection Agency requires each industrial user to pay that portion of any State grant which has been obtained by the Village of Dwight for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users share shall not include an interest component.

24.402 Industrial Cost Recovery Charge: The charge for industrial cost recovery shall be based on a charge per unit volume of normal strength process flow. Normal strength flow shall be waster strength less than or equal to 200 mg/l BOD and 250 mg/l SS.

24.403 Total Charge to an Industrial User: The total industrial cost recovery charge for each billing period shall be determined by multiplying a users industrial process flow volume discharged during the billing period by \$.12 per 1,000 gallons.

Industrial process flow volume shall be determined by measurement or estimation of all water flow through industrial plant processes. In absence of meter readings, process flow shall be estimated by using the following formula:

$$PF = TWF - DF - CF$$

where:

PF = process flow for billing period.

TWF = total water flow for billing period from meter reading, plus estimates of flow from private wells, if any.

DF = domestic flow from employees estimated by multiplying the average number of man-shifts worked for the billing period by an allowance of 25 gallons per person per shift worked.

CF = flow consumed or otherwise not returned to the sewer.

If in the opinion of the Village Clerk, the Village's interest would best be served by making the above estimation on an annual basis, then the Clerk may elect to negotiate with each industry a percentage of the total water flow to estimate process flow each billing period.

24.404 Length of Industrial Cost Recovery Period: The industrial cost recovery period shall be equal to the useful life of the treatment works.

24.405 Applicability of Industrial Cost Recovery Charge: The industrial cost recovery charge shall be applicable only when an industrial user discharges process wastes into the Village sewer system.

24.406 Payments and Billing for Industrial Cost Recovery Period: Industrial cost recovery charges to industrial users shall be included with the regular billing for sewer use charges as specified in Article IV.

24.407 Adjustment of Charge Due to Introduction of High Strength Industrial Waste Discharges: If, at any time, during the industrial cost recovery period an industry begins discharging wastes with strengths greater than 200 mg/l BOD and 250 mg/l SS, a study shall be made under the direction of the Village Board to revise the industrial cost recovery charge to include a high waste strength surcharge as well as a process flow volume charge. The revised charge factors shall be applied to process flow volume and measured waste strength quantities in excess of normal.

24.408 Adjustment of Charge Due to Plant Improvement Utilizing State Grant Funds: If there is an expansion or upgrading of the treatment works utilizing a State grant, each existing industrial user's share shall be adjusted accordingly.

24.409 No Charge for Unused or Unreserved Capacity: An industrial user's portion of any State grant shall not include any portion of the grant amount allocable to unused or reserved capacity.

24.410 Monitoring Required: The Sewer Plant Operator shall maintain a program of monitoring industrial user discharges as the Village Board deems necessary,

provided that any major contributing industry shall be monitored no less than 12 times annually.

ARTICLE V

General Provisions

24.501 Bills: Said rates or charges for service shall be payable on a bi-monthly basis.

The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

Bills for sewer service shall be sent out by the Village. All sewer service 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.

24.502 Delinquent Bills: If the charges for such sewer services are not paid as specified above, then the Village Clerk shall take action as specified in 9.307, 9.309, and 9.310.

24.503 Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from the Treasurer's private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and monies incident to the operation of such system as the same may be delivered to the Treasurer and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village of Dwight". Said Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

24.504 Accounts: The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals, shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities.

24.505 Access to Records: The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges of industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the Special and General Conditions to any State Grant.

24.506 Validity. That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such action, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

24.507 Prohibiting the Connection of Sanitary or Waste Sewers to Storm Water Drainage Systems.

Section 1. It shall be unlawful for any person, firm, corporation, or institution public or private, to connect or cause to be connected, any drain carrying or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances, to any open ditch, drain, or drainage structure installed solely for street or highway drainage purpose in the Village of Dwight.

Section 2. This ordinance is intended to and shall be in addition to all other ordinances, State Statutes, rules, and regulations concerning pollution and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict herewith.

Section 3. Any person, firm, or corporation violating this article shall be fined as designated in the fine rate schedule for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

APPENDIX A

WATER RATE SCHEDULE

A. Class I Users shall pay a minimum charge of \$31.50 billed bi-monthly for up to 4,000 gallons, and shall pay an additional charge for each 1,000 gallons above 4,000 gallons as follows:

For usage over 4,000 gallons: \$8.65 per 1,000 gallons metered per two (2) month period.

Class I users shall be billed on a bi-monthly basis.

The charge for water for the second water meter for outside watering shall be \$8.65 per 1000 gallons metered.

B. Class II Users shall pay at the rate of \$4.725 per thousand gallons.

Class II Users shall be billed on a monthly basis.

C. Class III Users shall pay at the rate of \$32.75 per thousand gallons.

Class III Users shall pay in full upon the withdrawal of the water from the Village of Dwight Water System.

D. Class IV Users shall be identified as either Class I or Class II Type Users, and shall pay triple the established rate for each such Class.

Class IV Users shall be billed with the same frequency as other Class I or Class II properties, as the case may be.

E. The water rates set forth in this Appendix A, Water Rate Schedule, shall automatically increase five percent (5%) per year at the beginning of each Fiscal Year commencing April 1st, 2001, and each and every April 1st thereafter, unless the Village Board of Trustees, by resolution, prior to the beginning of the Fiscal Year, finds that such increase is unnecessary or finds that a portion of such increase is unnecessary for the next Fiscal Year, and to the extend of such findings, the annual five percent (5%) increase as set forth herein shall be modified.

APPENDIX B

SEWER RATE SCHEDULE

A. Minimum Charge.

Class I. Minimum Bi-monthly Charge of \$23.35 for 2,000 gallons metered or less;

Basic User Rate for in excess of Minimum Charge:
2001 gallons and above - \$8.50 per 1000 gallons metered.

Class II: Minimum monthly charge of \$10.10 for 2,000 gallons metered, plus \$7.40 per 1,000 gallons metered or adjusted (as in Article III, 24.301) per one (1) month period to all users who discharge normal strength wastes to the system.

B. Surcharge Rate: For waste strengths above normal strength of 200 mg/l BOD and 250 mg/l SS, a surcharge of \$.114 per pound BOD and \$.087 per pound SS shall be applied. The surcharge for each monthly period shall be computed by the following formulae:

$$\begin{aligned} \text{SCBOD 5} &= (x-200) \times A \times 0.00000834 \times \$.114 \\ \text{SCSS} &= (y-250) \times A \times 0.00000834 \times \$.087 \end{aligned}$$

Where:

SCBOD5 = surcharge above the basic water user rate for BOD concentration above 200 mg/l.

SCSS = surcharge above the basic user rate for SS concentration above 250 mg/l.

X = quarterly average BOD concentration in mg/l.

Y = quarterly average SS concentration in mg/l.

A = quarterly metered water flow adjusted for appropriate losses in gallons.

C. Computation of Surcharge. The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Director of Public Works and shall be binding as a basis for surcharges.

D. Computation of Total Wastewater Service Charge. The wastewater service charge shall be computed by the following formula:

$$CW = MC + BC + SCBOD + SCSS$$

Where:

CW = total wastewater service charge.

MC = minimum charge as set out in Article III, 24.303.

BC = basic user charge as set out in Article III, 24.303

SC BOD = surcharge for BOD as computed in Article III, 24.304

SCSS = surcharge for SS as computed in Article III, 24.304.

E. The Sewer Rate Schedule for all properties located outside of the corporate limits of the Village of Dwight and connected to the Village of Dwight Sewer System shall pay triple the rate otherwise calculated pursuant to this Appendix B.

F. Billing. Class I Users, whether inside or outside of the corporate limits of the Village of Dwight, shall be billed bi-monthly in conjunction with the water bill.

Class II Users, whether inside or outside of the corporate limits of the Village of Dwight, shall be billed monthly in conjunction with the water bill.

G. The sewer rate schedule set forth in this Appendix B, Sewer Rate Schedule, shall automatically increase Five (5%) percent per year at the beginning of each Fiscal Year commencing April 1st, 2001, and each and every April 1st thereafter, unless the Village Board of Trustees, by Resolution, finds that such increase is unnecessary for the next Fiscal Year, and to the extent of such findings, the annual Five (5%) percent increase as set forth herein shall be modified. *(Rev. 06/12/2000)*

H. Debt Service Fee: The Village of Dwight wishes to utilize low interest loan funds available through the Illinois Environmental Protection Agency to upgrade the existing Waste Water Treatment System of the Village. A fee of \$7.25 per one (1) month is imposed to all residential units for the twenty year life of the loan, effective April 1, 2008 through March 31, 2025. *(Rev. 9/14/2009)*

A fee for usage of water from 30,001 gallons and above will be billed an additional \$1.25 per 1,000 gallons of usage, effective October 1, 2009 through March 31, 2025. *(Rev. 8/24/2009)*

APPENDIX C

GARBAGE FEE SCHEDULE

* **Minimum Charge:** \$18.82 per one (1) month period for all private residential service units within the Village of Dwight, billed bi-monthly in conjunction with the water and sewer bills. *(Rev. 4/01/2018)

APPENDIX D

BUILDING FEE SCHEDULE

School District & Fire District Impact Fees: suspended (1) Indefinitely or (2) the date on which the Superintendent of Schools for Dwight Common School District No. 232 and Dwight Township High School District No. 230 notifies the Village of Dwight that the total enrollment for both school districts has increased by ten percent (10%) or more from the enrollment existing on February 1, 2015.

**New Homes/Multi Family Dwelling	\$.40 per Sq Ft
Commercial Buildings	\$750 + \$.25 per Sq Ft
Land Development Permit	\$1,000
Additions to homes/Multi Family Dwelling (Includes enclosed porch & attached garage*)	\$.40 Per Sq Ft
Additions to Commercial Buildings	\$500 + \$.25 per Sq Ft
**Electrical Permit	\$150 – all new Residential Homes + \$50 each additional unit in multi family dwelling \$75 – all other Residential Electrical Work (addition/garages, etc) \$250 - ALL Commercial work
**Plumbing Permit	\$150 – all new Residential Homes + \$50 each additional unit in multi family dwelling \$75 – all other Residential Plumbing Work (addition/garages, etc) \$250 – ALL Commercial work
Roof Modification (changing pitch/ <u>not</u> adding living space)	\$75
Pools* & Hot Tubs*	\$75
Accessory Structure (Detached Garage* & Shed)	\$25 + \$.40 per Sq Ft
Accessory Structure (Deck, Fence, Open Porch, Carport)	\$50
Occupancy Permit Fee (Commercial Only)	\$100
Demolition Permit Fee	\$10
Sign Permit Fee	\$40 or \$100 if lighted*
**Water Tap Fee: For Brierly Farm 1 st Sub., Scott's 4 th Sub., & Neville's 3 rd Sub.	
All new Subdivisions developed after 08/10/2006 (This was reduced indefinitely 02/23/2015 or when 10% or more increased enrollment at schools)	
** Water Meter Installation Fee:	3/4" meter \$350 1" meter \$400 2 nd H2O meter ¾ " \$500

****Sewer Tap Fee:** All new Subdivisions developed after 08/10/06 \$1,500.00
(This was reduced indefinitely 02/23/2015 or when 10% or more increased enrollment at schools)

****Storm Sewer Tap On Fee for each house/building** \$300.00

**All Garages, Pools, Hot Tubs & Lighted Signs are required to apply and pay for an electrical permit. *(Rev. 08/10/2006)*

***\$1,000.00 flat fee for new homes being built through December 2020. Covers water meter, tap on fees, inspections, and paper work. (Rev. 05/11/2015)*

BUILDING FEE SCHEDULE

* Water reconnection fee \$50.00 *(Rev. 3/24/2003)

Site Plan Review Fee:

A. for projects having development costs and/or building costs totaling up to \$1,000,000, a fee of one fourth percent (¼%) of the cost of the property improvement.

B. For projects having development costs and/or building costs totaling over \$1,000,000.00, a site plan review fee of \$2,500.00 plus \$500.00 per one million dollars or part thereof of the cost of the property improvement over one million dollars.

The Site Development Fee would be determined by the cost submitted on the building permit, so long as the same are using reasonable estimates.

** Zoning Board of Appeals Public Hearing Fee \$450 Residential (zoned lots)
\$750 Commercial
(industrial/business zoned lots)

** Plan Commission Public Hearing Fee \$450 Residential (zoned lots)
\$750 Commercial
(industrial/business zoned lots)

**(Rev. 8/27/2007, in effect 4/01/2008)

APPENDIX E

FINE RATE SCHEDULE

(11/01/2020)

Standard Penalty

\$100 - 1st Offense**

\$200 - 2nd Offense**

\$300 - 3rd Offense**

** Plus, all costs

BOARD OF TRUSTEES

3.209 Disturbing Meetings Standard

OTHER PROVISIONS RELATING TO VILLAGE GOVERNMENT

8.112	Impersonation	Standard
8.113	Interference with Officers	Standard
8.114	Inspections by Village Officers	Standard
8.305	Dumping Sites	\$1,000
8.403	House Numbering	\$ 5 - 1 st offense \$10 - 2 nd offense \$15 - Subsequent Offenses
8.506	Holding Cell	Standard
8.606	Park Curfew	Standard
8.607	Alcoholic Beverages in Parks	Standard
8.608	Littering in Public Parks	\$500
8.609	Vandalism of Park Property	\$750 per offense
8.611	Parks	Standard
8.803	Injury to Public Property	Standard

WATER

9.108	General Water Provisions	Standard
9.206	Service Pipes	Standard
9.311	Meters; Tampering with Meters	Standard
9.404	Water Usage Restriction	\$100 - 1 st offense \$250 - 2 nd offense \$500 - 3 rd offense

TRAFFIC

10.114	General Traffic Provisions	Standard
10.205	Streets and Alleys	Standard
10.339	Rules for Driving	Standard
10.407	Pedestrians	Standard
10.410	Handicapped and School Crossings	Standard
10.502	Parking, Handicapped	\$250
10.518	Parking Rules	\$25- 1 st Offense \$50- 2 nd Offense \$75-3 rd Offense
10.620	Condition of Vehicles	Standard
10.704	Drivers	Standard
10.902	Impoundment of Vehicles	\$500

REGULATIONS REGARDING THE HEALTH, WELFARE & DECLARATION OF NUISANCES

12.105	Contagious Diseases	Standard
12.210	Plants, Weeds, Debris & Landscape Waste	Standard
12.402	Nuisance Abatement- Property Owner	Standard
12.403	Nuisance Abatement- Property Agent	Standard
12.507	Refuse Collectors	\$500
12.607	Waste Disposal	Standard

ANIMALS

13.125	General Animal Provisions	Standard
13.218	Dogs	Standard

AMUSEMENTS

14.207	Theaters and Performances	Standard
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FOOD DEALERS

15.108	General Food Provisions	Standard
15.204	Food Delivery Vehicles	Standard

INTOXICATING LIQUORS AND PERSONAL CONDUCT

16.130	General Provisions	\$250/\$1000
16.204	Nudity and Sexual Conduct	Standard

OTHER BUSINESSES

17.109	Solicitor	Standard
17.215	Mobile Homes	Standard

MISCELLANEOUS REGULATIONS

19.106	Fireworks and Explosives	Standard
19.208	Public Buildings	Standard
19.307	Public Gatherings	Standard
19.405	Sound Amplifiers	Standard

MISDEMEANORS AND OTHER OFFENSES

20.133	Misdemeanors	Standard
20.202	Willful and Malicious Acts	Standard Plus All damages
20.303	Truancy	Standard Plus community service
20.402	Parental Responsibility	Standard Plus community service

STREETS AND SIDEWALKS

22.121	General Provisions	Standard
22.123	Alcoholic Beverages on Public Property	Standard
22.205	Driveways	Standard
22.413	Excavations	Standard
22.509	Tree and Shrubs	Standard

BUILDINGS

23.112	General Building Provisions	Standard
23.204	Fire Limits	Standard
23.302	Dangerous Buildings	Standard
23.403	Construction Regulations	Standard
23.505	Building Operations	Standard
23.613	Moving Structures	Standard
23.704	Building Code	Standard

PLUMBING AND SEWERS

24.113	Plumbing	Standard
24.220	Sewers	Standard
24.507	General Provisions	Standard

APPENDIX F

LIQUOR LICENSE FEE

* **Class A:** Which shall permit the sale of alcoholic liquor, including beer and wine, for consumption on the premises only, annual fee is \$900.00. **(Rev. 4/01/2019)*

* **Class B:** Which shall permit the sale of alcoholic liquor, including beer and wine, for consumption off the premises only, annual fee is \$900.00. **(Rev. 4/01/2019)*

* **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, annual fee is \$1100.00. **(Rev. 4/01/2019)*

Class D: \$50.00 per event fee for one day or less; \$100.00 per event for two consecutive calendar days.

* **Class E:** \$500.00 Non Profit "Consumption on Premises" Only. **(Rev. 3/24/2003)*

* **Class F:** \$50.00 per day. **(Rev. 10/05/2015)*

* **Class H:** Which shall permit a Winery/Microbrewer/Distiller to produce, sample and sell on premises annual fee is \$1000. **(Rev. 06/25/18)*

SOLICITORS REGISTRATION FEE

\$25.00 per day per person and \$5.00 per day per person for each additional day thereafter; or

\$150.00 per month per person; or

\$250.00 per six-month period per person; or

\$450.00 per one-year period per person.

SIDEWALK CAFÉ/OUTDOOR RESTAURANT SEATING FEE

\$100 per year, per establishment

VIDEO GAMING TERMINAL FEE

\$25.00 per year, per terminal—BY State Statute

LOW SPEED VEHICLE FEE

\$50.00 per year –due April 1 annually *(Rev. 04/01/19)

APPENDIX G

ELECTRIC GUIDELINES FOR NEW HOMES AND SERVICE UPGRADES

Article I: **Minimum 200 Amp service entrance for all new homes.** Existing homes may upgrade to 100 amp or 200 amp. 100 amp services shall not contain more than twenty (20) circuits. All outside wiring shall be in conduit. Meter socket must be CECHA approved

Article II: Service ground rod must be of 5/8" x 8' copper with #4 AWG bare copper wire attached and terminated at the meter ground lug. An approved ground clamp shall be visible above grade level. The top of the rod shall be no more than 4" above grade.

Article III: If the main service panel is more than five feet (5') from the meter socket, a main disconnect switch (either fuse or circuit breaker) must be installed at the meter socket. Where aluminum wire is used for service entrance conductors, a non-oxidizing coating shall be put on cables at all lug locations.

Article IV: All outside wiring shall be in conduit.

Article V: All receptacle circuits in kitchens, dining areas, garages, and basements shall be #12 AWG wire protected by twenty (20) amp over current protection (fuse or circuit breaker).

Article VI: #14 AWG wire will be allowed on lighting circuits, bedrooms, corridors, and other areas not covered by the above twenty (20) amp paragraph, when protected by maximum fifteen (15) amp over current protection (fuse or circuit breaker).

Article VII: All metal boxes shall be grounded and shall be large enough to accommodate the number of wires installed. Where plastic boxes are used, ground wires will be attached to the yoke of the installed devices (switches, receptacles, lighting fixtures, or other device).

Article VIII: Each of the following shall have a designated circuit: refrigerator, microwave, dishwasher, garbage disposal, garage door opener, and/or anything requiring a motor circuit.

Article IX: Kitchen counter areas shall have at least two (2) 20 amp circuits and protected by GFCI in addition to Article VIII.

Article X: Outdoor receptacles shall be GFCI protected.

Article XI: All garage receptacles shall be a minimum of eighteen inches (18") from floor and GFCI protected.

Article XII: Smoke detectors shall be placed in each bedroom, stairwell, and basement area. They shall be 120 volt detectors with battery backup, and wired so that any tripped

alarm will sound all alarms. Separate circuit required. 14/3G AWG minimum.

Article XIII: No wiring or boxes will be allowed in any plenum (return air) except in conduit or MC cable.

Article XIV: Closet lights shall be totally enclosed – no bare bulbs. Incandescent surface mounted fixtures, fluorescent or recessed fixtures are allowed. Surface mounted fixtures will be placed a minimum of twelve inches (12") horizontally and vertically from shelves and/or rods.

Article XV: Basement wiring. All exposed basement wiring on concrete or cement block walls shall be in conduit. All receptacles in unfinished basement areas shall be GFCI protected.

Article XVI: Underground wiring between principle residence and any out buildings or between out buildings shall be protected with metal or PVC conduit where entering or leaving building.

Article XVII: Hot tubs and/or swimming pools will be wired in strict accordance with the latest National Electric Code requirements.

Article XVIII: Arc fault circuit interrupters (AFCI) will be required for all fifteen (15) and/or twenty (20) amp bedroom receptacles.

NOTE: A. Receptacle and switch boxes where GFCI's or dimmers are installed require deeper boxes.

B. Any question or wiring circumstance not covered here-in, shall be referred to the latest edition of the National Electric Code.

THESE REQUIREMENTS ARE TAKEN FROM THE 2002 NATIONAL ELECTRIC CODE, BOCA, AND/OR MINIMUM VILLAGE REQUIREMENTS.