Revised Code -of- Ordinances of Clinton County, Illinois

-- 2023 --

PREPARED BY:

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COUNTY OF CLINTON

ORDINANCE NO. 2016-3

AN ORDINANCE ADOPTING
A REVISED CODE OF ORDINANCES
FOR THE
COUNTY OF CLINTON

ADOPTED BY THE
COUNTY BOARD
OF
CLINTON COUNTY

THIS 18TH DAY OF APRIL, 2016

Published in book form by authority of the County Board of Clinton County, Illinois this 18th day of April, 2016.

UNDER THE SUPERVISION OF JOHN HUDSPETH
STATE'S ATTORNEY

ORDINANCE NO. 2016-3

AN ORDINANCE ADOPTING A <u>REVISED CODE OF ORDINANCES</u> FOR THE COUNTY OF CLINTON, ILLINOIS.

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF CLINTON, ILLINOIS, THAT:

<u>SECTION 1: Adoption.</u> There is hereby adopted a **<u>"Revised Code of Ordinances"</u>** for the County of Clinton, Illinois shall be as follows:

[SEE EXHIBIT "A" FOLLOWING]

<u>SECTION 2: Severability of Provisions.</u> Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

<u>SECTION 3: Conflicting Ordinances.</u> Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

<u>SECTION 4: Effective.</u> This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

<u>SECTION 5:</u> Passed this 18th day of April, 2016 by the County Board of the County of Clinton, Illinois, and deposited and filed in the office of the County Clerk in said County on that date.

_____
MARY RAKERS, COUNTY CLERK

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Matt Cain					
Robert Fix					
Steve Heiligenstein					
Rafael Him					
Lavern Holtgrave					
Mike Kreke					
Duane Nordike					
Keith Nordike					
James Rakers					
Keith Richter					
Larry Johnson					
Charles Simpson					
Jim Sullivan					
Craig Taylor					
Bryan Wessel					

Signed by the County Board Chairman of the County of Clinton, Illinois, this 18th day of April, 2016.

_____
ROBERT FIX
CLINTON COUNTY CHAIRMAN

ATTEST:

_____
MARY RAKERS, COUNTY CLERK

(SEAL)

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
) **ss. COUNTY CLERK'S OFFICE**
COUNTY OF CLINTON)

I, Mary Rakers, County Clerk of the County of Clinton, Illinois, do hereby certify that the following Code of the County of Clinton, Illinois, published by authority of the County Board was duly passed by the County Board of the County of Clinton, Illinois, approved by the Chairman, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the Corporate Seal of the County of Clinton, Illinois, this 18th day of April, 2016.

_____
MARY RAKERS
COUNTY CLERK
CLINTON COUNTY, ILLINOIS

(SEAL)

CHAPTER TITLES

1.	Administration	1-1
3.	Animal Control	3-1
5.	Boards - Commissions	5-1
7.	Business Regulations	7-1
8.	Cable Television	8-1
9.	Courthouse Regulations	9-1
14.	Flood Plain Code	14-1
18.	Health Regulations	18-1
21.	Liquor	21-1
22.	Mandated Policies	22-1
24.	Motor Vehicle Code	24-1
25.	Nuisances	25-1
27.	Offenses	27-1
28.	Personnel Code	28-1
30.	Public Safety	30-1
33.	Streets	33-1
34.	Subdivision Code	34-1
36.	Taxation	36-1
40.	Zoning Code	40-1

ORD. #	TITLE	DATE	LOCATION IN CODE
1-91-1	Boards and Commissions	01/08/91	Chapter 4
1-91-2	Taxation: Fees	01/08/91	Chapter 36
2-91-1	Zoning: Lot Size	02/12/91	Chapter 40
2-91-3	Clean Air Act	02/12/91	Special Legislation
3-91-3	Taxation: Fees	03/12/91	Chapter 36
4-91-4	Zoning Amendment	04/09/91	Chapter 40
5-91-1	Clean Air Act	05/14/91	Special Legislation
5-91-2	Administration: County Board	05/14/91	Chapter 1
6-91-11	Boards and Commissions	06/11/91	Chapter 4
9-91-1	Boards and Commissions: Appointment	09/10/91	Chapter 4
11-91-1	Taxation: Fees	11/12/91	Chapter 36
11-91-5	Animal Control	11/12/91	Chapter 3
12-91-4	Flexible Benefits Plan	12/10/91	Special Legislation
1-92-1	Zoning Code	01/13/92	Chapter 40
2-92-2	Taxation: Automation Fee	02/10/92	Chapter 36
7-92-5	Offenses: Signs	07/13/92	Chapter 27
9-92-2	Zoning Code	09/14/92	Chapter 4
5-93-9	Taxation: Fees	05/17/93	Chapter 36
9-93-4	Motor Vehicles: Stops	09/20/93	Chapter 24
12-93-2	Subdivision	12/20/93	Chapter 34
5-94-7	Zoning: Fees	06/01/94	Chapter 40
5-94-12	Employees: Dispatcher	05/06/94	Chapter 11
7-94-1	Taxation: 9-1-1 Fee	07/18/94	Chapter 36
7-94-2	Liquor: License Limit	07/18/94	Chapter 21
8-94-5	Employees: Sick Leave	08/15/94	Chapter 11
8-94-7	Senior Citizen – Social Service	08/15/94	Special Legislation
11-94-2	Zoning Code	11/21/94	Chapter 40
11-94-3	Zoning Code	11/21/94	Chapter 40
11-94-4	Zoning Code	11/21/94	Chapter 40
11-94-5	Zoning Code	11/21/94	Chapter 40
11-94-6	Zoning Code	11/21/94	Chapter 40
11-94-7	Zoning Code	11/21/94	Chapter 40
11-94-8	Enterprise Zone	11/21/94	Chapter 12
3-95-1	Building Lease	03/20/95	Special Legislation
6-95-9	Subdivision Code	06/19/95	Chapter 34
7-95-1	Subdivision Code	07/17/95	Chapter 34
8-95-1	Taxation: 9-1-1 Fee	08/21/95	Chapter 36
8-95-8	Boards and Commission: Health Dept.	08/21/95	Chapter 4
12-95-11	Merit Commission Abolished	12/18/95	See #2-89-4

ORD. #	TITLE	DATE	LOCATION IN CODE
12-95-11A	Employees: Sheriff	12/18/95	Chapter 11
12-95-11B	Employees: Sheriff	12/18/95	Chapter 11
5-96-2	Cable Television	05/20/96	Chapter 8
9-96-8	Health Department: Private Sewage	09/16/96	Chapter 18
10-96-1	Liquor	10/21/96	Chapter 21
12-96-9	Revolving Loan Fund	12/16/96	
12-96-10	Employees: Drug Testing	12/16/96	Chapter 11
12-96-	Employees: Highway Policy	12/16/96	Chapter 11
3-97-9	Taxation: Circuit Clerk	03/17/97	Chapter 36
4-97-19	Administration: Indemnification	04/24/97	Chapter 1
5-97-9	Zoning Code	05/19/97	Chapter 40
5-97-10	Zoning Code	05/19/97	Chapter 40
5-97-11	Zoning Code	05/19/97	Chapter 40
5-97-12	Zoning Code	05/19/97	Chapter 40
6-97-11	Revolving Loan Fund	06/16/97	
8-97-14	Taxation: Security Fee	08/18/97	Chapter 36
9-97-8	Employees: IMRF	09/15/97	Chapter 11
10-97-6	Liquor Code	10/17/97	Chapter 21
11-97-6	Zoning Code	11/17/97	Chapter 40
1-98-8	Subdivision Code	01/20/98	Chapter 34
1-98-9	Subdivision Code	01/20/98	Chapter 34
1-98-10	Taxation: Fees	01/20/98	Chapter 36
7-98-7	Motor Vehicle: Hauling Fees	07/20/98	Special Legislation
8-98-8	Subdivision Code	08/17/98	Chapter 34
6-99-1	Administration: Gift Ban	06/21/99	Chapter 1
6-99-8	Motor Vehicle: Speed Zone	06/21/99	Chapter 24
7-99-1	Administration: Jurors	07/19/99	Chapter 1
9-99-12	Taxation: Mortgage Companies	09/20/99	Chapter 36
11-99-3	Taxation: Motel Tax	11/15/99	Chapter 36
08-02-01	Prevailing Wage	08/19/02	Special Legislation
09-02-01	Self-Insurance Bonds	08/19/02	Special Legislation
11-02-01	Centralia Enterprise Zone	11/18/02	Special Legislation
11-02-03	Administration: Employee Use of County Vehicles	11/18/02	Chapter 1
11-02-05	Budget	11/18/02	Special Legislation
01-03-03	Subdivision: Roads	01/21/03	Chapter 34
02-03-02	Taxation: Order of Supervision $10	02/18/03	Chapter 36

ORD. #	TITLE	DATE	LOCATION IN CODE
02-03-07	Motor Vehicles: Truck Route	02/18/03	Chapter 24
	Purchasing Policy	03/17/03	Chapter 1
04-03-05	Zoning Code	04/21/03	Sec. 40-4-3.1 & 40-4-3.2
07-03-	Public Safety: Mabus	07/21/03	Chapter 30
07-03-	Zoning Code	07/21/03	Section 40-4-32
07-03-	Zoning Code: Quorum	07/21/03	Section 40-9-5
08-03	All Resolutions	08/03	No Ordinance
09-03	All Resolutions	09/03	No Ordinance
10-03	All Resolutions	10/03	No Ordinance
11-03	All Special Resolutions	11/03	No Ordinance
11-03-01	Budget Amended	11/17/03	Special Legislation
11-03-02	Budget & Levy	11/17/03	Special Legislation
11-03-03(R)	Tax Agent	11/17/03	Special Legislation
11-03-03(R)	MFT Funds	11/17/03	Special Legislation
12-03-03	SSA – Breese	12/15/03	Special Legislation
01-04-01	Streets: Structure Numbers	01/20/04	Chapter 33
01-04-02	Zoning: Classification	01/04	Special Legislation
02-04	All Resolutions	02/04	No Ordinance
03-04	All Resolutions	03/04	No Ordinance
04-04-04	Zoning Map Change	04/19/04	Special Legislation
05-04-01	Business: Public Accommodations	05/17/04	Ch. 7; Art. IX
05-04-02	Zoning Code: Various	05/17/04	Secs. 40-2-2; 40-3-13; 40-3-14; 40-4-2; 40-4-3; 40-4-12; 40-4-22; 40-4-23; 40-4-32; 40-4-42; 40-4-43; 40-4-64; 40-5-5; 40-5-17; 40-5-18; 40-5-19; 40-5-20; 40-5-21; 40-5-22; 40-7-4; 40-7-5
05-04-03	Flood Plain Code	05/04	Chapter 14
05-04-07	Motor Vehicles: Truck Routes	05/17/04	Ch. 24; Schd. "F"

ORD. #	TITLE	DATE	LOCATION IN CODE
06-04-01	Administration: Ethics Act	06/21/04	Ch. 1; Art. X
07-04-01	Zoning: Various	07/29/04	Secs. 40-2-2; 40-4-48; 40-4-63; 40-5-23; 40-5-24
07-04-02	Zoning Map Change	07/29/04	Special Legislation
02-06-02	Taxation: Sheriff's Fee	02/21/06	Chapter 36
02-06-03	Taxation: GIS Fee	02/21/06	Chapter 36
02-06-04	Zoning Administrator's Agreement	02/21/06	Special Legislation
02-06-06	Zoning Map: Bassen	02/21/06	Special Legislation
02-06-07	Zoning Map: Korte	02/21/06	Special Legislation
02-06-08	Zoning Map: Gebke	02/21/06	Special Legislation
03-06-06	Zoning: Staser Rezoning	03/30/06	Special Legislation
04-06-04	Employees: Contract 911 Communications Unit	04/17/06	Ch. 11; Exhibit "C"
04-06-05	Employees: Contract - Road Deputies	04/17/06	Ch. 11; Exhibit "D"
04-06-06	Administration: Salaries	04/17/06	Chapter 1
04-06-13	Motor Vehicles: Stops	04/17/06	Ch. 24; Schd. "A"
05-06-01	Zoning Map: Siddell	05/15/06	Special Legislation
05-06-02	Zoning Map: Schulte	05/15/06	Special Legislation
08-06-01	Election Judges Compensation	08/21/06	Special Legislation
09-06-01	Individual Achievement Award	09/18/06	Special Legislation
09-06-02	Employees: Medical Leave Policy	09/18/06	Chapter 11
09-06-03	Contract for Appraisal Services	09/18/06	Special Legislation
09-06-04	Employees: Contract Highway Dept	09/18/06	Ch. 11; Exhibit "I"
10-06-01	Zoning Map: Arentsen Brothers	10/16/06	Special Legislation
11-06-02	Drug Asset Forfeiture Fund	11/20/06	Special Legislation
11-06-04	Administration: Bidding and Contract Procedures	11/20/06	Section 1-8-5
11-06-05	Zoning Map: Emig	11/20/06	Special Legislation
11-06-06	Zoning Map: Mank	11/20/06	Special Legislation
12-06-02	Revolving Loan Fund	12/18/06	Special Legislation
01-07-01	Building Remodeling Agreement	01/16/07	Special Legislation
01-07-03	Public Safety: Emergency Management Mutual Aid System	01/16/07	Chapter 30
01-07-04	Contracts for Ambulance Service	01/16/07	Special Legislation
02-07-01	Cash Farm Rent Lease	02/20/07	Special Legislation
02-07-02	Zoning Code	02/20/07	Chapter 40
03-07-06	Zoning Code: Map	03/19/07	Special Legislation
04-07-03	Liquor	04/16/07	Section 21-1-1; 21-2-8(F); 21-2-17(C)
04-07-04	Zoning Code: Map	04/16/07	Special Legislation
04-07-05	Zoning Code: Map	04/16/07	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
07-07-01	Prevailing Wage	07/17/07	Special Legislation
07-07-02	Zoning Map: Hanke	07/17/07	Special Legislation
07-07-03	Zoning: Commission	06/18/07	Special Legislation
07-07-04	Flood Plain Code	07/17/07	Sec. 14-1-2; 14-1-3(A)&(B)
07-07-08	Liquor Code	07/17/08	Section 21-2-8(F)(2)
2007-001	Flood Plain Code	08/20/07	Sec. 14-1-2; 14-1-3(A)&(B)
2007-002	Zoning Map: Pollmann	09/17/07	Special Legislation
2007-003	Zoning Map: Rehkemper	09/17/07	Special Legislation
2007-004	Enterprise Zone	10/15/07	Special Legislation
2007-006	Zoning: Location of District	12/17/07	Section 40-4-21
2007-007	Ambulance SSA	12/17/07	Special Legislation
2007-008	Administration: Ethics	12/17/07	Secs. 1-10-6; 1-10-7; 1-10-8(D)
2008-001	Zoning Map: Rowald	01/22/08	Special Legislation
2008-002	Zoning Map: Gerdes	03/17/08	Special Legislation
2008-003	Zoning: Special Uses	03/17/08	Section 40-4-3
2008-004	Employees: Policy	06/16/08	Ch. 11; Ex. "J"
2008-005	Approval of Employment	07/21/08	Special Legislation
2008-006	Administration: Reimbursement	2008	Repealed
2008-007	Administration: Reimbursement	09/15/08	Section 1-7-2(D)
2008-008	Public Defender Position	2008	Special Legislation
2008-009	Prevailing Wage	10/20/08	Special Legislation
2009-003	Prevailing Wage	05/18/09	Special Legislation
2009-004	Zoning Map: Schneider	05/18/09	Special Legislation
2009-005	Zoning Map: Schuette	05/18/09	Special Legislation
2009-006	G.O. Bonds	06/15/09	Special Legislation
2009-007	Zoning Map: Mueller	07/20/09	Special Legislation
2009-009	Motor Vehicles: Parking	08/09	Chapter 24
2009-021	Employees: Family Leave	10/19/09	Chapter 11
2009-027(R)	Zoning: Fees	12/09	Ch. 40 - Missing
2010-001	Public Safety: 9-1-1 Board	02/16/10	Ch. 30; Art. III
2010-002	Administration: Contracts	02/16/10	Section 1-8-5(B)
2010-003	Zoning Map: Bolk	02/16/10	Special Legislation
2010-004	Prevailing Wage	07/22/10	Special Legislation
2010-005	Zoning Map: Schmidt	08/16/10	Special Legislation
2010-006	Zoning Map: Schrage	08/16/10	Special Legislation
2010-007	Zoning Map: Bridges	08/16/10	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
2010-008	Administration: Cap. Imp. Fund	10/18/10	Section 1-9-6
2010-009	Streets: Naming of Same	11/15/10	Chapter 33
2010-010	Zoning Map: Rombough	11/15/10	Special Legislation
2010-14(R)	Multi-Hazard Mitigation	05/10	Special Legislation
2010-15(R)	Employees: Benefits	2010	Chapter 11
2010-16(R)	Administration: Wages	05/10	Special Legislation
2010-17(R)	Public Safety Tax	05/10	Special Legislation
2010-18(R)	Meridian Township Bridge	05/10	Special Legislation
2010-19(R)	Keyesport Rd. Bridge	05/10	Special Legislation
2011-06R	Damiansville-Christ	03/02/11	Special Legislation
2011-07R	IDOT: Signs	07/19/11	Special Legislation
2011-009	Taxation: Fees	04/18/11	Chapter 36
2011-010	Public Defender: Part-Time	04/18/11	Special Legislation
2011-011	Building Commission	04/18/11	Repealed Chapter 5
	Taxation: Animal Fees		Secs. 3-3-1; 3-3-3
2011-022	Taxation: Clerk's Fees	05/16/11	Ch. 36; Art. IV
2011-023	Administration: Districts	06/20/11	Chapter 1
2011-024	Zoning: Kohlbrechers	06/20/11	Special Legislation
2011-025	Zoning: Hempens	06/20/11	Special Legislation
2011-026	Administration: Public Participation	06/20/11	Section 1-4-1(A)
2011-027	Prevailing Wage	06/20/11	Special Legislation
2011-028	Animals: Definitions	06/20/11	Chapter 3
2011-029	Zoning: Schroeder	10/17/11	Special Legislation
2011-030	Zoning: Hilmes	11/20/11	Special Legislation
2011-035	Mandated Policies: Identity Theft	12/11/11	Chapter 22
2012-23	Taxation: County Clerk	07/18/12	Section 36-6-4(A)
2012-24	Prevailing Wage	06/18/12	Special Legislation
2012-25	County Engineer's Contract	06/18/12	Special Legislation
2012-26	Zoning Map: Beckmann	07/17/12	Special Legislation
2012-27	Liquor: Gambling	07/17/12	Section 21-3-18
2013-01(R)	Township Motor Fuel	01/22/13	Special Legislation
2013-02(R)	Motor Fuel Tax Rock	01/22/13	Special Legislation
2013-05(R)	Regional Supt. Map	05/20/13	Special Legislation
2013-17	Zoning: Map – Osborne	06/17/13	Special Legislation
2013-17(R)	PTEL	06/17/13	Voted Down
2013-07-20	Zoning: Landscape Waste Compost Facility	07/16/13	Secs. 40-2-2; 40-4-3
2013-21	Woodlawn M.H. Park	07/15/13	Special Legislation
2013-24(R)	Employee Agreements: Highway Workers	08/19/13	Chapter 11

ORD. #	TITLE	DATE	LOCATION IN CODE
2013-25(R)	State's Attorney Appellate	11/18/13	Special Legislation
2013-26	Zoning Code: Content	11/18/13	Secs. 40-2-2; 40-4-32
	Zoning: Variance – Wedekemper	11/18/13	Special Legislation
2013-27(R)	MFT Maintenance	11/18/13	Special Legislation
2013-28(R)	J.S.C.K. Sewer Line	11/18/13	Special Legislation
2013-30(R)	County Engineer's Salary	12/16/13	Special Legislation
2013-31	Zoning: Map	12/16/13	Special Legislation
2014-02(R)	MFTF – Materials Bid	01/21/14	Special Legislation
2014-03(R)	MFTF – Materials Bid	01/21/14	Special Legislation
2014-04(R)	Highway Dept Contract Amendment	01/21/14	Ch. 11; Appendix "A"
2014-06	Zoning: Map – Rakers	03/17/14	Special Legislation
2014-09(R)	Menard County Housing Authority	03/17/14	Special Legislation
2014-10	Health Department: Fees	03/17/14	Section 18-2-14
2014-11(R)	MFT: Materials	04/21/14	Special Legislation
2014-12(R)	Bridge Replacement	04/21/14	Special Legislation
2014-13	Administration: Salaries	04/21/14	Section 1-8-2
2014-14(R)	Illinois Codification Services	04/21/14	Special Legislation
2014-15(R)	Safety Light: Rt. 161/Slant Rd	04/21/14	Special Legislation
2014-16(R)	9-1-1 Statutory Review	04/21/14	Special Legislation
2014-17	Enterprise Zone	12/01/14	Special Legislation
2014-18			
2014-19			
2014-20			
2014-21	Sale of Dump Truck	07/21/14	Special Legislation
2014-22			
2014-23			
2014-24			
2014-25	Zoning: Map: Trico	10/20/14	Special Legislation
2014-26			
2014-27	Enterprise Zone	11/17/14	Special Legislation
2014-28	Centralia Enterprise	11/17/14	Special Legislation
2014-29			
2014-30			
2014-31	Res: Keyesport Rd Imp.	12/15/14	Special Legislation
2014-32	Zoning: Map	12/15/14	Special Legislation
2014-33	Business: Poker Runs	12/15/14	Section 7-4-10
2015-01			
2015-02			
2015-03	Zoning Code	01/20/15	Chapter 40
2015-04	Zoning: Content	01/20/15	Secs. 40-2-2; 40-4-23; 40-4-33; 40-4-3

ORD. #	TITLE	DATE	LOCATION IN CODE
2015-05	Zoning: Content	02/17/15	Secs. 40-8-9; 40-8-10; 40-9-30
2015-06	Zoning: Wilkerson	02/17/15	Special Legislation
2015-07			
2015-08	Drug Testing Fee	03/16/15	Special Legislation
2015-10	Zoning: Map – Richter	04/20/15	Special Legislation
2015-47	Motor Vehicles: Weight Limits	04/20/15	Section 24-7-1
2015-49	Zoning: Map – Huels	05/18/15	Special Legislation
2015-50	Zoning: Map – Henss	05/18/15	Special Legislation
2015-53	Taxation: Circuit Clerk	06/15/15	Chapter 36
2015-54	Subdivision Code	06/15/15	Chapter 34
2015-55	Prevailing Wage	05/15/15	Special Legislation
2015-57	Zoning Code	07/23/15	Chapter 40
2015-76	Zoning: Map – Allen	08/17/15	Special Legislation
2015-78	Enterprise Zone	10/19/15	Special Legislation
2015-87	Zoning: Map – Schuette	12/21/15	Special Legislation
2015-88	Zoning: Map – Holtgrave	12/21/15	Special Legislation
2016-04	Zoning: Map – Tate	01/19/16	Special Legislation
2016-05	Zoning: Map – Tate	01/19/16	Special Legislation
2016-04	Prevailing Wage	06/20/16	Special Legislation
2016-05	Zoning: Map	08/15/16	Special Legislation
2016-06R	Motor Vehicles: Speed Zone	08/15/16	Chapter 24
2016-07	Zoning: Map	09/17/19	Special Legislation
2016-08	Zoning: Map	09/17/16	Special Legislation
2016-09	Personnel Code	11/21/16	Chapter 28
2016-10	Administration: State's Attorney	11/21/16	Section 1-6-7
2016-11	Zoning: Map	11/21/16	Special Legislation
2017-12	Zoning: Map	01/17/17	Special Legislation
2017-13	Zoning: Map	01/17/17	Special Legislation
2017-14	Administration: Expense Protocols	03/20/17	Section 1-7-5
2017-15	Health Regulations	06/19/17	Secs. 1-1-20; 18-1-8; 18-2-6; 25-1-5; 25-1-6; 25-1-7; 25-4-9; 27-2-4
2017-16	Offenses: Penalty	05/15/17	Section 27-2-4
2017-17	Zoning: Map; Collman	07/18/17	Special Legislation
2017-18	Zoning: Map: Murray	09/18/17	Special Legislation
2017-19	Motor Vehicles: Speed Limits	10/11/17	Ch. 24; Schd. "C"
	Budget Amendment	11/20/17	Special Legislation
2017-20	Zoning: Map: Hass	12/16/17	Special Legislation
2017-21	Mandated Policies: Sexual Harassment	12/16/17	Ch. 22; Art. X
2018-22	Zoning: Map: Huelsmann	02/20/18	Special Legislation
2018-23	Zoning: Map: Kassen	02/20/18	Special Legislation
2018-24	Carlyle Fire Protection District	02/20/18	Special Legislation
2018-25	Zoning: Map: Ritzheimer	04/16/18	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
2018-26	Zoning: Map: Erwin	04/16/18	Special Legislation
2018-27	Administration: Officials Salaries	04/16/18	Chapter 1
2018-28	Administration: Health Insurance	04/16/18	Special Legislation
2018-29	Administration: Salaries	04/16/18	Chapter 1
2018-30	Zoning: Map: Blue Mound, LLC	06/18/18	Special Legislation
2018-31	Prevailing Wage	06/18/18	Special Legislation
2018-32	Zoning: Map: Grapperhaus	08/20/18	Special Legislation
2018-33	Zoning Code: Solar Farms	08/20/18	Secs. 40-4-3; 40-4-48; 40-4-64; 40-5-23
2018-34	Taxation: County Clerk Fees	09/17/18	Chapter 36
2018-35	Zoning: Map: Zachry	12/19/18	Special Legislation
2018-36	Zoning Code: Solar Energy	12/19/18	Section 40-5-23
2018-37	Health Regulations	12/19/18	Ch. 18; Art. II
2019-38	Zoning: Map: Keyesport Sand & Gravel	05/20/19	Special Legislation
2019-39	Taxation: Circuit Clerk	05/20/19	Chapter 36
2019-40	Zoning: Map: Riley/Moreland	05/20/19	Special Legislation
2019-41	Motor Vehicles: Temporary Speed Limit	05/20/19	Special Legislation
2019-42			
2019-43			
2019-44	Boards	10/21/19	Secs. 5-1-4(E); 5-2-8(F)
2019-45	Zoning: Map: Toennies	11/18/19	Special Legislation
2019-46	Zoning: Map: Elmore	2019	Special Legislation
2019-47	Animals: Registration	12/16/19	Secs. 3-3-1; 3-3-2; 3-3-3; 3-4-1; 3-4-2; 3-4-3
2019-48	Offenses: Cannabis	12/16/19	Ch. 27; Art. VI
2020-49	Zoning: Map: Smith	04/20/20	Special Legislation
2020-50	Streets: Roadside Memorial Program	07/20/20	Ch. 33; Art. XI
2021-55	Zoning: Rezoning	09/20/21	Special Legislation
2021-56	Administration: Compensation	10/18/21	Section 1-8-2
2021-55	Administration: Membership	10/18/21	Section 1-3-1
2021-57	Administration: Committees	10/18/21	Secs. 1-5-2; 1-5-5 – 1-5-17
2021-58	Precinct Consolidation	12/20/21	Special Legislation
2022-59	Zoning Map: Kniepman	01/18/22	Special Legislation
2022-60	Zoning Map: Detmer	02/22/22	Special Legislation
2022-61	Zoning Map: Becker	02/22/22	Special Legislation
2022-62	Lost Revenue Standard Allowance	02/22/22	Special Legislation
2022-63	Administration: Salaries	03/21/22	Secs. 1-8-4; 1-8-5
2022-64	Denial of Zoning Classification	04/18/22	Special Legislation
2022-65	Zoning: Solar Farms	09/19/22	Section 40-5-23(D)(1)
2022-66	Zoning: Text Amendment	10/17/22	Secs. 40-4-2; 40-4-3; 40-9-16; 40-9-20
2022-67	Allocation of Funds	12/19/22	Special Legislation
2022-68	Administration: Committees	12/19/22	Ch. 1; Art. V

ADMINISTRATION

ARTICLE	***TITLE***		***PAGE***
I	***GENERAL CODE PROVISIONS***		
	Division I - Title		
	Section 1-1-1	*- Title*	*1-1*
	Section 1-1-2	*- Acceptance*	*1-1*
	Section 1-1-3	*- Amendments*	*1-1*
	Section 1-1-4	*- Code Alteration*	*1-1*
	Section 1-1-5	*- Jurisdiction*	*1-1*
	Section 1-1-6	*- 1-1-7 Reserved*	
	Division II – Saving Clause		
	Section 1-1-8	*- Repeal of General Ordinances*	*1-2*
	Section 1-1-9	*- Public Utility Ordinances*	*1-2*
	Section 1-1-10	*- Court Proceedings*	*1-2*
	Section 1-1-11	*- Severability of Provisions*	*1-3*
	Section 1-1-12	*- County Clerk's Certificate*	*1-3*
	Section 1-1-13	*- 1-1-14 Reserved*	
	Division III – Definitions		
	Section 1-1-15	*- Construction of Words*	*1-4*
	Section 1-1-16	*- Definitions*	*1-4*
	Section 1-1-17	*- Catchlines*	*1-6*
	Section 1-1-18	*- 1-1-19 Reserved*	
	Division IV – General Penalty		
	Section 1-1-20	*- Penalty*	*1-7*
	Section 1-1-21	*- Application*	*1-7*
	Section 1-1-22	*- Liability of Officers*	*1-7*
II	***COUNTY BOARD CHAIRMAN***		
	Section 1-2-1	*- Election of Chairman*	*1-8*
	Section 1-2-2	*- Duties of the Chair*	*1-8*
	Section 1-2-3	*- Vacancy in Office of County Chairman*	*1-8*
	Section 1-2-4	*- Chairman Absent From Meeting*	*1-8*
	Section 1-2-5	*- Chairman; Removal of Appointees*	*1-8*
	Section 1-2-6	*- County Representative Designated by Chairman*	*1-8*
	Section 1-2-7	*- Expense Claims*	*1-8*
III	***COUNTY BOARD***		
	Section 1-3-1	*- Membership*	*1-9*
	Section 1-3-2	*- Term - Salary*	*1-9*
	Section 1-3-3	*- Vacancy*	*1-9*
	Section 1-3-4	*- Meetings; Regular*	*1-10*
	Section 1-3-5	*- Special Meetings*	*1-10*
	Section 1-3-6	*- Open Meetings*	*1-10*
	Section 1-3-7	*- Quorum; Majority Vote*	*1-10*

ARTICLE		TITLE	PAGE
IV	**COUNTY BOARD RULES**		
	Section 1-4-1	- Rules of the Board	1-11
V	**COMMITTEES**		
	Section 1-5-1	- Committees	1-16
	Section 1-5-2	- Standing Committees	1-16
	Section 1-5-3	- Committee Responsibilities	1-16
	Section 1-5-4	- Specific Duties of Standing Committees	1-17
	Section 1-5-5	- Animal Control/County Farm Committee	1-17
	Section 1-5-6	- Budget Committee	1-17
	Section 1-5-7	- Economic Development, Tourism & Enterprise Zone	1-17
	Section 1-5-8	- Executive Committee	1-17
	Section 1-5-9	- Facilities Committee	1-18
	Section 1-5-10	- Finance Committee	1-18
	Section 1-5-11	- Insurance Committee	1-18
	Section 1-5-12	- Law Enforcement, E.M.A., Welfare, Public Safety, Liquor Committee	1-18
	Section 1-5-13	- Personnel, Labor & Grievance Committee	1-18
	Section 1-5-14	- Road and Bridge (Transportation) Committee	1-18
	Section 1-5-15	- Zoning and Subdivision Committee	1-19
	Section 1-5-16	- Committee Meetings	1-19
	Section 1-5-17	- Special Committees	1-19
	Section 1-5-18	- Public Notice	1-19
	Section 1-5-19	- Procedure	1-19
VI	**APPOINTED OFFICIALS**		
	Section 1-6-1	- Term of Appointed Officials	1-20
	Section 1-6-2	- Clinton County Emergency Management Agency Director	1-20
	Section 1-6-3	- Animal Control Warden	1-20
	Section 1-6-4	- Zoning Administrator	1-20
	Section 1-6-5	- Supervisor of Assessments	1-21
	Section 1-6-6	- Geographic Information Systems Coordinator	1-21
	Section 1-6-7	- State's Attorney's Appointed Officials	1-21
VII	**TRAVEL AND LIVING EXPENSES**		
	Section 1-7-1	- Applicability and Authority	1-21
	Section 1-7-2	- Reimbursable Transportation Expenses	1-21
	Section 1-7-3	- Reimbursement of Living Expenses	1-22
	Section 1-7-4	- Meeting Attendance and Expenses	1-22
	Section 1-7-5	- Compliance with Local Government Travel Expense Control Act	1-23

ARTICLE	TITLE		PAGE
VIII	**ADMINISTRATION GENERALLY**		
	Division I – Designated Depositories		
	Section 1-8-1	- *Depositories for County Funds*	*1-25*
	Division II – Official's Salaries and Insurance		
	Section 1-8-2	- *County Board Compensation*	*1-25*
	Section 1-8-3	- *Health Insurance Provisions*	*1-25*
	Section 1-8-4	- *County Official's Salaries*	*1-26*
	Section 1-8-5	- *Salary Increase*	*1-27*
	Division III – County Seal		
	Section 1-8-6	- *County Seal*	*1-27*
	Division IV – General Appointments		
	Section 1-8-7	- *Appointments by County*	*1-27*
	Section 1-8-8	- *Salaries Regulation*	*1-28*
	Section 1-8-9	- *Chief Deputy*	*1-28*
	Division V – Bidding and Contract Procedures		
	Section 1-8-9	- *Competitive Bidding Required*	*1-29*
	Section 1-8-10	- *Formal Contract Procedure*	*1-29*
	Section 1-8-11	- *Notice Inviting Bids*	*1-29*
	Section 1-8-12	- *Scope of Notice*	*1-29*
	Section 1-8-13	- *Bid Deposits*	*1-29*
	Section 1-8-14	- *Bid Opening Procedure*	*1-29*
	Section 1-8-15	- *Rejection of Bids*	*1-29*
	Section 1-8-16	- *Bidders in Default to County Board*	*1-29*
	Section 1-8-17	- *Award of Contract*	*1-30*
	Section 1-8-18	- *Open Market Procedure*	*1-30*
	Section 1-8-19	- *Professional Services Exempt From Bidding Requirements*	*1-30*
	Section 1-8-20	- *Emergency Purchases*	*1-30*
	Section 1-8-21	- *Cooperative Purchasing*	*1-30*
	Section 1-8-22	- *Reserved*	
	Division VI – Claims		
	Section 1-8-23	- *Presentation*	*1-31*
	Section 1-8-24	- *Exception*	*1-31*
	Section 1-8-25	- *Reserved*	
	Division VII – Pensions		
	Section 1-8-26	- *Illinois Municipal Retirement Fund*	*1-31*
	Section 1-8-27	- *Federal Old Age and Survivor's Insurance System*	*1-31*

ARTICLE		***TITLE***	***PAGE***
IX	***FISCAL PROTOCOLS***		
	Section 1-9-1	*- Deposit of Fees*	*1-32*
	Section 1-9-2	*- Monthly Report by Treasurer*	*1-32*
	Section 1-9-3	*- Monthly Report by Clerk*	*1-32*
	Section 1-9-4	*- Purchasing Policy*	*1-32*
	Section 1-9-5	*- County Vehicles*	*1-32*
	Section 1-9-6	*- Capital Improvements Fund*	*1-32*
X	***RECORDING CLOSED MEETINGS***		
	Section 1-10-1	*- Recording Closed Sessions*	*1-34*
	Section 1-10-2	*- Responsibility for Recording Closes Sessions and Maintaining Recordings*	*1-34*
	Section 1-10-3	*- Closed Session Minutes*	*1-34*
	Section 1-10-4	*- Procedure for Recording*	*1-34*
	Section 1-10-5	*- Back-Up Equipment/Procedure for Equipment Malfunction*	*1-34*
	Section 1-10-6	*- Procedure for Review of Closed Session Minutes and Recordings*	*1-34*
	Section 1-10-7	*- Maintenance and Public Release of Recordings and Access to Tapes*	*1-35*
	Section 1-10-8	*- Procedure for Destruction of Recordings*	*1-35*
XI	***REMOTE MEETING PARTICIPATION***		
	Section 1-11-1	*- Statutory Authority for Participation*	*1-36*
	Section 1-11-2	*- Definition of Meeting*	*1-36*
	Section 1-11-3	*- Amendment of Previous Terms*	*1-36*
	Section 1-11-4	*- Remote Participation Policy*	*1-36*

EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL CODE PROVISIONS

DIVISION I - TITLE

1-1-1 **TITLE.** Upon the adoption by the County Board, this Code is hereby declared to be and shall hereafter constitute the official **"Clinton County Code".** The Clinton County Code shall be known and cited as the **"County Code",** and it is hereby published by authority of the County Board and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the State's Attorney, acting for the County Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the section itself when reference is made to this County Code by title in any legal document. **(See 55 ILCS Sec. 5/5-29003)**

1-1-2 **ACCEPTANCE.** The County Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the County of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8**.

1-1-3 **AMENDMENTS.** Any ordinance amending this County Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this County Code. All such amendments or revisions by ordinance shall be forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this County Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the County Code on an annual basis. **(See 55 ILCS Sec. 5/5-29008)**

1-1-4 **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the County Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him

through the office of the County Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remain the property of the County and shall be returned to the office of the Clerk upon termination of office or separation of duties.

1-1-5 **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the County. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the County to regulate such particular acts outside the corporate limits.

1-1-6 - 1-1-7 **RESERVED.**

DIVISION II - SAVING CLAUSE

1-1-8 **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the County passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal **[subject to the saving clauses contained in the following sections],** from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the Village; and all Special Ordinances. **(See 55 ILCS Sec. 5/5-29009)**

1-1-9 **PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-1-10 **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or

punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

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

1-1-11 **SEVERABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

1-1-12 **COUNTY CLERK'S CERTIFICATE.** The County Clerk's Certificate shall be substantially in the following form:

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS	**)**	
	) ss.	**COUNTY CLERK'S OFFICE**
COUNTY OF CLINTON	**)**	

I, Mary Rakers, County Clerk of the **County of Clinton,** do hereby certify that the following **Revised Ordinances of the County of Clinton, State of Illinois of 2015,** published by authority of the County Board were published by the County Board of the **County of Clinton,** approved by the Chairman of the County Board, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **County of Clinton,** this 18th day of April, 2016.

_____

MARY RAKERS, COUNTY CLERK
CLINTON COUNTY, ILLINOIS

(SEAL)
(See 55 ILCS Sec. 5/5-29006)

1-1-13 - 1-1-14 **RESERVED.**

DIVISION III - DEFINITIONS

1-1-15 **CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16 **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT", as used in this Code shall mean a person acting on behalf of another.

"COUNTY CODE" OR "THIS CODE", shall mean the **"Clinton County Code".**

"COUNTY" shall mean the **County of Clinton,** in the **State of Illinois.**

The words "in the county" or "within the county" mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its powers or other regulatory powers.

"COUNTY BOARD". The words "County Board" mean the County Board of Clinton County, Illinois.

"COUNTY CHAIRMAN" as used in this Code shall mean the Chairman of the County Board of Clinton County.

"DISTRICT" means a County Board district established as provided in this Code.

"FEE" OR "FEES" as used in this Code shall mean a sum of money charged by the County for carrying on of a business, profession or occupation.

"FISCAL YEAR". The "fiscal year" for the County shall begin on **December lst of each year and end on November 30th of the following year. (See 65 ILCS Sec. 5/1-1-2[5])**

"KNOWINGLY" imports only a knowledge that the facts exist which bring the act or mission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LEGAL HOLIDAY" shall mean the holidays as authorized and recognized by the County Board in the employee agreement.

"LICENSE" as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

"MAY". The word "may" is permissive.

"MEMBER" OR "BOARD MEMBER" means a person elected to serve on the County Board.

"MISDEMEANOR" as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY" import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

"NUISANCE" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the County or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

"OCCUPANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

"OFFENSE" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

"OFFICERS AND EMPLOYEES". Whenever reference is made in this Code to a County Officer or employee by title only, this shall be construed as though followed by the words **"of the County"** and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated.

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

"OFFICIAL TIME". Central Standard Time shall be the official time for the transaction of County business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced one (1) hour. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the County shall be set and run at the official time prescribed by this paragraph.

"OPERATOR" as used in this Code shall mean the person who is in charge of any operation, business or profession.

"OWNER" as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

"PERSON" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any

section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

"PERSONAL PROPERTY" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

"RETAILER" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

"SHALL". The word "shall" is mandatory and not discretionary.

"STATE" OR "THIS STATE" unless otherwise indicated shall mean the **"State of Illinois".**

"STREET" shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

"TENANT" as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

"TOWNSHIP" OR "TOWN" shall apply interchangeably to the type of government organization established in accordance with the provisions of the "Township Law of 1874". **(See 10 ILCS Sec. 5/1-3)**

"WHOLESALER" AND "WHOLESALE DEALER" as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

"WILLFULLY" when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

"WRITTEN" AND "IN WRITING" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-1-17 CATCHLINES. The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

1-1-18 - 1-1-19 RESERVED.

DIVISION IV - GENERAL PENALTY

1-1-20 PENALTY.

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Fifty Dollars ($150.00)** nor more than **One Thousand Dollars ($1,000.00)** for any **one (1) offense.**

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois.**

(C) Whoever commits an offense against the County or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the County, is punishable as a principal.

(E) All county ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. **(See 55 ILCS Sec. 5/5-1113)**

1-1-21 APPLICATION.

(A) The penalty provided in this Chapter shall be applicable to every section of this County Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this County Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this County Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this County Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-1-22 LIABILITY OF OFFICERS. The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

ARTICLE II - COUNTY BOARD CHAIRMAN

1-2-1 **ELECTION OF CHAIRMAN.** The County Board shall, at its first meeting in the month following the month in which County Board members are elected, choose one of its members as chairman for a term of **two (2) years** and at the same meeting, choose one of its members as vice-chairman for a term of **two (2) years**. The vice-chairman shall serve in the place of the chairman at any meeting of the County Board in which the Chairman is not present. In case of the absence of the Chairman and the Vice-Chairman at any meeting, the members present shall choose one of their number as temporary Chairman. **(See 55 ILCS Sec. 5/2-1003)**

1-2-2 **DUTIES OF THE CHAIR.** The County Board Chairman shall preside at all meetings of the County Board. The Chair shall also be responsible for all personnel decisions involving County Board employees including, but not limited to hiring, discipline, promotions, assignments and firing.

1-2-3 **VACANCY IN OFFICE OF COUNTY CHAIRMAN.** If a vacancy occurs in the office of the Chairman of the County Board, the remaining members of the Board shall elect **one (1)** of the members of the Board to serve for the balance of the unexpired term of the Chairman. **(See 55 ILCS Sec. 5/2-3009)**

1-2-4 **CHAIRMAN ABSENT FROM MEETING.** In case of the absence of the Chairman and the Vice-Chairman at any meeting, the County Clerk shall convene the meeting and the members present shall choose **one (1)** of their number as Temporary Chairman.

1-2-5 **CHAIRMAN; REMOVAL OF APPOINTEES.** Any person appointed by the Chairman of the County Board, with the advice and consent of the County Board, may be removed by the County Board Chairman with the advice and consent of the County Board. Any person appointed to a position not requiring the advice and consent of the County Board may be removed at any time by the Chairman of the County Board.

1-2-6 **COUNTY REPRESENTATIVE DESIGNATED BY CHAIRMAN.** The County Board Chairman shall be designated as the County Board representative at any meeting or convention. The Chairman may designate **one (1)** or more County officials, board members or employees to assist or represent him in the transaction of official County business at such convention or meeting.

1-2-7 **EXPENSE CLAIMS.** All persons designated by the County Board Chairman to represent the County shall obtain authorization from the Chairman if they expect to have their expenses reimbursed by the County.

ARTICLE III - COUNTY BOARD

1-3-1 **MEMBERSHIP.** The County Board shall consist of **fifteen (15) members** with **three (3)** elected from each of the **five (5) districts** as prescribed by statute. The voters, in electing these members from said multi-member districts, shall not have cumulative voting rights. The districts shall be as follows:

(A) District Number 1 shall consist of the following areas:
- (1) Brookside Township
- (2) Meridian Township
- (3) East Fork Township
- (4) Lake Township
- (5) Santa Fe Township

(B) District Number 2 shall consist of the following areas:
- (1) Carlyle Township
- (2) Clement Township
- (3) Irishtown Township
- (4) Wheatfield Township
- (5) Wade Township

(C) District Number 3 shall consist of the following areas:
- (1) Breese Township
- (2) Germantown Township

(D) District Number 4 shall consist of the following areas:
- (1) St. Rose Township
- (2) Sugar Creek Township, Precincts #1, 2, 4, and 5

(E) District Number 5 shall consist of the following areas:
- (1) Lookingglass Township
- (2) Sugar Creek Township, Precinct #3

(Ord. No. 2021-55; 10-18-21) (See 55 ILCS Sec. 5/2-3002)

1-3-2 **TERM - SALARY.** The term of office for a member of the County Board shall be **four (4) years** unless otherwise provided by reapportionment process when a **two (2) year** term is assigned to each district. The term of office shall commence on the **first (1st) Monday** in **December** following their election. The salaries for County Board members are established in **Section 1-7-2** in this Chapter. **(See 55 ILCS Sec. 5/2-3009)**

1-3-3 **VACANCY.** If a vacancy occurs on the County Board, the Chairman of the County Board, with the advice and consent of the County Board, shall, within **sixty (60) days** of the date the vacancy occurs, appoint some person, possessing the qualifications of a Board member, to serve until the next election of County Board members in the County at which time an election shall be held to fill the vacancy for the unexpired term, according to **55 ILCS Sec. 5/2-3009)**

1-3-4 **MEETINGS; REGULAR.** Monthly meetings of the County Board shall be held at **7:00 P.M.** at the County Board Room located above the jail on the **third (3rd) Monday** of each month unless otherwise ordered.

At each regular and special meeting which is open to the public, members of the public and employees of the County shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the Board. **(See 55 ILCS Sec. 5/2-1001)**

1-3-5 **SPECIAL MEETINGS.** Special meetings of the Board shall be held only when requested by at least **one-third (1/3)** of the members of the Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception of such meeting, to each of the members of the Board. The Clerk shall also cause notice of such meeting to be published in some newspaper printed in the County and presented to the Clerk of the Board. **(See 55 ILCS Sec. 5/2-1001 and 5/2-1002)**

1-3-6 **OPEN MEETINGS.** The County Board shall sit with open doors, and all persons may attend their meetings. The vote on all propositions to appropriate money from the County Treasury shall be taken by "ayes" and "nays" and entered on the record of the meeting. **(See 55 ILCS Sec. 5/2-1006)**

1-3-7 **QUORUM: MAJORITY VOTE.** A majority of the County Board members shall constitute a quorum for the transaction of business at any regular or any duly called special meeting, and all questions which shall arise at meetings shall be determined by the vote of the majority of the County Board members present, except as otherwise provided. **(See 55 ILCS Sec. 5/2-1005)**

ARTICLE IV - COUNTY BOARD RULES

1-4-1 **RULES OF THE BOARD.** The following rules of order and procedures shall govern the deliberations and meetings of the County Board.

(A) **Order of Business.** The order of business shall be as follows:

(1) Opening prayer and pledge of allegiance by the Board or someone.
(2) Call to order by the Chairman of the Board.
(3) Roll Call.
(4) The approval of the minutes of the previous meeting or meetings. Minutes are to contain motions, reports, and other pertinent information.
(5) Reports and communications from the Chairman.
(6) Public's opportunity to address the Board regarding matters on the Agenda. **(See Section 1-4-1(DD))**
(7) Reports from elected and appointed officials of the County.
(8) Reports of all standing committees.
(9) Reports of special committees.
(10) Presentation and report of bills to be paid.
(11) Other communications, petitions, and reports from any County Board members.
(12) Unfinished business.
(13) Miscellaneous business.
(14) New business.
(15) Vote for adjournment to a certain fixed date.

All questions relating to the priority of business shall be decided by the Chair, with debate, subject to appeal.

(B) **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all question of order, subject to appeal. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the meeting room to be cleared. All resolutions and ordinances originating outside of the County Board, its members of its committees, shall be directed by the Chairman of the Board to the proper committee for consideration.

(C) **Duties of Members.** While the presiding officer is putting the questions, no member shall walk across or out of the meeting room.

Every member, prior to speaking or making a motion or seconding a motion, shall wait until he is recognized by the Chairman and address himself to the presiding officer and say, "Mr. Chairman," and then shall proceed with his remarks. He shall confine himself to the question under debate, avoiding personalities and refrain from impugning the motives of any member's argument or remarks until further recognized by the chair. When two (2) or more members seek recognition at the same time, the presiding officer shall name the member who is first to speak. In addressing the Board, members shall speak from their places.

(D) **Permission to Leave Meeting.** A member wishing to absent himself from the balance of a meeting while the meeting is in session, shall first obtain consent from the Chairman of the Board.

(E) **Visitors.** After the public comment period, any person not a member of the Board desiring to present a subject to the Board may do so only at the discretion of the Chairman as provided in **Section 1-4-1(DD)**.

(F) **Resolutions and Ordinances.** Resolutions and ordinances shall be submitted to the proper committee prior to consideration of the Board.

(G) **Presentation of New Business.** When a member wishes to present a communication, petition, or other original matter, he shall send it to the desk of the Clerk prior to the meeting, who shall read such matter when reached in its proper order on the agenda. All proposals which call for the expenditure of money or for the restructuring of County government shall not be considered by the County Board until the proper committee has reviewed the proposal.

(H) **Call of Member to Order.** A member, when called to order, by the Chair, shall thereupon discontinue speaking and take his seat, and the order and ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

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

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

(K) **Voting.** Every member who shall be present when a question is stated from the Chair shall vote thereon, unless he excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote, except as otherwise provided by law.

(L) **Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the Board or in the committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and the proposer of the motion shall be entitled to the floor.

(M) **Withdrawal of Motions.** After a motion or resolution is stated by the Chairman, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before the vote on the motion is announced by the Chairman, by the mover with consent of his second.

(N) **Division of Questions.** If any question under consideration contains several distinct propositions, the Board, by a majority of those present and voting, may divide such questions.

(O) **Record of Motions.** In all cases where a resolution or motion is entered in the minutes, the name of the member moving the same shall be entered also.

(P) **Taking and Entering the Voted - Explanations of Voted Not Permitted.** If any member requires it, the "Yeas" and "Nays" upon any question shall be taken and entered in the minutes, but the yeas and nays upon any question shall not be taken unless called for, prior to any vote on the question. When the Clerk has commenced to call the roll for the taking of a vote of yeas and nays, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by answering of yea or nay, as the case may be.

(Q) **Announcement and Changes of Vote.** The result of all votes of yeas and nays shall be announced by the Clerk, and no vote shall be changed after the vote has been announced by the Chairman.

(R) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

(1) To adjourn to a day certain.
(2) To adjourn.
(3) To take a recess.
(4) To lay on the table.
(5) The previous question.
(6) To refer or commit.
(7) To amend.
(8) To defer or postpone to a time certain.
(9) To defer or postpone (without reference to time.)
(10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

(S) **Motions to Adjourn.** Motion to adjourn the Board meetings shall always be in order, except:

(1) When a member is in possession of the floor.
(2) While the yeas and nays are being called.
(3) When the members are voting.
(4) When adjournment was the last preceding motion.
(5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

(T) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put on this form: **"Shall the main question now be put?".** If such motion be carried on further amendment, and all further motions and debates shall be excluded, and the question put without delay upon the pending amendments in proper order, and then upon the main question.

(U) **Motions to Lay on the Table and to Take From the Table.** A motion to simply lay a question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other conditions, shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two-thirds (2/3)** of the members present and voting, vote therefor.

A motion to lay any particular motion or proposition on the table, shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table, and neither the main motion nor such other pending question shall be affected thereby.

(V) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone without any reference to time, shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature,

and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(W) **Motion to Refer.** A motion to refer to a certain committee shall take precedence over a similar motion to refer to a special committee.

(X) **Motion to Amend.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order. On an amendment to strike out and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending question may be referred to a committee, and neither the main question, nor such other pending question shall be affected thereby.

(Y) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time further amendment is admissible, and, if accepted by the Board by a vote, shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(Z) **Reconsideration.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(AA) **Adoption of Robert's "Rules of Order Revised".** The Rules of Parliamentary Practice comprised in the latest published edition of **Robert's "Rules of Order Revised"** shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board.

(BB) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a roll call vote of a majority of the members of the Board present and voting immediately upon the termination of the business arising out of the event for which the rulers were suspended, these rules shall again be put in effect without further vote of the Board.

(CC) **Agenda.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and same shall be mailed to the members, **three (3) days** prior to the County Board meeting by the Clerk of the Board. **(See Open Meetings Act.)**

(DD) **Addressing the Clinton County Board or its Committees.**

(1) Meetings of the Clinton County Board shall be conducted in a manner that preserves order and decorum and which allows for the efficient and effective operation of County Board business. As presiding officer, the Chairman of the Clinton County Board shall enforce the rules of the Clinton County Board and exercise his or

her powers and discretions in accordance therewith, with the Revised Code of Ordinances for Clinton County and Illinois law.

(2) Members of the public may address the County Board on matters relevant to topics or issues identified for discussion in a specified County Board meeting's Agenda. Discussion or comment on topics or issues not satisfying said relevancy requirement shall not be permitted.

(3) In order to conserve time and avoid unnecessary delay to the efficient operation of Clinton County Board business, while ensuring that other members of the public are provided an opportunity to address the County Board, each person will be limited to a total of **three (3) minutes** during which to orally present public comments during a County Board meeting. Upon demonstration of necessity, the Chairman of the County Board, in his or her sole and final discretion, may grant supplemental time to address the County Board. A person may only address the County Board one time during each meeting. It is within the sole and final discretion of the Chairman of the County Board to discontinue the person's commentary if it is, or becomes, irrelevant or repetitious.

(4) Persons addressing the Board, will refrain from using profane or obscene words or gestures and from making personal, impertinent or slanderous remarks. It is within the sole and final discretion of the Chairman of the County Board to discontinue the person's commentary if it is, or becomes, profane, obscene, personal, impertinent, slanderous or generally disruptive.

(5) Persons may submit further comments or questions in writing or through electronic submission to the Clinton County Board.

(6) The same rules and procedures as set forth in paragraphs (1) through (6) above, shall apply to the meetings of any committee of the Clinton County Board, with the powers and discretions of the Chairman of the County Board being vested in the Chairman of each County Board committee, respectively.

(EE) **Auxiliary Aid or Service.** The County shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

(1) The County shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the County.

(2) Auxiliary aids and services shall be provided in a timely manner.

(3) Individuals shall notify the County Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "A", Request for Public Comment or Auxiliary Aid(s) and/or Services)**

(FF) The Sheriff or his authorized designee shall be the Sergeant at Arms at the Board meetings. He or she shall carry out all orders and instructions of the Chairman for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[5 ILCS 120/2.06]**

ARTICLE V - COMMITTEES

1-5-1 **COMMITTEES.** Membership of all committees shall be as appointed by the Chairman with the advice and consent of the entire Board. There shall be **two (2)** separate types of committees: standing and special committees. The Chairman shall be an ex-officio member of each committee.

1-5-2 **STANDING COMMITTEES.** There shall be **eleven (11)** standing committees. Standing committees shall be as follows:

(A) (1) Animal Control & County Farm;
(2) Budget;
(3) Economic Development & Tourism, Clinton County Enterprise Zone;
(4) Executive;
(5) Facilities;
(6) Finance;
(7) Insurance;
(8) Law Enforcement, E.M.A., Welfare, Safety, Liquor Control;
(9) Personnel, Labor, Grievance;
(10) Road & Bridge; and
(10) Zoning and Subdivision.

(B) **Quorum.** Each committee shall have a majority of its members present in order to conduct business.

(C) **Notice of Meetings.** Notice shall be given in advance to the County Clerk of the time and place of the meetings of all committees, and committee meetings shall be open to the public. Any person desiring to attend a committee meeting shall not be allowed to mingle with the members of the committee while the meeting is in progress and any spectator attending a committee meeting may be privileged to speak before the committee by a vote of the majority of the committee members. The County Clerk shall post the time and place of such meetings.

(Ord. No. 2022-68; 12-19-22)

1-5-3 **COMMITTEE RESPONSIBILITIES.** All committees shall have responsibilities as set forth herein, and as delegated by the Chairman. Each standing committee shall have the following duties:

(A) To act on all matters referred to the committee.

(B) To keep informed regarding appropriations and budget for activities and offices under the jurisdiction of the committee and to help keep expenditures within the budget.

(C) To review the proposed annual budget of the department or offices overseen prior to their submission to the Finance Committee and the County Board.

(D) To project the needs of the departments and offices overseen so that the County Board may develop a comprehensive plan for the future of Clinton County government.

(E) To comply with all provisions of this Article regarding notice, the disposition of business and the agenda.

1-5-4 **SPECIFIC DUTIES OF STANDING COMMITTEES.** Each standing committee shall have specific duties and responsibilities as set forth below. In the event of a matter of new business arising not specifically enumerated below the Board Chairman shall determine the appropriate committee. Standing committees shall have the duties and responsibilities prescribed in the following sections.

1-5-5 **ANIMAL CONTROL/COUNTY FARM COMMITTEE.** The Committee shall consist of **three (3) members** who shall:

(A) Recommend to the County Board any budgetary revisions necessary to operate the Animal Control Department. The committee shall recommend any necessary changes to the Animal Control Code based upon statutory amendments, court decisions or suggestions by the Animal Control Warden.

(B) The Committee shall review any policy or fiscal changes necessary at the County farm.

(Ord. No. 2022-68; 12-19-22)

1-5-6 **BUDGET COMMITTEE.** The Committee shall consist of the members of the Executive Committee, and the Finance Committee Chairman, Facilities Committee Chairman, Insurance Committee Chairman, Law Enforcement Committee Chairman, Road and Bridge Committee Chairman, Personnel Committee Chairman, and the Health Board Voting County Board Member:

(A) The Committee shall review the budgetary needs of the County and establish an annual budget and appropriation.

(Ord. No. 2022-68; 12-19-22)

1-5-7 **ECONOMIC DEVELOPMENT, TOURISM & ENTERPRISE ZONE.** The Committee shall consist of **four (4) members** who shall:

(A) Review all requests and proposed activities of the Clinton County Enterprise Zone and report to the County Board.

(B) Encourage tourism in Clinton County. The members may recommend to the full Board any financial or policy requirements in furtherance of this goal.

(C) Review activities relative to the environment, solid waste concerns and the needs of the unincorporated areas of the County. All fiscal and policy matters shall be reported to the County Board if approval is required.

(D) The Committee shall review and research grants to stimulate economic development within Clinton County and the Southwestern IL region. The Committee shall also work with the Tourism Bureau of Illinois South in encouraging more tourism in the County. The members may recommend to the full board any financial or policy requirements to encourage tourism.

(Ord. No. 2022-68; 12-19-22)

1-5-8 **EXECUTIVE COMMITTEE.** The Committee shall consist of **three 93) members** which include one County Board member, the County Board Vice-Chairman and the County Board Chairmna who shall:

(A) Act in an advisory capacity to all committees.

(B) Review all ordinances and resolutions that are being recommended to the County Board for action. The Committee may recommend the passage or denial of these items. The County Code of Ordinances shall be the responsibility of the Committee for keeping the document current in cooperation with the County Clerk and the State's Attorney.

(C) Review all applicable county educational activities and recommend to the County Board any necessary action. It shall recommend to the Board any educational seminars that the members should attend.

(D) Review reports from department heads and periodically meet with them to oversee matters and report concerns to the County Board.

(E) Review and recommend necessary changes or improvements in the technological need sof county offices or of the County Board.

(F) In matters of emergency and when emergency action is required, shall be vested with the power to act as necessary.

(G) Be responsible for forwarding a recommendation to the County Board for all items sent to the group by the County Board Chairman.

(Ord. No. 2022-68; 12-19-22)

1-5-9 **FACILITIES COMMITTEE.** The Facilities Committee shall consist of **four (4) members** who shall review periodically all issues pertaining to County buildings and recommend the necessary action to the County Board. All reports shall include any financial requirement to remedy any situation. **(Ord. No. 2022-68; 12-19-22)**

1-5-10 **FINANCE COMMITTEE.** The Finance Committee shall consist of **five (5) members** who shall meet monthly to review all bills and expenditures incurred by the County. The Committee shall ensure bills are paid with the proper approval, in accordance with County Code and drawn from proper funds. The Committee shall make recommendations to the Executive Committee for areas of improvement or cost savings. **(Ord. No. 2022-68; 12-19-22)**

1-5-11 **INSURANCE COMMITTEE.** The Insurance Committee shall consist of **five (5) members** who shall have the responsibility to review all the county's insurance policies and make recommendations to the County Board for necessary action. **(Ord. No. 2022-68; 12-19-22)**

1-5-12 **LAW ENFORCEMENT, E.M.A., WELFARE, PUBLIC SAFETY, LIQUOR COMMITTEE.** The Committee shall consist of **three (3) members** who shall:

(A) Study and review the fiscal and material needs of the Clinton County Sheriff's Department.

(B) Review the Liquor Code and the licenses, and

(C) Review the needs of the Emergency Management Agency and to recommend any necessary action to the County Board.

(Ord. No. 2022-68; 12-19-22)

1-5-13 **PERSONNEL, LABOR & GRIEVANCE COMMITTEE.** The Committee shall consist of **six (6) members** who shall represent the County Board in all labor issues including contracts and shall hear all grievances. All proposed final labor contracts shall be submitted to the County Board for final approval. **(Ord. No. 2022-68; 12-19-22)**

1-5-14 **ROAD AND BRIDGE (TRANSPORTATION) COMMITTEE.** The Committee shall meet with the County Engineer to review his recommendation concerning the construction and maintenance of all county roads, highways and bridges. They shall authorize the County Engineer to advertise for bids and road or bridge projects that are necessary to maintain the integrity of the county transportation system. Final bids shall be forwarded to the County Board for final approval. The Committee shall approve and submit an annual budget to the Finance Committee. **(Ord. No. 2022-68; 12-19-22)**

1-5-15 **ZONING & SUBDIVISION COMMITTEE.** This Committee shall work with the Zoning Administrator concerning any proposed revisions to the Zoning Code and Map. All approved revisions shall be submitted to the Zoning Board of Appeals for a public hearing. This committee shall also oversee issues that may arise involving the tax assessment process. **(Ord. No. 2022-68; 12-19-22)**

1-5-16 **COMMITTEE MEETINGS.** As much as practicable, committees shall designate a regular meeting time and place. Any member of a committee, or the County Board Chairman may call a committee meeting at any time. **(Ord. No. 2022-68; 12-19-22)**

1-5-17 **SPECIAL COMMITTEES.** Whenever possible, the Chairman should refer issues to a standing committee. When necessary, the Chairman may appoint special committees to study and make recommendations on specific problems.

(A) **Membership.** Each special committee must consist of at least **three (3) members** and, at the direction of the County Board Chairman, may include members of the community that demonstrate knowledge on the matters at hand.

(B) **Reports.** Each special committee shall report at every regularly scheduled meeting of the entire Board.

(Ord. No. 2022-68; 12-19-22)

1-5-18 **PUBLIC NOTICE.** The Clinton County Board and any committee thereof shall give public notice of the schedule of their regular meetings at the beginning of each fiscal year. Said notice shall state the regular dates, times and places of such meetings. Public notice of any special meeting or any rescheduled regular meeting or any reconvened meeting shall be given at least **forty-eight (48) hours** before meeting. However, this requirement of public or reconvened meeting does not apply to any case where the meeting is to be reconvened within **twenty-four (24) hours** not to any case where announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda.

(A) Public notice shall be given by posting a copy of the notice in the Clinton County Courthouse, Carlyle, Illinois.

(B) Notice of regular meetings of the County Board and committees thereof and of the notice of any special, rescheduled or reconvened meetings shall be given to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Any such news media shall be given **forty-eight (48) hours** notice of all special, rescheduled or reconvened meetings pursuant to this Section and subject to its limitations.

(Ord. No. 2022-68; 12-19-22)

1-5-19 **PROCEDURE.** Each member of the Clinton County Board or its committees shall submit to the County Clerk a list of resolutions and ordinances to be brought by him before the meeting of the Board or committee. They shall submit proposed copies of resolutions and ordinances. The list of proposed resolutions and ordinances must be in possession of the County Clerk no later than **2:00 P.M.** on the last Friday preceding the Board or committee meeting. From the list submitted, the County Clerk shall prepare an agenda including unfinished business for the meeting and make available copies of the same with proposed resolutions and ordinances attached to all elected board members no later than **4:00 P.M.** Friday, preceding the Board or committee meeting. All ordinances and resolutions proposed shall include the committee name or individual sponsoring same. Any subject matter not on the agenda shall not come before the Board or committee meeting. All ordinances and resolutions proposed shall include the committee name or individual sponsoring same. Any subject matter not on the agenda shall not come before the Board or committee unless the agenda is waived by **two-thirds (2/3) vote** of members present. **(Ord. No. 2022-68; 12-19-22)**

ARTICLE VI - APPOINTED OFFICIALS

1-6-1 **TERM OF APPOINTED OFFICIALS.** The term of office for the following appointed officials shall be from appointment until the first County Board meeting following the date County Board members take office after each general election that County Board members are candidates for office unless provided otherwise herein. The County Board shall vote on appointment to the offices at said Board meeting.

1-6-2 **CLINTON COUNTY EMERGENCY MANAGEMENT AGENCY DIRECTOR.**

(A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, a Director of the Clinton County Emergency Management Agency who shall serve at the will of the County Board. This appointment shall be a part-time position, unless specifically provided otherwise by the County Board.

(B) **Salary.** The Director shall receive a salary as established in the annual budget.

(C) **Duties.** The duties shall be as are provided in **Chapter 30** of this County Code.

(D) **Term.** The Director shall serve at the will of the County Board Chairman.

1-6-3 **ANIMAL CONTROL WARDEN.**

(A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, an Animal Control Warden. This appointment shall be a full-time position, unless specifically provided otherwise by the County Board.

(B) **Duties.** See **Chapter 3** of the County Code for the duties and responsibilities.

(C) **Term.** The Warden shall serve at the will of the County Board Chairman.

(D) **Salary.** The Animal Control Warden shall receive a salary as established by the County Board.

1-6-4 **ZONING ADMINISTRATOR.**

(A) **Appointment.** The Administrator of the Zoning Department shall be appointed by the Chairman of the County Board with the advice and consent of the County Board. This appointment shall be a full-time position, unless specifically provided otherwise by the County Board.

(B) **Term.** The Administrator shall be appointed by the County Board Chairman, with the advice and consent of the County Board for a term of **four (4) years**.

(C) **Salary.** The Administrator shall receive a salary as established in the annual budget.

(D) **General Duties.**

(1) The duties of the zoning, floodplain and subdivision Coordinator shall be performed by the Zoning Administrator.

(2) The Zoning Department shall be administered by the Zoning Administrator. The Zoning Administrator shall be considered an appointed official and receive the benefits of appointed officials as set by the County Board.

1-6-5 SUPERVISOR OF ASSESSMENTS.

(A) **Appointment.** The Supervisor of Assessments shall be appointed by the Chairman of the County Board with the advice and consent of the County Board. This appointment shall be a full-time position, unless specifically provided otherwise by the County Board.

(B) **Term.** The Supervisor of Assessments shall serve for a term of **four (4) years**.

(C) **Duties.** The duties shall be as provided in the Illinois Compiled Statutes.

(D) **Salary.** The Supervisor of Assessments shall receive a salary as established by the County Board.

1-6-6 GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR.

(A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, a Geographic Information Systems Coordinator. This appointment shall be a full-time position, unless specifically provided otherwise by the County Board.

(B) **Duties.** The duties shall be set by the County Board.

(C) **Term.** The GIS Coordinator shall serve for a term of **four (4) years**.

(D) **Salary.** The Coordinator shall receive a salary as established by the County Board.

1-6-7 STATE'S ATTORNEY'S APPOINTED OFFICIALS. The other provisions of the Revised Code of Ordinances notwithstanding, the State's Attorney's: (1) Assistant State's Attorneys; and (2) Confidential Executive Secretary shall be appointed by the State's Attorney, shall serve at the pleasure of the State's Attorney, and are not "eligible employees" as identified in Chapter 28 of this Code. **(Ord. No. 2016-10; 11-21-16)**

ARTICLE VII - TRAVEL AND LIVING EXPENSES

1-7-1 APPLICABILITY AND AUTHORITY.

(A) All members of the County Board, County Officials, and County Employees shall comply with the procedure set forth below in order to be reimbursed for travel and living expenses, which may be incurred within or without the County of Clinton but must be necessary and related to the conduct of County business.

(B) Department Heads are responsible for planning the specific travel and educational needs of their departments. They shall request sufficient fund for these purposes plus the incidental daily travel needs of their departments when submitting their annual budget request. Passage of the budget by the County Board shall constitute authority to the department head to implement those plans. Travel expenses incurred in the conduct of County business shall be reimbursed upon submittal of proper receipts and approval by the designated County Board Committee and the full County Board.

1-7-2 REIMBURSABLE TRANSPORTATION EXPENSES.

(A) Modes of transportation authorized for official use shall include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance. Transportation expense shall include fares, baggage expense. Reimbursement requests for all fares must be accompanied by receipts.

(B) All travel shall be by the most direct route; the individual shall bear the additional costs of traveling an indirect route.

(C) All travel shall be by the most economical mode of transportation available considering travel time, costs and work requirements. Airplane travel shall be reimbursed at air coach rates only.

(D) Expenses for the use of a private automobile shall be reimbursed at the rate established from time to time by the Central Management Services of the State of Illinois Internal Revenue Service for mileage reimbursement. Reimbursement shall be only for the actual miles traveled. This reimbursement rate shall be construed to include any and all costs for the operation of a privately owned automobile on County business. The County of Clinton shall not be responsible for or incurring any additional cost or liability from the operation of a private automobile for County business. In instances where other agencies may reimburse the County at a rate of less than the County current effective rate, the County will supplement the difference between the two rates. In instances where other agencies may reimburse at a rate greater than the County rate, higher other agency rate shall apply. **(Ord. No. 2008-007; 09-15-08)**

(E) The County shall reimburse parking fees and highway and bridge tolls. Requests for reimbursement of such fees must be accompanied by receipts, where possible.

(F) The mileage payment allowed for a trip outside the County shall not exceed the cost of public transportation if its use is a reasonable alternative.

(G) The County shall reimburse car rental and parking associated with the rental when taxi and limousine cost would be substantially greater than the cost of the rental.

(See 55 ILCS 5/4-10001)

1-7-3 <u>REIMBURSEMENT OF LIVING EXPENSES.</u>

(A) Personal living expense shall be reimbursed for authorized County travel. Expenses for alcoholic beverages shall not be reimbursed. Receipts shall be submitted with the reimbursement request. The maximum amount allowed for meals shall follow the guidelines established by the Central Management Services of the State of Illinois.

(B) The cost of meals purchased for persons, other than County Employees, shall be reimbursed if the reason for the expense is deemed to be in the best interest of the County. The reimbursement request shall indicate why and for whom the expense was incurred. Extreme discretion shall be used by all officials in granting this reimbursement.

(C) The actual cost of accommodation, excluding room service and valet service, shall be reimbursed. Receipts must accompany all requests for reimbursement.

(D) Special expense of the following nature shall be reimbursed if accompanied by receipts.

(1) Stenographic, typing and copying service.
(2) Hire of special room for official business.
(3) Telephone calls.
(4) Registration fees for conferences and seminars.

1-7-4 <u>MEETING ATTENDANCE AND EXPENSES.</u>

(A) Attendance of meetings, conferences or training sessions, in connection with County employment duties, shall be obtained from the Department Head, County Chairman, or Committee in advance.

(B) Any fees for meetings, conferences, or training sessions, and attendant overnight lodging shall be done by direct billing whenever possible. If direct billing is not possible,

the individual employee will be responsible for payment of fees and expenses and shall submit them to the Finance Committee for consideration of payment after attendance.

(C) When direct billing is implemented, it shall be the responsibility of the Department Head, Administrator or Committee to make arrangements for direct billing, and all bills shall be sent to the individual department, where they can be reviewed and paid from the appropriate line item.

(D) A copy of this resolution shall be sent to and receipt acknowledged by each department's head.

1-7-5 COMPLIANCE WITH LOCAL GOVERNMENT TRAVEL EXPENSE CONTROL ACT (Public Act 099-0604).

(A) **Definitions.** The following words, terms and phrases, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

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

"Travel": Any expenditure directly incident to official travel by employees and officers of the County or by wards or charges of the County involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(B) **Official Business for which Expenses May be Reimbursed.**

(1) An official of the County shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:

(a) Education conferences related to the duties of the officer of the County;

(b) Site visits to current or potential vendors of the County;

(c) All visits, inspections and/or other required duties of any employee acting in his or her official capacity as an employee or officer of the County.

(2) An employee shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:

(a) Education conferences related to the duties of the employee of the County;

(b) Site visits to current or potential vendors of the County;

(c) All visits, inspections and/or other required duties of any employee acting in his or her official capacity as an employee or officer of the County.

(C) **Maximum Allowable Reimbursement for Expenses.**

(1) Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the County shall be those rates set by the Reimbursement Schedule of the Governor's Travel Control Board in effect at the time the expense was incurred.

(2) The following exceptions shall not be controlled by the Reimbursement Schedule of the Governor's Travel Control Board and shall be limited as indicated:

(a) The reimbursement rate for breakfast may not exceed Ten Dollars ($10.00) per day.

(b) The reimbursement rate for lunch may not exceed Ten Dollars ($10.00) per day.

(c) The reimbursement for dinner may not exceed **Seventeen Dollars ($17.00)** per day.

(d) Subsections (a), (b) and (c) notwithstanding, the total reimbursement for meals may not exceed **Thirty Dollars ($30.00)** per day within the State of Illinois and **Thirty-Two Dollars ($32.00)** outside the State of Illinois.

(e) The reimbursement for lodging shall be reimbursed at a single person occupancy room rate.

(f) Expenses for alcoholic beverages, room service and valet service shall not be reimbursed.

(D) **Approval of Expenses.** The Board must approve the following rembursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board:

(1) Any expense of any officer or employee that exceeds the maximum permitted in **Section 1-7-5(C)**; or

(2) Any expense of any member of the Board.

(E) **Documentation of Expenses.**

(1) Any expense submitted for reimbursement shall be submitted, with supporting documentation, utilizing the State of Illinois Form C-10, a copy of which is attached hereto and incorporated herein by reference, or such like form as may hereafter be utilized by the State of Illinois consistent with requirements of the Governor's Travel Control Board.

(2) Before any reimbursement for travel, including meals or lodging, may be approved pursuant to **Section 1-7-5(D)**, a standardized form for submission of travel, meal, and lodging expenses supported by the following minimum documentation shall first be submitted to the Board:

(a) An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred;

(b) The name of the individual who received or is requesting the travel, meal, or lodging expense;

(c) The job title or office of the individual who received or is requesting the travel, meal, or lodging expense; and

(d) The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted under this Section are public records subject to disclosure under the Freedom of Information Act, **5 ILCS 140/1** ***et seq.***

(F) **Entertainment Expenses.** No employee or officer of the Coutny shall be reimbursed by the County for any entertainment expense.

(Ord. No. 2017-14; 03-20-17)

ARTICLE VIII – ADMINISTRATION GENERALLY

DIVISION I – DESIGNATED DEPOSITORIES

1-8-1 **DEPOSITORIES FOR COUNTY FUNDS.** The following banks are hereby designated as depositories for the funds of the County Treasurer:

Illinois Treasurer (State of Illinois)
US Bank, Carlyle, Illinois
First National Bank, Carlyle, Illinois
Midland States Bank, Centralia, Illinois
National Bank, Carlyle Branch
Regions Bank, Centralia, Illinois
First Bank, Breese, Illinois
Germantown Trust & Savings, Germantown, Illinois
First County Bank, New Baden, Illinois
Tempo Bank, Trenton, Illinois
Community Bank, Trenton, Illinois
Centrue, Aviston, Illinois
Farmers State Bank, Hoffman, Illinois
People's Bank, Centralia, Illinois
Meridan Bank Illinois E-Pay

DIVISION II – OFFICIAL'S SALARIES AND INSURANCE

1-8-2 **COUNTY BOARD COMPENSATION.** The annual salaries of the following County elected officials are established and are to be effective on **December 1st** of each indicated year:

(A) **County Board.** All members of the Clinton County Board shall be compensated by a combination of per diem payments and annual salary. Each annual salary provided below shall be paid in **twelve (12)** equal monthly installments. The County Board members shall receive the following salaries:

	12/1/22-11/30/26	12/1/26-11/30/32	12/1/30-11/30/32
County Board members per diem	$50.00	$55.00	$60.00
County Board members annual	$2,750.00	$3,025.00	$3,300.00
County Board Chairman per diem	$50.00	$55.00	$60.00
County Board Chairman annual	$7,000.00	$7,700.00	$8,400.00
County Board Vice-Chairman per diem	$50.00	$55.00	$60.00
County Board Vice-Chairman annual	$3,750.00	$4,125.00	$4,500.00

(B) **Per Diem/Committee Payments.** The consideration of per diem/committee payments to the County Board members attending meetings in the interest of County business shall be as follows:

(1) County board meetings;
(2) Committee meetings;
  (a) Those county board committees which are called by the respective committee chairperson pursuant to the Open Meetings Act.
  (b) All other committees of which a board member is directed to participate in or serve on at the direction of the County Board Chairman.
(3) All other meetings for which a board member will receive compensation shall be authorized in advance by the County Board Chairman or by majority vote of the Finance Committee.

(C) **Expenses.** All members of the Clinton County Board, including both the Chairman and Vice-Chairman, shall be reimbursed for necessary expenses at the rate of **One Thousand Dollars ($1,000.00)** per year, to be paid in equal monthly installments, for miscellaneous expenses including but not limited to telephone and personal computer usage, printer expenses, and other office expenses.

Payments authorized under this Section do not include travel expenses to attend to official county business outside of Clinton County. Members shall not be entitled to mileage for attendance at any meeting of the Board or subdivision thereof, regardless of the location of the meeting.

(Ord. No. 2021-56; 10-18-21)

1-8-3 **HEALTH INSURANCE PROVISIONS.**

(A) Effective **December 1, 2020**, all elected and appointed officials (including contractual employees) currently in office shall: (1) have the same health insurance coverage as all other employees of Clinton County; (2) pay **fifty percent (50%)** of the proportion of the health insurance premiums rates as charged to all other employees of Clinton County as set by the County Board; and, (3) have the same health insurance deductible rates, co-pays and out-of-pocket expenses as all other county employees.

(B) Effective **December 1, 2021**, all elected and appointed officials (including contractual employees) currently in office shall: (1) have the same health insurance coverage as all other employees of Clinton County; (2) pay the same proportion of health insurance premiums as charged to all other employees of Clinton County as set by the County Board; and, (3) have the same health insurance deductible rates, co-pays and out-of-pocket expenses as all other county employees.

(C) All newly elected and appointed officials (including contractual employees) elected, appointed or hired on or after **December 1, 2018**, shall immediately upon entering office: (1) have the same health insurance coverage as all other employees of Clinton County; (2) pay **one hundred percent (100%)** of the same proportion of the premium rates charged to all other employees of Clinton County as set by the County Board; and, (3) have the same health insurance deductible rates, co-pays and out-of-pocket expenses as all other county employees.

(D) The Clinton County Board shall establish the insurance renewal rates (including premium rates, deductibles, co-pays and out-of-pocket expenses) for all county employees and officials on an annual basis.

(E) The terms "elected and appointed officials (including contractual employees)" referenced herein shall specifically include, but shall not be limited to, the follows:

Clinton County Clerk
Clinton County States Attorney
Clinton County Assistant States Attorney
Clinton County Treasurer
Clinton County Highway "E" employees
Clinton County Highway "A" employees
Clinton County Circuit Clerk
Clinton County Assessor
Clinton County Zoning Administrator
Clinton County GIS Officer
Clinton County Sheriff
Clinton County Chief Deputy Sheriff
Clinton County Captain in the Sheriff's Dept.
Clinton County Highway Engineer
Clinton County Health Dept. Administrator
Clinton County Asst. Health Dept. Administrator
Clinton County Probation Officer
Clinton County Animal Control Warden
Clinton County Coroner
Clinton County EMA Director
Clinton County Public Defender
Clinton County State's Attorney Executive Confidential Secretary

(Ord. No. 2018-4-28; 04-16-18)

1-8-4 <u>COUNTY OFFICIAL'S SALARIES.</u>

(A) Effective **December 1, 2022**, the starting salaries for all elected officials of Clinton County, Illinois, other than those established by state statute, shall be set as follows:

(1)	Clinton County Sheriff	$83,100.00
(2)	Clinton County Clerk	$73,967.00
(3)	Clinton County Circuit Clerk	$73,967.00
(4)	Clinton County Treasurer	$73,967.00
(5)	Clinton County Coroner	$46,806.18

(B) Effective **December 1, 2022**, the starting salaries for the following appointed and contract employees of Clinton County, Illinois, other than those established by state statute or by the Chief Judge of the Fourth Judicial Circuit, shall be set as follows:

(1)	Clinton County Engineer	$115,949.60
(2)	Clinton County Assessor	$73,967.00
(3)	Clinton County Chief Deputy Sheriff	$65,000.00
(4)	Clinton County Captain in the Sheriff's Dept.	$60,000.00
(5)	Clinton County Zoning Administrator	$73,967.00
(6)	Clinton County Animal Control Warden	$50,000.00
(7)	Clinton County Ass't. Health Dept. Administrator	$55,900.00
(8)	Clinton County EMA Director	$13,750.00

(C) No County Officer, or Elected or Appointed Official, shall create any new positions, increase the salary for any employee, or change the fringe benefits of any employee without the prior written consent and approval of the Clinton County Board. Pursuant to applicable law, this Section shall not apply to the office of the State's Attorney.

(D) The County of Clinton reserves the right to amend this Section as it deems appropriate and financially necessary.

(Ord. No. 2022-63; 03-21-22)

1-8-5 **SALARY INCREASE.**

(A) Effective **December 1, 2020**, elected and appointed officials in the following positions shall receive an annual wage increase be as follows:

(1)	Clinton County Clerk	$1,300 per year
(2)	Clinton County Circuit Clerk	$1,300 per year
(3)	Clinton County Assessor	$1,300 per year
(4)	Clinton County Treasurer	$1,300 per year
(5)	Clinton County Zoning Administrator	$1,300 per year
(6)	Clinton County Sheriff	$1,300 per year
(7)	Clinton County Chief Deputy Sheriff	$1,300 per year
(8)	Clinton County Highway Engineer	$1,300 per year
(9)	Clinton County Asst. Health Dept. Admin.	$1,300 per year
(10)	Clinton County Animal Control Warden	$1,000 per year
(11)	Clinton County Coroner	$866 per year
(12)	Clinton County EMA Director	$500 per year

(B) The annual wage increase set forth in paragraph (A) above shall only be added to the official's base wage rate for fiscal years **December 1, 2020 through November 30, 2024** (**four (4) years**).

(C) Effective **December 1, 2024**, through **November 30, 2026**, elected and appointed officials in the following positions shall receive an annual wage increase as follows:

(1)	Clinton County Clerk	$1,500 per year
(2)	Clinton County Circuit Clerk	$1,500 per year
(3)	Clinton County Assessor	$1,500 per year
(4)	Clinton County Treasurer	$1,500 per year
(5)	Clinton County Zoning Administrator	$1,500 per year
(6)	Clinton County Sheriff	$1,500 per year
(7)	Clinton County Chief Deputy Sheriff	$1,500 per year
(8)	Clinton County Highway Engineer	$1,500 per year
(9)	Clinton County Asst. Health Dept. Admin.	$1,500 per year
(10)	Clinton County Animal Control Warden	$1,000 per year
(11)	Clinton County Coroner	$866 per year
(12)	Clinton County EMA Director	$500 per year

(D) No appointed or elected official (including non-union contractual employees) shall receive any wage increase after **November 30, 2026** unless otherwise approved by the County Board and by lawful Ordinance.

(D) No County Officer, or Elected or Appointed Official, shall create any new positions, increase the salary for any employee, or change the fringe benefits of any employee without the prior written consent and approval of the Clinton County Board. Pursuant to applicable law, this Section shall not apply to the office of the State's Attorney.

(Ord. No. 2022-63; 03-21-22)

DIVISION III – COUNTY SEAL

1-8-6 **COUNTY SEAL.** The Seal provided by the County Board shall be circular in form consisting of the words **"County of"** and **"State of Illinois"** in the outer circle and the word **"Clinton"** across the top portion of the seal over a lake and field of grain.

DIVISION IV – GENERAL APPOINTMENTS

1-8-7 **APPOINTMENTS BY COUNTY.** The terms of employment of the following appointed superintendents of county administrative departments and the services of members of the following boards, commissions, and authorities shall be fixed as follows:

(A) **Board**	**No. of Members**	**Term**	**Appointment Month**
Centralia Regional Library Dis.			
Fire Protection Districts - Take Office May 1st			
Aviston	3	3 yrs	April
Breese	3	3 yrs	April
Carlyle	3	3 yrs	April
Clin-Clair	3	3 yrs	April
Germantown	3	3 yrs	April
Hoffman	3	3 yrs	April
Huey-Ferrin	3	3 yrs	April
Keyesport	2	3 yrs	April
Wheatfield	3	3 yrs	April
Sandoval	3	3 yrs	April
St. Rose	3	3 yrs	April
Santa Fe	3	3 yrs	April
Sugar Creek	3	3 yrs	April
Beckemeyer-Wade Township	3	3 yrs	April
New Baden	3	3 yrs	April
Sanitary Districts - Take Office May 1st			
Albers	3	3 yrs	April
St. Rose	3	3 yrs	April
New Memphis	3	3 yrs	April
County Board and Committees			
Board of Review	3	2 yrs	May
Board of Health	9	3 yrs	May
Mental Health Board (708)	7	4 yrs	July
Economic Dev. Comm.	3	2 yrs	December
SIMPAC Planning Commission	1	2 yrs	December
Rural Conserv. Dist. Council	3	2 yrs	December

(See County Chapters for Additional Officials)

Unless otherwise provided, each appointee shall take office the first of the month following the appointment.

(B) **Appointed County Officials**	**Term**
9-1-1 Coordinator	Subject to Will
Superintendent of Highways	6 years

(C) **County Officials and Salaries.** The various appointed officials of Clinton County shall receive from Clinton County an annual salary as established from time to time by County Board budget.

1-8-8 SALARIES REGULATION.

(A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

1-8-9 CHIEF DEPUTY. The following Clinton County offices shall be entitled to **one (1) employee** designated as "Chief Deputy" who shall be appointed at the sole discretion of office head:

(A) County Clerk
(B) Circuit Clerk
(C) Treasurer
(D) Supervisor of Assessments
(E) Probation

Any employee currently designated as "Chief Deputy" at the time of the passage of this Section shall be permitted to retain such designation and associated benefits throughout the balance of employment with Clinton County. **(Ord. No. 2022-3-63; 03-21-22)**

DIVISION V – BIDDING AND CONTRACT PROCEDURES

1-8-10 **COMPETITIVE BIDDING REQUIRED.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

1-8-11 **FORMAL CONTRACT PROCEDURE.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed the amount prescribed in **55 ILCS 5/5-1022(a),** shall be purchased from the lowest responsible bidder, after due notice inviting bids.

1-8-12 **NOTICE INVITING BIDS.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the County. The County shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Courthouse.

1-8-13 **SCOPE OF NOTICE.** The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

1-8-14 **BID DEPOSITS.** When deemed necessary by the County Board, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the County Board. A successful bidder shall forfeit any bid deposit required by the Board upon failure on his part to enter into a contract within **ten (10) days** after the award.

1-8-15 **BID OPENING PROCEDURE.**

(A) **Sealed.** Bids shall be submitted sealed to the County and shall be identified as bids on the envelope.

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

(C) **Tabulation.** A tabulation of all bids received shall be made by the Board or by a County employee, in which event, a tabulation of the bids shall be furnished to the County Board at its next regular meeting.

1-8-16 **REJECTION OF BIDS.** The County Board shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

1-8-17 **BIDDERS IN DEFAULT TO COUNTY BOARD.** The County Board shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the County.

1-8-18 AWARD OF CONTRACT.

(A) **Authority in County.** The Board shall have the authority to award contracts within the purview of this section.

(B) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the County to accept. In awarding the contract, in addition to price, the Board shall consider:

(1) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

(2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder;

(4) The quality of the performance of previous contracts or services;

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

(7) The quality, availability and adaptability of the supplies or contractual services to the particular use required;

(8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

(9) The number and scope of conditions attached to the bid.

(C) **Performance Bonds.** The County Board shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the County.

1-8-19 OPEN MARKET PROCEDURE. All work and purchases of supplies, materials and services of less than the estimated value of **Thirty Thousand Dollars ($30,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

1-8-20 PROFESSIONAL SERVICES EXEMPT FROM BIDDING REQUIREMENTS. All contracts for professional services, including, but not limited to, attorneys, insurance advisors, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the County without observing the bidding procedures prescribed by this section for the award of formal contracts.

1-8-21 EMERGENCY PURCHASES. In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the County Board shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

1-8-22 COOPERATIVE PURCHASING. The County shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the County would be served thereby. **(See 55 ILCS Sec. 5/5-1022)**

DIVISION VI – CLAIMS

1-8-23 **PRESENTATION.** All claims against the County for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance shall be presented on or before the **second (2nd) Monday** of each month to the County Clerk. All such claims must be in writing and items shall be specified.

1-8-24 **EXCEPTION.** This does not prohibit the County Board from passing on any claims not previously presented to the County Clerk if, in the opinion of the Board, justice to the claimant requires it.

1-8-25 **RESERVED.**

DIVISION VII - PENSIONS

1-8-26 **ILLINOIS MUNICIPAL RETIREMENT FUND.**

(A) The County does hereby elect to participate in the Illinois Municipal Retirement Fund.

(B) **Special Tax.** The County includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the County's cost of participating in the Retirement Fund and appropriate funds therefrom to pay the cost of participation.

1-8-27 **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**

(A) **Eligible employees** shall mean all employees of the County, eligible under the Federal Act.

(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations.

ARTICLE IX - FISCAL PROTOCOLS

1-9-1 **DEPOSIT OF FEES.** All fees and other revenue collected by any officer of the County shall be recorded and paid over the County Treasurer, for deposit in the appropriate County corporate fund, on a monthly basis.

The County Treasurer shall deposit all fees and revenues in an appropriate financial institution on a daily basis.

1-9-2 **MONTHLY REPORT BY TREASURER.** The County Treasurer's monthly report shall include amounts billed, collected and receivable as remitted by the County offices and departments as reflected in the Monthly Budgetary Status Report and the Monthly Cash Balance Report as to funds received and disbursed.

1-9-3 **MONTHLY REPORT BY CLERK.** The County Clerk shall report every **six (6) months** to the County Board of all special funds maintained by him in the discharge of his duties.

(A) All funds collected by the County Clerk shall be supported by pre-numbered receipts. All receipts shall be accounted for as either deposited, voided or not used.

(B) The County Clerk shall make accounting monthly to the County Board of all funds collected and all receipts issued.

1-9-4 **PURCHASING POLICY.** When practical, County funds used for purchasing supplies and materials used by the County shall be used to purchase items within the County.

1-9-5 **COUNTY VEHICLES.** Vehicles, excluding qualified nonpersonal-use vehicles (ex: marked police cars) will only be used for commuting and de-minimis personal use. Employees provided with said vehicles will allow a value of **Three Dollars ($3.00)** per round trip to be added to their compensation on Form W-2, subject to applicable income and employment taxes. Said employees must be properly licensed and insured. **(Resolution No. 11-02-03; 11-18-02)**

1-9-6 **CAPITAL IMPROVEMENTS FUND.** Proceeds from the sale of coal assets by Clinton County, including all principal sums of money and any and all interest income or other proceeds generated therefrom, now or hereafter held by the Treasurer of Clinton County:

(A) are hereby designated as funds available only for capital improvement projects undertaken by Clinton County, as determined and authorized by the County Board of Clinton County, and shall be deposited to, held, accounted for and audited as a special revenue Capital Improvements Fund dedicated for such uses and purposes.

(B) shall not be deposited to or held in the General Fund of Clinton County, except as necessary in conjunction with or to facilitate the initial deposit or transfer of such funds into the special revenue Capital Improvements Fund herein established or to make such

payments for capital improvement projects undertaken by Clinton County, as determined and authorized by the County Board.

(C) shall not be used for the purpose of paying recurrting expenses or temporarily resolving financial issues of Clinton County.

(D) shall be invested by the Treasurer of Clinton Ciounty, subject to said Treasurer's lawful fiduciary rights, duties and obligations, in such a manner as to maximize the long term return on such investments for Clinton County, while facilitating the payment for capital improvement projects planned or undertaken by Clinton County, as determined and authorized by the County Board.

(Ord. No. 2010-08; 10-18-10)

ARTICLE X – RECORDING CLOSED MEETINGS

1-10-1 **RECORDING CLOSED SESSIONS.** The County shall keep a verbatim record of all closed or executive session meetings of the County Board of the County or any subsidiary "public body" as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the County Board. **(See 5 ILCS 120/2)**

1-10-2 **RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS.** The County Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the County Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the County Board. Each subsidiary public body of the County shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the County Clerk with a copy of such recording. The County Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the County and all subsidiary public bodies of the County.

1-10-3 **CLOSED SESSION MINUTES.** In addition to the recordings of the closed and executive session as addressed in this Division, the County will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

1-10-4 **PROCEDURE FOR RECORDING.** At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

1-10-5 **BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION.** The County shall maintain sufficient tapes, batteries and equipment for the County to comply with this Division. The County Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

1-10-6 **PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS.** At one meeting at least every **six (6) months**, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been

released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the County find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely.

1-10-7 **MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the County Board. Members of the County Board may listen to the closed session recordings in the presence of the County Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the County Board.

1-10-8 **PROCEDURE FOR DESTRUCTION OF RECORDINGS.** The County Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

(A) The County Board of the County have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;

(B) More than **eighteen (18) months** have elapsed since the date of the closed session;

(C) There is no court order requiring the preservation of such recording; and

(D) The County Board of the County have not passed a motion requiring the preservation of the verbatim recording of that meeting.

ARTICLE XI – REMOTE MEETING PARTICIPATION

1-11-1 **STATUTORY AUTHORITY FOR PARTICIPATION.** Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this County does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

1-11-2 **DEFINITION OF MEETING.** The term "meeting" shall mean "any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business" or such other definition as shall be contained within the state statutes.

1-11-3 **AMENDMENT OF PREVIOUS TERMS.** The definition of "meeting" set forth in **Section 1-11-2** shall supersede and replace any other definition used in any previous or existing ordinance.

1-11-4 **REMOTE PARTICIPATION POLICY.** The County hereby establishes the **Remote Participation Policy**, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with this policy and any applicable laws as follows:

(A) **Policy Statement.** It is the policy of the County that a member of any group associated with this unit of government which is subject to the provisions fo the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the County shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets that following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

(1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;

(2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the County; or (3) the member cannot attend because of a family or other emergency; and

(3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site

board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the County shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

(See 5 ILCS 120/7)

ADDENDUM "B"

REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: _____

_____

DATE: _____ SIGNED: _____

COUNTY OF CLINTON, ILLINOIS

CLOSED SESSIONS – MINUTES

NOTE: The identifying names have been changed to preserve confidentiality for Clinton County.

Inventory	Date	Purpose	Discussion	Proposed Action	Comments

Key

P	**Personnel**
P/L	**Pending Litigation**
L/A	**Land Acquisition**
CB	**Collective Bargaining**

ANIMAL CONTROL

ARTICLE			***TITLE***	***PAGE***
I	***GENERAL PROVISIONS***			
	Section 3-1-1	-	*Short Title*	*3-1*
	Section 3-1-2	-	*Definitions*	*3-1*
	Section 3-1-3	-	*Removal of Dead Animals; Fees*	*3-2*
	Section 3-1-4	-	*Animal Attacks or Injuries*	*3-2*
	Section 3-1-5	-	*Confinement in Motor Vehicle*	*3-2*
	Section 3-1-6	-	*Vicious Animals Prohibited*	*3-3*
II	***ADMINISTRATION***			
	Section 3-2-1	-	*Appointment of Administrator; Deputies; Removal*	*3-4*
	Section 3-2-2	-	*Duties*	*3-4*
	Section 3-2-3	-	*Equipment Supplied by Board*	*3-4*
	Section 3-2-4	-	*Duties of Administrator*	*3-4*
	Section 3-2-5	-	*Enforcement*	*3-4*
III	***REGISTRATION***			
	Section 3-3-1	-	*Registration of Dogs; Fees; Certificate of Registration*	*3-5*
	Section 3-3-2	-	*Fee Deadline*	*3-5*
	Section 3-3-3	-	*Registration Forms*	*3-5*
	Section 3-3-4	-	*Remittance of Fees – Animal Control Fund – Use of Fund*	*3-5*
	Section 3-3-5	-	*Microchipping*	*3-5*
IV	***REGULATIONS***			
	Section 3-4-1	-	*Inoculation Against Rabies Required – Rabies Inoculation Tags – Sale and Distribution of Vaccine*	*3-6*
	Section 3-4-2	-	*Rabies Inoculation Tag – Display – Collar or Harness*	*3-6*
	Section 3-4-3	-	*Dogs Running at Large*	*3-6*
	Section 3-4-4	-	*Potentially Dangerous Dog*	*3-7*
	Section 3-4-5	-	*Impoundment; Redemption*	*3-7*
	Section 3-4-6	-	*Dogs Not Redeemed – Humane Dispatch – Humane Societies; Adoption – Charge for Registration and Inoculation*	*3-7*
	Section 3-4-7	-	*Boarding Fees*	*3-7*
	Section 3-4-8	-	*Humane Dispatch, Disposition – Unowned Stray Dogs*	*3-7*
	Section 3-4-9	-	*Dogs Exhibiting Signs of Rabies*	*3-8*
	Section 3-4-10	-	*Report of Bit by Dog or Other Animal*	*3-8*
	Section 3-4-11	-	*Necessity of Leash for Dangerous Dog or Other Animal; Guide Dogs Exempted*	*3-8*
	Section 3-4-12	-	*Injunction to Enforce; Nuisance*	*3-9*
	Section 3-4-13	-	*Inspections – Refusal of Owner to Deliver Dog or Other Animal*	*3-9*

ARTICLE	TITLE			PAGE
IV	REGULATIONS (CONTINUED)			
	Section 3-4-14	-	Powers of Municipalities and Other Political Subdivisions to Regulate Dogs and Other Animals	3-9
	Section 3-4-15	-	Violations - Penalty	3-9
	Section 3-4-16	-	Dogs Attacking Livestock	3-9
	Section 3-4-17	-	Liability of Dog's Owner	3-9
	Section 3-4-18	-	Failure, Refusal, or Neglect of Officer to Carry Out Code – Punishment	3-9
V	NON-DOMESTIC ANIMALS			
	Section 3-5-1	-	Prohibition of Keeping of Non-Domestic Animals	3-10
	Section 3-5-2	-	Domestication No Defense	3-10
	Section 3-5-3	-	Violations - Penalties	3-10
VI	VICIOUS AND DANGEROUS DOGS			
	Section 3-6-1	-	Definitions	3-11
	Section 3-6-2	-	Unlawful to Maintain	3-11
	Section 3-6-3	-	Owner's Responsibility	3-11
	Section 3-6-4	-	Dog Permitted to Leave Premises	3-11
	Section 3-6-5	-	Injunction	3-12
	Section 3-6-6	-	Liability of Owner or Dog Attacking or Injuring Person	3-12
	Section 3-6-7	-	Right of Entry - Inspections	3-12
	Section 3-6-8	-	Fighting Prohibited	3-12
VII	TETHERING			
	Section 3-7-1	-	Tethering Dog Regulations	3-13
	Section 3-7-2	-	Animal Feed Prohibited	3-13
	Section 3-7-3	-	Variances	3-13

CHAPTER 3

ANIMAL CONTROL

ARTICLE I – GENERAL PROVISIONS

3-1-1 **SHORT TITLE.** This Chapter shall be known and may be cited as the Animal Control Code. **(510 ILCS 5/1)**

3-1-2 **DEFINITIONS.** As used in this Chapter, unless the context otherwise requires, the terms specified shall have the meanings ascribed to them as follows:

Administrator. "Administrator" means a veterinarian licensed by the State of Illinois and appointed by the County Board, or in the event a veterinarian cannot be found and appointed to said position, a non-veterinarian appointed to said position by the County Board. In the event a non-veterinarian serves as Administrator, said person shall defer to a veterinarian licensed by the State of Illinois regarding all medical decisions, pursuant to **510 ILCS 5/2.01**. In the discretion of the County Board, the Administrator may also serve, simultaneously, as Clinton County's Animal Control Warden. **(510 ILCS 5/2.10) (Ord. No. 2011-028; 06-20-11)**

Animal. "Animal" means any animal other than man, which may be affected by rabies. **(510 ILCS 5/2.02)**

Animal Control Warden. "Animal Control Warden" means any person appointed by the County Board. **(510 ILCS 5/2.03)**

Board. "Board" means the County Board of Clinton County, as defined by Section 23 of "An Act to revise the law in relation to counties" approved March 31, 1974, as amended. **(510 ILCS 5/2.04)**

Confined. "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house or other enclosure away from other animals and the public. **(510 ILCS 5/2.05)**

Dangerous Dog. "Dangerous dog" means:

(A) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal, or

(B) a dog that, without justification bites a person and does not cause serious injury. **(510 ILCS 5/2.052A)**

Department. "Department" means the Department of Agriculture of the State of Illinois. **(510 ILCS 5/2.06)**

Director. "Director" means the Director of the Department of Agriculture of the State of Illinois, or his duly appointed representative. **(510 ILCS 5/2.08)**

Dog. "Dog" means all members of the family Canidae. **(510 ILCS 5/2.11)**

Has Been Bitten. "Has been bitten" means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(510 ILCS 5/2.12)**

Inoculation against rabies. "Inoculation against rabies" means the injection of an anti-rabies vaccine approved by the Department. **(510 ILCS 5/2.13)**

Leash. "Leash" means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. **(510 ILCS 5/2.14)**

Licensed Veterinarian. "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(510 ILCS 5/2.15)**

Owner. "Owner" means any person having the right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him. **(510 ILCS 5/2.16)**

Person. "Person" means any person, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. **(510 ILCS 5/2.17)**

Pound. "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(510 ILCS 5/2.18)**

Registration Certificate. "Registration Certificate" means a printed form prescribed by the Department for the purpose of recording pertinent information as required by the Department under this Code. **(510 ILCS 5/2.19)**

Unowned Stray Dog, "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(510 ILCS 5/2)**

3-1-3 REMOVAL OF DEAD ANIMALS; FEES. In addition to any other fees provided for under this Section, the County does hereby establish a fee of **Fifteen Dollars ($15.00)** for cats, **Twenty-Five Dollars ($25.00)** for dogs and **Thirty Dollars ($30.00)** for all other animals, for the pickup and disposal of dead animals from private for-profit animal hospitals. This fee shall be sufficient to cover the costs of pickup and delivery and shall be deposited in the County's animal control fund.

3-1-4 ANIMAL ATTACKS OR INJURIES. If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby. **(510 ILCS 5/16)**

3-1-5 CONFINEMENT IN MOTOR VEHICLE. No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer,

law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible. **(510 ILCS 70/7.1)**

3-1-6 **VICIOUS ANIMALS PROHIBITED.** It shall be unlawful for any person to bring or transfer into the unincorporated area of Clinton County any dog or animal that has been declared "vicious" by any unit of local government.

ARTICLE II - ADMINISTRATION

3-2-1 **APPOINTMENT OF ADMINISTRATOR; DEPUTIES; REMOVAL.** The County Board shall appoint, at its first regular meeting in December of each year, an Animal Control Administrator, who shall be a licensed Illinois veterinarian, or in the event a veterinarian cannot be found and appointed to said position, a non-veterinarian appointed to said position by the County Board. In the event a non-veterinarian serves as Administrator, said person shall defer to a veterinarian licensed by the State of Illinois regarding all medical decisions, pursuant to **510 ILCS 5/2.01**. In the discretion of the County Board, the Administrator may also serve, simultaneously, as Clinton County's Animal Control Warden. **(510 ILCS 5/2.10) (Ord. No. 2011-028; 05-20-11)**

3-2-2 **DUTIES.** The Administrator's duties shall include those prescribed by statutes, this Code, and the Rules and Regulations relating to the Animal Control Act as have been or may hereafter be adopted by the Department of Agriculture of the State of Illinois pursuant to **Illinois Compiled Statutes, Chapter 510, Section 5/1**. The Administrator's salary and expenses shall be established annually by the County Board in the annual budget prior to his appointment.

3-2-3 **EQUIPMENT SUPPLIED BY BOARD.** The Board shall provide necessary personnel, equipment, supplies, and facilities, and shall provide pounds or contract for their operation as necessary to effectuate the program. The Administrator shall be responsible for operation of such pounds as are or may hereafter be owned by the County.

The Board is empowered to, and may from time to time, utilize monies from their General Corporate Fund to effectuate the intent of this Code. **(510 ILCS 5/3)**

3-2-4 **DUTIES OF ADMINISTRATOR.** It shall be the duty of the Administrator through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary, to control and prevent the spread of rabies in this County. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of the Animal Control Act. **(510 ILCS Sec. 5/19)**

3-2-5 **ENFORCEMENT.** The Administrator, is, for the purpose of enforcing this Code, clothed with police power, according to law made and provided. The Sheriff and his deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of this Code. **(510 ILCS 5/5)**

ARTICLE III - REGISTRATION

3-3-1 **REGISTRATION OF DOGS; FEES; CERTIFICATE OF REGISTRATION.** Every person who is or has been a resident of this County for **thirty (30) days** or more and who is the owner of any animal required to be inoculated under the Illinois Animal Control Act **(510 ILCS 5/1, et seq.)** shall cause such animal to be registered and shall pay an annual fee for such animal. The registration fee for each such animal which has been spayed or neutered shall be **Ten Dollars ($10.00)** for a **one (1) year** registration or **Twenty-Five Dollars ($25.00)** for a **three (3) year** registration. The registration fee for each such animal which has not been spayed or neutered shall be **Twenty Dollars ($20.00)** for a **one (1) year** registration and **Fifty Dollars ($50.00)** for a **three (3) year** registration. **(Ord. No. 2019-47; 12-16-19)**

3-3-2 **FEE DEADLINE.** The annual registration fee for individual animals shall be paid within **twenty (20) days** of the date said animal is inoculated against rabies or within **twenty (20) days** of paid anniversary in the case of **three (3) year** vaccinations. **(Ord. No. 2019-47; 12-16-19)**

3-3-3 **REGISTRATION FORMS.** The Animal Control Administrator shall provide licensed veterinarians with appropriate registration forms which shall be distributed to dog owners of animals required to be registered by such licensed veterinarians upon the occasion of the rabies inoculation required by the Animal Control Act and this Code. The veterinarians shall send completed inoculation registration forms to the Animal Control Administrator as soon as practicable, preferably weekly. **(Ord. No. 2019-47; 12-16-19)**

3-3-4 **REMITTANCE OF FEES - ANIMAL CONTROL FUND - USE OF FUND.** All registration fees collected shall be remitted to the County Treasurer who shall place such monies in an Animal Control Fund. This fund to be set up by him for the purpose of paying costs of the Animal Control Program. **One-third (1/3)** of all fees collected shall be retained in the fund until the first Monday in March of each calendar year for the purpose of paying claims for loss of livestock or poultry as set forth in Section 19 of the Animal Control Act, **Illinois Compiled Statutes, Ch. 510, Sec. 5/19**, of this Code. The remaining **two-thirds (2/3)** shall be used for paying the cost of stray dog control, impoundment, education on animal provisions of this Code, except as set forth in Section 5/19 of the Animal Control Act, **Illinois Compiled Statutes**.

3-3-5 **MICROCHIPPING.** All dogs impounded for running at large shall be micro chipped at the owner's expense. The fee shall be **Fifteen Dollars ($15.00)** per dog. A dog found running at large a second time shall be spayed or neutered within **thirty (30) days** of being reclaimed. The owner's failure to comply with this order shall result in the impoundment of the dog. **(510 ILCS 5/16.5)**

ARTICLE IV

REGULATIONS

3-4-1 <u>INOCULATION AGAINST RABIES REQUIRED - RABIES INOCULATION TAGS - SALE AND DISTRIBUTION OF VACCINE.</u> Every owner of an animal required to be inoculated under the Illinois Animal Control Act **(510 ILCS 5/1, et seq.)** shall cause such animal to be inoculated against rabies by a licensed veterinarian at such intervals as have been or may hereafter be established by regulations of the Illinois Department of Agriculture. Evidence of such rabies inoculation shall be entered on a registration certificate, the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. The Board shall cause a rabies inoculation tag to be issued, at no additional fee, for each animal inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture by published regulations. **(510 ILCS 5/8) (Ord. No. 2019-47; 12-16-19)**

3-4-2 <u>RABIES INOCULATION TAG - DISPLAY - COLLAR OR HARNESS.</u> Every animal within the County which is required to be vaccinated and registered under the provisions of the Animal Control Act and this Code shall be provided by its owner or keeper with a collar or harness made of leather, metal or other substantial material to which the owner or keeper shall cause a current rabies vaccination tag to be securely attached. The owner or keeper shall cause such collar or harness to be worn at all times by the animal for which the certificate and tag was issued, except when such animal is confined to an enclosed area. **(Ord. No. 2019-47; 12-16-19)**

3-4-3 <u>ANIMALS RUNNING AT LARGE.</u>

(A) **<u>Impoundment.</u>** Any animal contrary to the provisions of the Illinois Animal Control Act and this Code shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available public pound. **(510 ILCS 5/9)**

Any animal running at large within the County on any public way or public place or upon the private premises of any person other than those of the owner or keeper of such animal shall be considered a "stray" and shall be considered to have been "found running at large contrary to the provisions of this Code" and contrary to the provisions of the Animal Control Act whenever:

(1) Such animal is not on the premises of its owner or keeper and is not under control by leash or other recognized control methods, and

(2) Such animal does not bear a current rabies inoculation tag as required by this Code.

(B) **<u>In Unincorporated Areas Subdivided For Residence Purposes.</u>** It shall be unlawful and a violation of this Code for any person who is the owner of an animal required to be inoculated against rabies to allow or permit the same to run at large on any public way or public place or upon the private premises of any person other than those of the owner or keeper of such animal, provided, however, that this Section shall only apply in unincorporated areas of Clinton County which have been subdivided for residence purposes. **(55 ILCS 5/5-1071)** For purposes of this Section, "running at large" means an animal allowed, suffered or permitted by its owner to roam, run or wander upon public ways or public places or upon private premises of any person other than those of the owner when such animal is not under control by leash or other recognized control methods.
(Ord. No. 2019-47; 12-16-19)

3-4-4 **<u>POTENTIALLY DANGEROUS DOG.</u>** A dog found running at large and unsupervised with **three (3)** or more other dogs may be deemed a potentially dangerous dog any the Animal Control Warden or Administrator. Potentially dangerous dogs shall be spayed or neutered and micro chipped within **fourteen (14) days** of reclaim. The designation of "potentially dangerous dog" shall expire **twelve (12) months** after the most recent violation of this Section. Failure to comply with this Section will result in impoundment of the dog or a fine of **Seven Hundred Fifty Dollars ($750.00)**. **(510 ILCS 5/15.4)**

3-4-5 **<u>IMPOUNDMENT; REDEMPTION.</u>** When dogs or cats are apprehended and impounded, they must be scanned for the presence of a microchip. The Administrator shall make every reasonable attempt to contact the owner as defined by **Section 3-1-2** as soon as possible. The Administrator shall give notice of not less than **seven (7) business days** to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Testimony of the Administrator, or his or her authorized agent, who mails such notice shall be evidence of the receipt of such notice by the owner of the animal.

In case the owner of any impounded dog or cat desires to make redemption thereof, he or she may do so by doing the following:

(A) Presenting proof of current rabies inoculation and registration, if applicable.

(B) Paying for the rabies inoculation of the dog or cat and registration, if applicable.

(C) Paying the pound for the board of the dog or cat for the period it was impounded.

(D) Paying into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense.

(E) Paying a **Twenty-Five Dollar ($25.00)** public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within **fourteen (14) days**.

(F) Paying for micro chipping and registration if not already done.

(510 ILCS 5/10)

3-4-6 **<u>DOGS NOT REDEEMED - HUMANE DISPATCH - HUMANE SOCIETIES; ADOPTION - CHARGE FOR REGISTRATION AND INOCULATION.</u>** When not redeemed by the owner within **seven (7) days** after due notice has been given under this Code, a dog which has been impounded for failure to be registered in accordance with the provisions of this Code shall be humanely dispatched, offered for adoption, or otherwise disposed of by the pound as a stray dog in accordance with the laws that exist or may hereafter exist. This Code shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Code and other existing laws. Any person purchasing or adopting such dog, with or without charge or donation, shall pay for the registration and rabies inoculation of such dog. **(510 ILCS 5/11)**

3-4-7 **<u>BOARDING FEES.</u>** If the County has to board a dog or cat a fee of **Five Dollars ($5.00)** per day shall be assessed until the owner is notified and is found within **forty-eight (48) hours** or less. After **forty-eight (48) hours** a **Ten Dollar ($10.00)** per day fee shall be assessed or the arrangements will be made to board the dog or cat at another facility.

3-4-8 **<u>HUMANE DISPATCH, DISPOSITION - UNOWNED STRAY DOGS.</u>** The Administrator is hereby authorized to humanely dispatch, offer for adoption, or otherwise dispose of any unowned stray dog impounded under the provisions of this Code after the expiration of **three (3) days** following the day of impoundment of such dog.

3-4-9 **DOGS EXHIBITING SIGNS OF RABIES.** The owner of any dog or other animal which exhibits clinical signs of rabies whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation for a period of at least **ten (10) days,** unless officially authorized by the Administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the Administrator. **(510 ILCS 5/12)**

3-4-10 **REPORT OF BITE BY DOG OR OTHER ANIMAL.** When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of **ten (10) days.** Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within **twenty-four (24) hours** after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such dog or other animal, on appropriate forms approved by the Illinois Department of Agriculture. The Administrator shall notify the attending physician or responsible health agency. At the end of confinement period, the veterinarian shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the Illinois Department of Agriculture. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of **ten (10) days,** if the Administrator or other licensed veterinarian adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or another licensed veterinarian.

It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, permit or allow such dog to be taken beyond the limits of this County, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the Administrator, or his authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this Section and Section 3-4-7 shall be borne by the owner. For the purpose of this Section, the word "immediately" means by telephone, in person, or by other than use of the mail. **(510 ILCS 5/13)**

3-4-11 **NECESSITY OF LEASH FOR DANGEROUS DOG OR OTHER ANIMAL; GUIDE DOGS EXEMPTED.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premise of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind, sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies and shall be registered annually with the Administrator. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

3-4-12 **INJUNCTION TO ENFORCE; NUISANCE.** The Administrator, the State's Attorney, or any citizen of the County in which a dangerous dog or other animal exists may maintain a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the Circuit Court, if the court is satisfied that this nuisance may exist, it shall allow a temporary writ of injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Code, and in addition, the court shall enter a decree restraining the owner from maintaining such nuisance and may decree that such dog or other animal be humanely dispatched. **(510 ILCS 5/15)**

3-4-13 **INSPECTIONS - REFUSAL OF OWNER TO DELIVER DOG OR OTHER ANIMAL.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code.

3-4-14 **POWERS OF MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS TO REGULATE DOGS AND OTHER ANIMALS.** Nothing in this Code shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit the animals from running at large, nor shall anything in this Code be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision including a requirement of inoculation against rabies. **(510 ILCS 5/24)**

3-4-15 **VIOLATIONS - PENALTY.** Any person violating or aiding in or abetting the violation of any provision of this Chapter or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Chapter, or resisting, or obstructing, or impeding the Administrator or any authorized officer in enforcing this Chapter, or refusing to produce for inoculation any dog in his possession not confined at all times to an enclosed area, or who removes a tag from a dog for purpose of destroying or concealing its identity, is guilty of a petty offense for a first or second offense and shall be fined not less than **Fifty Dollars ($50.00)** nor more than **Two Hundred Dollars ($200.00)** for a first or second offense and for a third and subsequent offense, shall be fined not more than **Seven Hundred Fifty Dollars ($750.00).** The State's Attorney shall, at his discretion, cause appropriate proceedings to be instituted in the proper delay and to be prosecuted in the manner provided by law. **(510 ILCS 5/26)**

3-4-16 **DOGS ATTACKING LIVESTOCK.** Any owner seeing his or her livestock, poultry, or equidae being injured, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may kill such dog. **(510 ILCS 5/18)**

3-4-17 **LIABILITY OF DOG'S OWNER.** The owner or keeper of a dog is liable to a person for all damages caused by the dog pursuing, chasing, worrying, wounding, injuring, or killing any sheep, goats, cattle, horses, mules, poultry, ratites, or swine belonging to that person. **(510 ILCS 5/20)**

3-4-18 **FAILURE, REFUSAL, OR NEGLECT OF OFFICER TO CARRY OUT CODE - PUNISHMENT.** Any officer failing, refusing or neglecting to carry out the provisions of this Chapter shall be guilty of a petty offense and shall be fined not less than **Twenty-Five Dollars ($25.00)** or more than **One Hundred Dollars ($100.00)** for each offense. **(510 ILCS 5/27)**

ARTICLE V - NON-DOMESTIC ANIMALS

3-5-1 **PROHIBITION OF KEEPING OF NON-DOMESTIC ANIMALS.** No person, business association or corporation shall keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, hyena or coyote, bear, wolf, or any poisonous reptile or constrictors in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

3-5-2 **DOMESTICATION NO DEFENSE.** It is no defense to a violation of this Article that the keeper of any animal or poisonous reptile, which is prohibited by **Section 3-5-1** has attempted to domesticate such animal or poisonous reptile.

3-5-3 **VIOLATIONS-PENALTIES.** Any person violating or aiding in or abetting the violation of any provision of this Article or impeding the Administrator or any authorized officer in enforcing this Chapter, shall upon conviction, be fined not less than **Twenty-Five Dollars ($25.00)** for a first or second offense and for a third and subsequent offense, shall be fined not more than **One Thousand Dollars ($1,000.00).** The State's Attorney shall, at his discretion, cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner provided by law. **(510 ILCS 5/60-1 et seq.)**

ARTICLE VI - VICIOUS AND DANGEROUS DOGS

3-6-1 **DEFINITIONS.** As used in this Article and in **Section 3-1-2**, the following words shall have the following meanings and definitions:

(A) **"Vicious dog"** means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon **three (3)** separation occasions.

(B) **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. **(510 ILCS 5.21(A))**

(C) **"Impounded"** means taken into the custody of the public pound in the County where the vicious dog is found.

(D) **"Found to Be Vicious Dog"** means:

(1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in paragraph (1) of Subsection (A) and, based on that finding, the County Veterinarian, an Animal Control Warden has declared in writing that the dog is a vicious dog or

(2) that the circuit court has found the dog to be a vicious dog as defined in paragraph (1) of Subsection (A) and has entered an order based on that finding.

3-6-2 **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

3-6-3 **OWNER'S RESPONSIBILITY.** If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **seven (7) working days,** the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden approves the enclosure as defined in this Article.

No owner or keeper of a vicious dog shall sell or give away the dog.

3-6-4 **DOG PERMITTED TO LEAVE PREMISES.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to
notify the Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

3-6-5 **INJUNCTION.** The Animal Control Warden, the Attorney, or any citizen of the County in which a dangerous dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(510 ILCS 5/17)**

3-6-6 **LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.** If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(510 ILCS 5/16)**

3-6-7 **RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(510 ILCS 5/17)**

3-6-8 **FIGHTING PROHIBITED.** No person shall fight or bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting, any Pit Bull Dog or vicious animals.

(Also 510 ILCS 5/24)

ARTICLE VII – TETHERING

3-7-1 **TETHERING DOG REGULATIONS.** The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for **one (1) hour** or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners and guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within **fifty (50) feet** of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within **ten (10) feet** of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than **one (1) dog** shall be attached to a tether.

(H) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment.

(I) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof and **four (4) sides**. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

(J) Tethering shall not be used as permanent means of containment for any companion pet.

(K) Tethering shall be acceptable under the following conditions:

(1) Trolley or pulley types of tethering systems are recommended.

(2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

(3) All tethers will be a minimum of **fifteen (15) feet** in length and no more than **one-eighth (1/8)** the dog's weight.

(4) The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.

(5) No pinch or choke collars shall be allowed.

(6) No tether shall be directly attached to the dog.

(L) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

3-7-2 **ANIMAL FEED PROHIBITED.** It shall be unlawful for anyone to place or distribute any animal feed on public property, public easements and accesses to public property. It shall be unlawful for anyone to place or distribute animal feed on vacant lots or in unoccupied structures in the County.

3-7-3 **VARIANCES.** Any person seeking a variance from the regulations in this Article shall complete an application at the Animal Control Agency of the County. The variance shall be reviewed by the Animal Control Committee for approval or disapproval.

(510 ILCS 70/3)

(See Section 1-1-20 for penalties)

BOARDS - COMMISSIONS

ARTICLE		***TITLE***	***PAGE***
I	***BOARD OF PUBLIC HEALTH***		
	Section 5-1-1	*- Purpose*	*5-1*
	Section 5-1-2	*- Members*	*5-1*
	Section 5-1-3	*- Officers*	*5-1*
	Section 5-1-4	*- Meetings*	*5-1*
	Section 5-1-5	*- Voting*	*5-1*
	Section 5-1-6	*- Duties of the Board of Health*	*5-2*
	Section 5-1-7	*- Fiscal Year*	*5-2*
	Section 5-1-8	*- Budget and Disbursements*	*5-2*
	Section 5-1-9	*- Accounts*	*5-3*
	Section 5-1-10	*- Annual Report*	*5-3*
	Section 5-1-11	*- Committees*	*5-3*
	Section 5-1-12	*- Reimbursement for Expenses of Members of Board of Health*	*5-3*
	Section 5-1-13	*- Property of the Board of Health*	*5-3*
	Section 5-1-14	*- Amendments to By-Laws*	*5-3*
II	***MENTAL HEALTH BOARD (708)***		
	Section 5-3-1	*- Established*	*5-4*
	Section 5-3-2	*- Composition*	*5-4*
	Section 5-3-3	*- Term of Office*	*5-4*
	Section 5-3-4	*- Absenteeism*	*5-4*
	Section 5-3-5	*- Expenses*	*5-4*
	Section 5-3-6	*- Officers Elected*	*5-4*
	Section 5-3-7	*- Duties of Officers*	*5-4*
	Section 5-3-8	*- Meetings*	*5-5*
	Section 5-3-9	*- Fiscal Year*	*5-5*
	Section 5-3-10	*- Powers and Duties*	*5-5*
	Section 5-3-11	*- Committees*	*5-6*
	Section 5-3-12	*- Amendments*	*5-6*
	Section 5-3-13	*- Annual Budget and Report*	*5-6*
	Section 5-3-14	*- Tax Levy – Community Mental Health Fund*	*5-6*
III	***S.I.L.E.C.***		
	Section 5-3-1	*- Law Enforcement Commission*	*5-7*
	Section 5-3-2	*- Appropriation*	*5-7*
	Section 5-3-3	*- Membership*	*5-7*

CHAPTER 5

BOARDS – COMMISSIONS

ARTICLE I - BOARD OF PUBLIC HEALTH

5-1-1 **PURPOSE.** This Board of Health was appointed and operates under the provisions of "An Act in Relation to the Establishment and Maintenance of County and Multiple-County Public Health Departments" also known as the County Health Department Law, to oversee the provision of public health services in the county. **(55 ILCS 5/5-25001 et seq.)**

5-1-2 **MEMBERS.** There shall be **nine (9) members** of the Board of Health. Of these, at least **two (2)** shall be medical doctors, **one (1)** a dentist, and **one (1)** a nurse.

Appointments to the Board of Health are made by the Chairman of each County Board with the approval of the County Board members.

Of the initial **eight (8) members**, **two (2)** shall be appointed for a term of **one (1) year**, **two (2)** for a term of **two (2) years**, and **two (2)** for a term of **three (3) years**. Subsequent appointments shall be made for a term of **three (3) years**. A county board member who is also on the Board of Health shall have his/her term expire at the time he leaves the County Board. **(55 ILCS 5/5-25012)**

5-1-3 **OFFICERS.**

(A) The officers of the Board of Health shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer, and shall be elected annually by the members of the Board of Health.

(B) The duties of the officers of the Board of Health shall be those which are customary for such officers, (See Robert's Rules of Order), and any other duties as shall be set forth in this instrument.

(C) Officers shall be elected for the ensuing year at a Board of Health meeting which shall be held prior to **December 1st** of each year.

(D) Signature authority for all checks shall be vested in the Treasurer and the Public Health Administrator with the Chairman having signature authority as an alternate for either of **two (2)** mentioned above. All checks shall contain **two (2)** authorized signatures. **(55 ILCS 5/5-25012)**

5-1-4 **MEETINGS.**

(A) The Board shall hold meetings at least quarterly.

(B) May hold special meetings upon written request signed by **two (2) members** of the Board of Health and filed with the Secretary, or on request of the Public Health Administrator, or Chairman.

(C) Members of the Board of Health are required to attend regular meetings of the Board. Absence from **three (3)** consecutive meetings without an excused absence will result in resignation. Members should notify either the Chairman or the Secretary of intended absence. In the event of a member's resignation, the Chairman of the County Board shall appoint a new member to the Board.

(D) Notification of all meetings of the Board of Health will be made public in compliance with the "Illinois Open Meetings Act".

(E) Except as otherwise specifically provided for herein, meetings of this Board and any of its committees shall be conducted in accordance with Chapter 1 – Administration, Article IV – County Board Rules Subsection 1-4-1(B) through (FF), inclusive, and Article XI – Remote Meeting Participation Section 1-11-1 through 1-11-4(E), inclusive, which rules are incorporated herein by reference as though fully set forth herein. **(Ord. No. 2019-44; 10-21-19)**

5-1-5 **VOTING.** All questions before the Board of Health shall be decided by a majority vote of all members present; however, no meeting shall be accounted as official unless a quorum of the members is present. A quorum is understood to be **five (5) members**.

5-1-6 **DUTIES OF THE BOARD OF HEALTH.** The Board of Health:

(A) Will assure that the Health Department's programs include at least those designated by the Illinois Department of Public Health (IDPH) as "required" and meet the criteria for approval as set forth in the "Standards for Local Health Departments" issued by IDPH.

(B) Will direct the Public Health Administrator to maintain the services of the County and request certification as such to be continued according to the provisions of the Medicare Act.

(C) Shall employ a staff adequately qualified to carry out the Health Department programs and which, in accordance with established Rules and Regulations, shall meet "The Minimum Qualifications for Personnel Employed by Local Health Departments as Established by the Illinois Department of Public Health, and shall adopt personnel policies which shall be kept in writing and made available to employees.

(D) Shall provide for, or request, adequate financing for Health Department programs and shall adopt fiscal policies which shall be kept in writing.

(E) May enter into contracts with official or nonofficial agencies or individuals for the purchase, sale or exchange of health services.

(F) Shall employ clerical staff sufficient to aid in the maintenance of proper clinical records on all patients and perform such other secretarial duties as may be necessary.

(G) Shall provide office space and equipment adequate for the needs of the Health Department.

(H) Shall request the County Board to pass ordinances permitting the charging and collecting of such fees as may be necessary to finance selected health services.

(I) Shall appoint a Public Health Administrator as the executive officer of the Health Department, provided that that Board of Health shall make available medical supervision which is considered adequate by the Director of the Illinois Department of Public Health.

(J) Shall, according to the requirements of the County Health Department Act, and within the professional and technical competence of its staff, and the number of staff employed, and with the staff of the Health Department acting as its agent, enforce all State laws pertaining to the preservation of health, and all county and municipal ordinances except as otherwise provided in the County Health Department Act; also shall enforce all rules and regulations promulgated by IDPH, by the County Board or on its own legal authority.

(K) Shall, according to the requirements of the County Health Department Act, recommend, when deemed necessary, to the County Boards, the enactment of such ordinances and Rules and Regulations as may be necessary or desirable for the protection of health and control of disease in its jurisdiction.

(L) Shall approve major new programs and services offered by the Department.

(M) Shall approve all new hires and terminations, according to the guidelines of the Clinton County Personnel Code and Union Contract. Upon a staff vacancy, the Health Board shall notify the County Board/Union such vacancy and appoint a committee; including the administrator and/or appropriate staff, to advertise, and conduct interviews. Upon the recommendations of this committee, the Health Board shall approve the hiring of additional staff. The Administrator will be responsible for all disciplinary action as defined in the Clinton County Personnel Code and Union Contract, Health Board shall approve termination. **(55 ILCS 5/5-25013)**

5-1-7 **FISCAL YEAR.** The fiscal year of the County Health Department shall run from **December 1** through **November 30** of the following year.

5-1-8 **BUDGET AND DISBURSEMENTS.** The Board of Health:

(A) Shall, at the appropriate time prior to the end of the fiscal year, meet and review the Health Department budget for the coming year proposed by the Public Health Administrator and upon approval, submit the budget to the County Board, preferably after a preliminary conference with the Finance and Health Services Committee of the Board.

(B) Shall review at each meeting, the fiscal status of the Health Department. The Treasurer or Chairman of the Board of Health shall be authorized to review the payroll and all expenditures between meetings.

(C) Shall review salary ranges and increments for the staff members as outlined in the personnel policies.

(D) Shall prescribe the powers and duties of all officers and employees, fix their compensation, and authorize payment of the same and all other department expenses from the County Health Fund.

5-1-9 **ACCOUNTS.** The Board of Health:

(A) Shall direct the Health Department staff to keep a record in the Department headquarters of all receipts and disbursements. This record shall be compared at least annually with the records of the County Treasurer.

(B) Shall cause an annual audit to be made of the Health Department accounts. The County Treasurer's annual audit of all accounts, which includes the Health Department, is accepted as the Board of Health's official audit.

5-1-10 **ANNUAL REPORT.** The Board of Health shall publish, within the period required by State Law, and annual report explaining the health department activities and expenditures for the past year. This report shall be in pamphlet form and shall be for free distribution, which shall include distribution to members of the County Board and the State Health Department.

5-1-11 **COMMITTEES.** The Chairman of the Board of Health:

(A) Shall, from the Board of Health members, appoint such committees as seem appropriate for the conduct of the Board of Health Business.

(B) May appoint Advisory Committees from professional or community groups.

(C) Serves as ex-officio member of all appointed committees.

5-1-12 **REIMBURSEMENT FOR EXPENSES OF MEMBERS OF BOARD OF HEALTH.** The members of the Board of Health:

(A) Shall serve without compensation.

(B) May be reimbursed for actual, necessary expense incurred in the performance of their duties, such as attendance at meetings of the Board of Health, committee meetings of the Board of Health or at meetings of the Illinois Association of Boards of Health, in accordance with established policies regarding reimbursement for Health Department staff, and with the approval of the entire Board of Health.

5-1-13 **PROPERTY OF THE BOARD OF HEALTH.** The Board of Health:

(A) Shall request the executive officer of the Health Department, or the Public Health Administrator, to keep an accurate inventory of all property of the Health Department.

(B) Shall cause property of the Health Department to be adequately protected by insurance.

(C) May require that property of the Health Department destroyed or damaged by carelessness of any employee, be replaced at the expense of the employee, if circumstances justify.

5-1-14 **AMENDMENTS TO BY-LAWS.** Members of the Board of Health may propose amendments to these by-laws by a vote of **two-thirds (2/3)** of the members present at an official meeting of the Board of Health, provided that a written notice of the proposed changes be sent to each member and to the County Board at least **two (2) weeks** before the meeting at which the by-laws are to be amended. The County Board will pass an ordinance if the members agree to the amendments.

ARTICLE II - MENTAL HEALTH BOARD (708)

5-2-1 **ESTABLISHED.** There is hereby established by the County Board, a Community Mental Health Funding Board in accordance with **Chapter 405, Secs. 20/0.1 to 20/4 of the Illinois Compiled Statutes** and shall be hereinafter referred to as the 708 Board.

5-2-2 **COMPOSITION.** The membership of this Board shall consist of **seven (7) members** appointed by the Chairman of the County Board, subject to the approval of the County Board. When appointments to the Board are made, every effort should be made to make the Board representative of the County looking to all criteria such as geography and occupation. Members shall be residents of Clinton County. **(405 ILCS 20/3a)**

5-2-3 **TERM OF OFFICE.** The members shall serve for a period of **four (4) years**. A Board member will be eligible for no more than **two (2)** full consecutive terms. A Board member who has served **two (2)** full consecutive terms must resign from the Board for at least **one (1) year** before he/she would be eligible to be reappointed to the Board. Board members appointed to fill an unexpired term are not to be considered serving a full term. Appointments will be made to become effective **August 1** of each year. **(405 ILCS 20/3b)**

5-2-4 **ABSENTEEISM.** Any member of the 708 Board deemed guilty of absenteeism, neglect of duty, misconduct or malfeasance in office, by a vote of the majority of the 708 Board and after being given a written statement of charges and an opportunity to be heard thereon within **thirty (30) days** of notification, may be removed by the appointing officer. The Chairman of the 708 Board, upon the recommendation of the Board, may then recommend that the Chairman of the County Board appoint a new member to serve the unexpired term of the recalled member. Absenteeism in this instance shall consist of non-attendance at **three (3)** consecutive Board meetings without legitimate excuse (illness, vacation, out of community). **(405 ILCS 20/3c)**

5-2-5 **EXPENSES.** The expenses incurred by the 708 Board in the performance of duties imposed upon it or its members may be a charge on the governmental unit and shall be paid out of the "708 Community Mental Health Fund". No member shall receive payment, except expenses for service on the Board. **(405 ILCS 20/3d)**

5-2-6 **OFFICERS ELECTED.** The officers of the 708 Board shall be a chairman, vice-chairman, secretary and treasurer elected by the membership of the Board.

Officers shall be elected for a full term of **one (1) year**. An officer who has served **four (4)** full consecutive terms must resign from that office for at least **one (1) year** before he/she would be eligible for that office again. Officers elected to fill an unexpired term are not to be considered serving a full term. Officers will be elected at the **April** meeting. **(405 ILCS 20/3e)**

5-2-7 **DUTIES OF OFFICERS.**

(A) **Chairman.** The Chairman shall preside at all meetings of the Board. The Chairman shall be an ex-officio member of all committees and cosigns checks with Treasurer.

(B) **Vice-Chairman.** The Vice-Chairman shall in the absence or incapacity of the Chairman exercise the powers and perform the duties of the Chairman.

(C) **Secretary.** The Secretary or a designated representative shall record the Minutes of all meetings of the 708 Board and shall forward to each member of the Board a copy of the Minutes of the meeting, together with a notification of the next meeting. The Secretary shall put a notice

on the bulletin board in the courthouse to notify the public of Board meetings. No release shall be given in the name of the Board to news media without prior approval of the Chairman. The Secretary will keep a compilation of all official minutes of the Board and Board committees which will be considered a public record.

(D) **Treasurer.** The Treasurer shall oversee the finances of the 708 Board. The Treasurer will be an ex-officio member of all financial committees. The Treasurer will keep books, make financial reports at Board meetings, draw up the Board proposed "Statement of Community Mental health Fund Tax Levy" and "Appropriation Resolution", and cosign checks with the Chairman. The Treasurer will see to it that there is an annual budget submitted at least **thirty (30) days** prior to the start of the fiscal year and see to it that the annual budget is published in the County by newspaper prior to the annual meeting. The Treasurer will make available within **sixty (60) days** after the end of the fiscal year for free distribution an annual report showing the condition of the trust, such as income and expense reports. The Treasurer will develop a plan of investment of unexpended funds so that there will be maximum accrual of interest and so that all banks and financial institutions in the County will have equal access to having these funds invested in their institution. The Treasurer will see to it that the Clinton County Treasurer makes available to the 708 Board any and all funds collected by the Assessor as soon as they are collected. **(405 ILCS 20/3e)**

5-2-8 MEETINGS.

(A) **Regular Meetings.** The 708 Board shall hold regular meetings at a time and place to be determined by the Chairman of the Board. Meetings shall be held at least quarterly. The annual meeting of the Board shall be held in July of each year. All official meetings of the Board shall be open to the public. Members shall not act in the name of the Board without the approval of the Board through the Chairman.

(B) **Special Meetings.** Special meetings may be called upon written request signed by **two (2) members** and filed with the Secretary.

(C) **Quorum.** A quorum shall consist of **four (4)** voting members. The Chairman shall be a voting member.

(D) **Passage or Approval.** Any proposition, in order to be approved, must receive a majority vote of those present.

(E) **Robert's Rules of Order.** The meetings of the Board shall be conducted according to Robert's Rules of Order. **(405 ILCS 20/3e)**

(F) Except as otherwise specifically provided for herein, meetings of this Board and any of its committees shall be conducted in accordance with Chapter 1 – Administration, Article IV – County Board Rules Subsection 1-4-1(B) through (FF), inclusive, and Article XI – Remote Meeting Participation Section 1-11-1 through 1-11-4(E), inclusive, which rules are incorporated herein by reference as though fully set forth herein. **(Ord. No. 2019-44; 10-21-19)**

5-2-9 FISCAL YEAR. The fiscal year shall be considered to be from **July 1** to **June 30** of the following year.

5-2-10 POWERS AND DUTIES. The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain, and regulate the power to construct, repair, operate, maintain and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of Clinton County and/or to contract therefor with any private or public entity which provided such facilities and services.

The Board shall have the power to:

(A) Review and evaluate community mental health services and facilities.

(B) Provide Comprehensive mental Health planning which would ordinarily develop **twelve (12) month** or **five (5) year** plans.

(C) Review and make recommendations on all grant applications to State Department of Mental Health and Developmental Disabilities.

(D) Enter into contracts for rendition or operation of services and facilities.

(E) Make rules and regulations concerning the rendition and/or operations of services and facilities funded by the 708 Board.

(F) Employ such personnel as may be necessary to carry out the purposes and to prescribe the duties of such personnel.

(G) To educate the public on mental health.

(H) To perform such other acts as may be necessary or proper to carry out the purposes of the board consistent with the regulations of the Community Health Act.

(I) Own, sell, rent, lease or purchase real property for purposes consistent with this Act. **(405 ILCS 20/3e)**

5-2-11 **COMMITTEES.** The Chairman of the 708 Board may create and dissolve committees as required and prescribe their powers and responsibilities. The Chairman shall appoint committee members provided, however, that no appointment goes into effect if the 708 Board by majority vote opposes the appointment. Non-Board members may serve on any and all Board committees. Ordinarily Board committees will be appointed to time-limited tasks and will disband when the task is complete.

5-2-12 **AMENDMENTS.** The by-laws may be amended at any regular meeting by a **two-thirds (2/3) vote**, provided at least **four (4) members** of the Board approve the recommended changes, proposed changes shall have been read at least at one prior meeting.

5-2-13 **ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the appointing officer and governing board:

(A) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within **sixty (60) days** of the close of the fiscal year. **(405 ILCS 20/3f)**

5-2-14 **TAX LEVY - COMMUNITY MENTAL HEALTH FUND.** In order to supply the necessary funds or to supplement existing funds for such community mental health facilities and services, including facilities and services for the mentally retarded, the County Board may levy an annual tax of not to exceed **.15% percent** upon all taxable property in the County. Such tax, when collected, shall be paid into a special fund to be designated as the "Community Mental health Fund". The funds shall be used only for purposes specified in this Article and pursuant to the provisions of the Community Mental Health Act. **(405 ILCS 20/4)**

ARTICLE III - S.I.L.E.C.

5-3-1 **LAW ENFORCEMENT COMMISSION.** The Southwestern Illinois Law Enforcement Commission is designated as the agency to perform local and regional comprehensive law enforcement planning services and activities for the County of Clinton, Illinois.

5-3-2 **APPROPRIATION.** The County Board may, from time to time, appropriate, allocate and direct to be paid to the Southwestern Illinois Law Enforcement Commission certain sums of money as compensation for services and to generally support their continuing efforts for the benefit of the County of Clinton, Illinois and the Southwestern Illinois region.

5-3-3 **MEMBERSHIP.** The County Board Chairman shall be or shall appoint another commissioner to be a member of the policy board of the Southwestern Illinois Law Enforcement Commission and in addition that he appoint resident citizens from the County of Clinton, Illinois to be selected from a list of qualified and interested individuals prepared by the aforementioned policy board.

The length of the term and other requirements to be governed by the by-laws adopted and approved by the aforementioned policy board for the Southwestern Illinois Law Enforcement Commission.

[NOTE: The Emergency Telephone System Board regulations may be found in Chapter 30 – Public Safety – Article III.]

BUSINESS

ARTICLE		***TITLE***	***PAGE***
I	***SOLICITORS***		
	Section 7-1-1	*- Definitions*	*7-1*
	Section 7-1-2	*- Certificate of Registration*	*7-1*
	Section 7-1-3	*- Application for Certificate of Registration*	*7-1*
	Section 7-1-4	*- Issuance and Revocation of Certificate*	*7-2*
	Section 7-1-5	*- Policy on Soliciting*	*7-2*
	Section 7-1-6	*- Notice Regulating Soliciting*	*7-2*
	Section 7-1-7	*- Compliance by Solicitors*	*7-3*
	Section 7-1-8	*- Uninvited Soliciting Prohibited*	*7-3*
	Section 7-1-9	*- Time Limit on Soliciting*	*7-3*
	Section 7-1-10	*- Solicitations on Public Highways*	*7-3*
	Section 7-1-11	*- Fees*	*7-3*
II	***PEDDLERS***		
	Section 7-2-1	*- License Required*	*7-4*
	Section 7-2-2	*- Definitions*	*7-4*
	Section 7-2-3	*- Application*	*7-4*
	Section 7-2-4	*- Investigation of Applicants*	*7-4*
	Section 7-2-5	*- Fees*	*7-4*
	Section 7-2-6	*- Hours*	*7-5*
	Section 7-2-7	*- Fraud*	*7-5*
	Section 7-2-8	*- Exemption*	*7-5*
	Section 7-2-9	*- Produce Farmers*	*7-5*
III	***RAFFLES AND POKER RUNS***		
	Section 7-3-1	*- Definitions*	*7-6*
	Section 7-3-2	*- Requirement of License*	*7-7*
	Section 7-3-3	*- Application for a License for a Raffle*	*7-7*
	Section 7-3-4	*- Application for a License for a Poker Run*	*7-8*
	Section 7-3-5	*- Licensee Qualifications*	*7-9*
	Section 7-3-6	*- License Issuance*	*7-9*
	Section 7-3-7	*- Conduct of Raffles and Poker Runs*	*7-10*
	Section 7-3-8	*- Manager - Bond*	*7-11*
	Section 7-3-9	*- Records*	*7-11*
	Section 7-3-10	*- Limited Construction*	*7-12*
IV	***PUBLIC ACCOMMODATIONS***		
	Section 7-4-1	*- Public Accommodation Defined*	*7-13*
	Section 7-4-2	*- License Required*	*7-13*
	Section 7-4-3	*- Application*	*7-13*
	Section 7-4-4	*- License Term and Fee*	*7-13*
	Section 7-4-5	*- Regulations*	*7-13*
	Section 7-4-6	*- Liability Insurance*	*7-14*
	Section 7-4-7	*- Restrictions in Zoning*	*7-14*
	Section 7-4-8	*- Disorderly House*	*7-14*

ARTICLE	TITLE		PAGE
IV	PUBLIC ACCOMMODATIONS (CONTINUED)		
	Section 7-4-9	- Firearms Prohibited	7-14
	Section 7-4-10	- Duty to Call Law Enforcement	7-14
	Section 7-4-11	- Permitting Violations	7-14
V	ADULT ORIENTED BUSINESSES		
	Division I - Generally		
	Section 7-5-1	- Purpose	7-15
	Section 7-5-2	- Findings	7-15
	Section 7-5-3	- 7-5-9 Reserved	
	Division II – Definitions		
	Section 7-5-10	- Adult Arcade	7-18
	Section 7-5-11	- Adult Bookstore, Adult Novelty Store or Adult Video Store	7-18
	Section 7-5-12	- Adult Cabaret	7-18
	Section 7-5-13	- Adult Motel	7-19
	Section 7-5-14	- Adult Motion Picture Theater	7-19
	Section 7-5-15	- Adult Theater	7-19
	Section 7-5-16	- Employee	7-19
	Section 7-5-17	- Escort	7-19
	Section 7-5-18	- Escort Agency	7-19
	Section 7-5-19	- Establishment	7-20
	Section 7-5-20	- Licensee	7-20
	Section 7-5-21	- Nude Model Studio	7-20
	Section 7-5-22	- Nudity, State of Nudity	7-20
	Section 7-5-23	- Person	7-20
	Section 7-5-24	- Semi-Nude, Semi-Nude Condition	7-20
	Section 7-5-25	- Sexual Encounter Center	7-21
	Section 7-5-26	- Adult Oriented Business	7-21
	Section 7-5-27	- Specified Anatomical Areas	7-21
	Section 7-5-28	- Specified Sexual Activities	7-21
	Section 7-5-29	- Substantial Enlargement	7-21
	Section 7-5-30	- Transfer of Ownership or Control	7-21
	Section 7-5-31	- 7-5-35 Reserved	
	Division III - Classifications		
	Section 7-5-36	- Classification	7-22
	Section 7-5-37	- 7-5-40 Reserved	
	Division IV - Licensing		
	Section 7-5-41	- License Required	7-22
	Section 7-5-42	- Forms by County	7-22
	Section 7-5-43	- Applicants Qualifications	7-22
	Section 7-5-44	- Application Signature	7-22
	Section 7-5-45	- Information on Applicant	7-23
	Section 7-5-46	- Employee License Required	7-24
	Section 7-5-47	- Application Attachments	7-24
	Section 7-5-48	- 7-5-50 Reserved	

ARTICLE	***TITLE***		***PAGE***
V	***ADULT ORIENTED BUSINESSES (CONTINUED)***		
	Division V – Issuance of License		
	Section 7-5-51	*- Temporary Status – Investigation*	*7-25*
	Section 7-5-52	*- Renewal*	*7-25*
	Section 7-5-53	*- Time Parameters for County*	*7-25*
	Section 7-5-54	*- Display of License*	*7-26*
	Section 7-5-55	*- Premises in Compliance*	*7-26*
	Section 7-5-56	*- License Classification*	*7-26*
	Section 7-5-57	*- 7-5-59 Reserved*	
	Division VI - Fees		
	Section 7-5-60	*- Application and Investigation Fee*	*7-26*
	Section 7-5-61	*- License Fee – Non-Refundable*	*7-26*
	Section 7-5-62	*- County Clerk*	*7-26*
	Section 7-5-63	*- 7-5-65 Reserved*	
	Division VII - Inspection		
	Section 7-5-66	*- Specified Inspectors*	*7-27*
	Section 7-5-67	*- Penalty for Refusal to Allow Inspection*	*7-27*
	Section 7-5-68	*- 7-5-69 Reserved*	
	Division VIII – Expiration of License		
	Section 7-5-70	*- Expiration*	*7-27*
	Section 7-5-71	*- Denial of License*	*7-27*
	Section 7-5-72	*- Reserved*	
	Division IX – Suspension		
	Section 7-5-73	*- License Suspension*	*7-27*
	Section 7-5-74	*- Reserved*	
	Division X – Revocation		
	Section 7-5-75	*- Mandatory Revocation*	*7-28*
	Section 7-5-76	*- Conditions for Revocation*	*7-28*
	Section 7-5-77	*- Length of Revocation*	*7-28*
	Section 7-5-78	*- Judicial Review*	*7-28*
	Division XI – Transfer of License		
	Section 7-5-79	*- Non-Transferable*	*7-28*
	Division XII – General Regulations		
	Section 7-5-80	*- Additional Regulations for Adult Motels*	*7-29*
	Section 7-5-81	*- Exhibition of Adult Explicit Films in Viewing Rooms*	*7-29*
	Section 7-5-82	*- Escort Agencies Regulations*	*7-30*
	Section 7-5-83	*- Nude Model Studios Regulations*	*7-31*
	Section 7-5-84	*- Public Nudity Regulations*	*7-31*

ARTICLE	TITLE		PAGE
V	**ADULT ORIENTED BUSINESSES (CONTINUED)**		
	Division XII – General Regulations (Continued)		
	Section 7-5-85	*- Children in Adult Oriented Business Prohibited*	*7-31*
	Section 7-5-86	*- Hours of Operation*	*7-31*
	Section 7-5-87	*- Exemptions*	*7-31*
	Section 7-5-88	*- Injunction*	*7-32*
VI	**PAWNBROKERS**		
	Section 7-6-1	*- License Required*	*7-33*
	Section 7-6-2	*- Application – Investigation*	*7-33*
	Section 7-6-3	*- Fee*	*7-33*
	Section 7-6-4	*- Records*	*7-33*
	Section 7-6-5	*- Weapons*	*7-33*
	Section 7-6-6	*- Minors*	*7-33*
	Section 7-6-7	*- Stolen Goods*	*7-33*
	Section 7-6-8	*- Secondhand Dealers*	*7-33*
VII	**FISH MARKET LICENSE**		
	Section 7-7-1	*- Scope*	*7-34*
	Section 7-7-2	*- Permit*	*7-34*
	Section 7-7-3	*- Issuance of Permits*	*7-34*
	Section 7-7-4	*- Separate Licenses*	*7-34*
	Section 7-7-5	*- Term of License*	*7-34*
	Section 7-7-6	*- Display of License*	*7-34*
	Section 7-7-7	*- Sign Indicating Source of Fish*	*7-34*
	Section 7-7-8	*- Penalty*	*7-34*
VIII	**RECREATION EVENTS**		
	Section 7-8-1	*- Events Subject to Law*	*7-35*
	Section 7-8-2	*- Application; Class; Fees*	*7-35*
	Section 7-8-3	*- Standards for Events*	*7-35*
	Section 7-8-4	*- Written Application*	*7-37*
	Section 7-8-5	*- Action on Application*	*7-38*
	Section 7-8-6	*- Injunction; Revocation of Permit*	*7-38*
	Section 7-8-7	*- Exception to County Sponsored Event*	*7-38*
IX	**FIREWORKS CODE**		
	Section 7-9-1	*- Definitions*	*7-39*
	Section 7-9-2	*- Sale of Fireworks Unlawful*	*7-39*
	Section 7-9-3	*- Possession, Use and Discharge of Dangerous Fireworks Unlawful*	*7-39*
	Section 7-9-4	*- Permit Required to Sell or Display Fireworks*	*7-39*
	Section 7-9-5	*- Time Limit Set on Sale and Use*	*7-39*
	Section 7-9-6	*- Permit Fees*	*7-40*
	Section 7-9-7	*- Issuance – Nontransferable Voiding*	*7-40*
	Section 7-9-8	*- Application for Public Display Permit*	*7-40*
	Section 7-9-9	*- Application for Seller's Permit – Conditions for Issuance*	*7-40*
	Section 7-9-10	*- Sale from Stands - Exceptions*	*7-41*

ARTICLE		***TITLE***	***PAGE***
IX	***FIREWORKS CODE (CONTINUED)***		
	Section 7-9-11	*- Standards for Temporary Stands*	*7-41*
	Section 7-9-12	*- Standards for Public Fireworks Displays*	*7-42*
	Section 7-9-13	*- Use of Fireworks in Public Parks*	*7-42*
	Section 7-9-14	*- Special Effects for Entertainment Media*	*7-43*
	Section 7-9-15	*- Nonprohibited Acts*	*7-43*
	Section 7-9-16	*- Applicability*	*7-43*
	Section 7-9-17	*- Status of State Law*	*7-43*
	Section 7-9-18	*- Enforcement*	*7-43*
	Section 7-9-19	*- Reckless Discharge or Use Prohibited*	*7-43*

CHAPTER 7

BUSINESS REGULATIONS

ARTICLE I - SOLICITORS

7-1-1 **DEFINITIONS.** For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

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

"RESIDENCE" shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type building or structure.

"SOLICITING" shall mean and include any **one (1)** or more of the following activities:

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever, or;

(B) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or;

(C) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication, or;

(D) 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.

7-1-2 **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this municipality which have been in existence for **six (6) months** or longer shall be exempt from the provisions of this Article.

7-1-3 **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the County Clerk of this County and filed with such Clerk. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past **three (3) years** if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

(D) Physical description of the applicant.

(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past **three (3) years** if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Code, if any.

(J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities** where the applicant carried on business immediately preceding the date of application in this municipality and the address from which such business was conducted in those municipalities.

(N) Also, such additional information as the County Clerk may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The County Clerk shall cause to be kept in his office 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 Chapter and of the denial of applications.

Applications for Certificates issued 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.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within **five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

7-1-4 **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

7-1-5 **POLICY ON SOLICITING.** It is declared to be the policy of this County that the occupant or occupants of the residences in this County shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

7-1-6 **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B) A weatherproof card, approximately **three inches by four inches (3" x 4")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

"ONLY REGISTERED SOLICITORS INVITED"
OR
"NO SOLICITORS INVITED"

(C) The letters shall be at least **one-third inch (1/3")** in height. For the purpose of uniformity, the cards shall be provided by the County Clerk to persons requesting the same, at the cost thereof.

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

7-1-7 **COMPLIANCE BY SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this County upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-1-6** if any is attached and be governed by the statement contained on the notice.

If the notice states **"ONLY REGISTERED SOLICITORS INVITED,"** then the solicitor not possessing a valid Certificate of Registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states, **"NO SOLICITORS INVITED,"** then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

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

7-1-8 **UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-1-6**.

7-1-9 **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M.** or after **5:00 P.M.**, on any weekday or at any time on a Sunday or on a State or National holiday.

7-1-10 **SOLICITATIONS ON PUBLIC HIGHWAYS.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by **"An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963,** as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund-raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least **sixteen (16) years** of age and shall wear a high visibility vest.

7-1-11 **FEES.** Upon making an application for a Certificate, the applicant shall pay a license fee which shall be:

(A)	**Daily License:**	**$25.00 Per Person, Up to Four (4) Persons; $50.00 for a group**
(B)	**Annual License:**	**$200.00 Per Person Per Year**

(65 ILCS 5/11-5-2)

ARTICLE II - PEDDLERS

7-2-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefore.

7-2-2 **DEFINITIONS.** "Peddler" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the street, highways, or any public place of the County or from house to house, whether at one place thereon or from place to place, from any wagon, truck pushcart or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall peddle be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-2-3 **APPLICATION.** The person desiring a license may obtain the same by making application with the County Clerk and providing the following information:

(A) Name and physical description of applicant.

(B) Permanent home and address and local address if operating from such an address.

(C) A brief description of the business and of the goods to be sold.

(D) Name and address of the employer, if any.

(E) The length of time for which the right to do business is desired.

(F) Evidence that the agent is acting on behalf of the corporation he represents.

(G) Statement of the applicant's criminal record, other than a traffic record.

(H) The last **three (3)** cities, villages, and/or counties where the applicant carried on business immediately preceding date of application and the address from which such business was conducted in those municipalities or counties.

7-2-4 **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, the County Clerk shall provide the Sheriff a copy of same who shall investigate the business character of the applicant and submit a report to the County Clerk within **ten (10) days** of receipt.

7-2-5 **FEES.** The fee for a license issued under this Chapter shall be a daily license of **Ten Dollars ($10.00)** and an annual license fee of **Fifty Dollars ($50.00)** per person for residents and an annual license of **Seventy-Five Dollars ($75.00)** per person for non-residents, the fee being personable, not transferable, and not refundable.

7-2-6 **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Code or not, to go upon any premises and ring the door bell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other 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 **4:00 P.M.** of any weekday, or at any time on a Sunday or on a State or National holiday.

7-2-7 **FRAUD.** Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in the County or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in the application for a license shall be fined as provided in **Section 1.09A.**

7-2-8 **EXEMPTION.** All peddlers or hawkers operating only within the corporate limits of a municipality are hereby exempt from the provisions of this Article.

7-2-9 **PRODUCE FARMERS.** Illinois produce farmers are hereby excluded from the license fee provisions of this Chapter and may operate from a fixed location from dawn to dusk.

ARTICLE III – RAFFLES AND POKER RUNS

7-3-1 **DEFINITIONS.** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) ***"Business":*** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) ***"Charitable organization":*** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) ***"Educational organization":*** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) ***"Fraternal Organization":*** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) ***"Hardship":*** A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) ***"Key Location":*** The location where the poker run concludes and the prize or prizes are awarded.

(G) ***"Labor Organization":*** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(H) ***"Licensee":*** An organization which has been issued a license to operate a raffle.

(I) ***"Net Proceeds":*** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

(J) ***"Non-Profit":*** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) ***"Poker Run":*** An event organized by an organization licensed under this Article in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(L) ***"Raffle":*** A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

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

(2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(M) ***"Religious Organization":*** Any church, congregation, society, or organization founded for the purpose of religious worship.

(N) ***"Veterans' Organization":*** An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

7-3-2 REQUIREMENT OF LICENSE.

(A) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

(B) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

7-3-3 APPLICATION FOR A LICENSE FOR A RAFFLE.

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the County Clerk on the forms provided by the County Clerk.

(B) Applications for licenses under this Article must contain the following information:

(1) The name and address of the applicant organization;

(2) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;

(3) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;

(5) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;

(6) The maximum retail value of each prize awarded by a licensee in a single raffle;

(7) The maximum price which may be charged for each raffle chance issued or sold;

(8) The maximum number of days during which chances may be issued or sold;

(9) The area in which raffle chances will be sold or issued;

(10) The time period during which raffle chances will be sold or issued;

(11) The date, time, and name and address of the location or locations at which winning chances will be determined;

(12) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and

(13) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C) An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable **Fifteen Dollar ($15.00)** filing fee. Such fee shall be paid by cash, credit card or cashier's check. The County Clerk shall refer the application to the County Board Chairman.

NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold. Some counties have provided for different classes of raffle licenses based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other counties have different classes of license based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within twelve (12) month period); one time emergency license; limited annual raffle license.

7-3-4 <u>APPLICATION FOR A LICENSE FOR A POKER RUN.</u>

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the County Clerk on the forms provided by the County Clerk.

(B) Applications for licenses under this Article must contain the following information:

(1) The name and address of the applicant organization;

(2) The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other;

(3) The length of existence of the organization and, if incorporated, the date and state of incorporation;

(4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;

(5) The name, address, and telephone number of all locations at which the poker run will be conducted;

(6) The time period during which the poker run will be conducted;

(7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;

(8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and

(9) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C) An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable **Twenty-Five Dollar ($25.00)** filing fee. Such fee shall be paid by cash, or cashier's check. The County Clerk shall refer the application to the County Board Chairman.

7-3-5 LICENSEE QUALIFICATIONS.

(A) Raffle licenses and poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the County Board Chairman determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The County Board Chairman may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any raffle or poker run license;

(1) Any person who has been convicted of a felony;

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

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

(4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;

(5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and

(6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

7-3-6 LICENSE ISSUANCE.

(A) The County Board Chairman shall review all raffle license applications and all poker run license applications. The County Board Chairman shall, within **thirty (30) days** from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the County Board Chairman shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

(1) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;

(2) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and

(3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) Any license issued under this Article shall be non-transferable.

(D) A license shall be valid for one raffle event or one poker run only, unless the County Board Chairman specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed **one (1) year**.

(E) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(F) **Prominent Display of License.**

(1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.

(2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(G) **Miscellaneous Provision for Poker Run License.** Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

7-3-7 CONDUCT OF RAFFLES AND POKER RUNS.

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

(1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.

(3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.

(5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.

(6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

7-3-8 MANAGER - BOND.

(A) All operations of and conduct of raffles and poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle or poker run must be a bona fide member of the organization holding the license for such a raffle or poker run and may not receive any remuneration or profit for participating in the management or operation of the raffle or poker run.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars ($1,000.00)** conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the County not less than **thirty (30) days** prior to its cancellation.

(C) The County Board Chairman is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

7-3-9 RECORDS.

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

(B) Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles or poker runs shall report monthly to its membership, and to the County Clerk of Clinton County, its gross receipts, expenses and net proceeds from raffles or poker runs, and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(E) The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

7-3-10 **LIMITED CONSTRUCTION.** Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

ARTICLE IV – PUBLIC ACCOMMODATIONS

7-4-1 **PUBLIC ACCOMMODATION DEFINED.** A public accommodation for purposes hereof is defined as a business that offers refreshment, entertainment or recreation of any kind; whose goods, services, facilities, privileges or advantages are made available to the public; who is not licensed under the Liquor Control Act of 1934; who is not regulated and/or licensed under the Retail Food Establishment Code; who is not a hotel, motel or boarding house as those terms are defined in the Clinton County Code.

7-4-2 **LICENSE REQUIRED.** It shall be unlawful to keep, operate or maintain a public accommodation as herein defined within the limits of Clinton County without a license therefore.

7-4-3 **APPLICATION.** An applicant for a license to operate a public accommodation herein defined shall file in the office of the County Clerk, an application in writing and under oath, containing the following information:

(A) The name and address of the owner if an individual; the names and addresses of each partner if the owner is a partnership; the names and addresses of each person owning stock if the owner is a corporation; the names and addresses of all officers of a club if the owner is a private club.

(B) The character of the business of the owner.

(C) The location of the premises to be licensed.

(D) Basis and cost of admission, being a cover charge or membership fee, and the amount thereof.

7-4-4 **LICENSE TERM AND FEE.**

(A) A license for public accommodation as herein defined shall be valid for a term of **one (1) year** and may be renewed upon proper application. Such renewal may be denied for good cause.

(B) The license fee shall be **Five Hundred Dollars ($500.00)**.

7-4-5 **REGULATIONS.**

(A) No licensee holding a license issued pursuant to this Article shall allow the licensed premises to be open for business between the hours of **2:00 A.M.** and **6:00 A.M.** No customers shall be admitted, nor any customers permitted during those hours when said premises are closed.

(B) No licensee shall allow or permit any person under the age of **twenty-one (21) years** to possess or consume alcoholic beverages within the licensed premises.

(C) The licensee shall allow on-duty police officers to enter the premises without charge during those hours that the premises are open to inspect and determine compliance with all laws pertaining thereto.

(D) the licensee shall keep the licensed premises in a clean and sanitary condition, and shall comply with all applicable laws and ordinances, and shall admit all inspectors from the Clinton County or State of Illinois Health Departments.

(E) All patrons or customers shall promptly leave the premises at the specified closing times and shall not remain on the premises thereafter.

7-4-6 **LIABILITY INSURANCE.** A licensee operating a public accommodation shall keep and maintain a general liability insurance policy with a combined single limit coverage of **One Million Dollars ($1,000,000.00)** for personal injury, property damage and loss of life. A licensee shall furnish a certificate of insurance to the County Clerk upon application for a license or renewal thereof.

7-4-7 **RESTRICTIONS IN ZONING.** It shall be unlawful to establish a public accommodation business within the County in violation of the restrictions of the Zoning Code. **(See Chapter 40 of the Revised Code)**

7-4-8 **DISORDERLY HOUSE.** No licensee shall suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games or riotous or disorderly conduct in a public accommodation.

7-4-9 **FIREARMS PROHIBITED.** No licensee, his agent, servant or employee shall permit or allow any person to carry or possess any firearm, stun gun, or taser or other deadly weapon inside a public accommodation.

7-4-10 **DUTY TO CALL LAW ENFORCEMENT.** No licensee, his agent, servant or employee shall fail to call law enforcement officers and/or the Sheriff's Office within a reasonable period of time upon becoming aware of a violation of any section hereunder.

7-4-11 **PERMITTING VIOLATIONS.** The owner of the licensed premises or any person from whom the licensee derives the right of possession of such premises, or the licensee, agent, servant or employee of the licensee shall knowingly permit the use of the premises in violation of this Section. Such person shall, in addition to having such license revoked upon hearing by the County Board, in the case of a licensee, be subject to a fine as provided in **Section 1-1-20** of this Code.

(Ord. No. 05-04-01)

ARTICLE V – ADULT ORIENTED BUSINESSES

DIVISION I - GENERALLY

7-5-1 **PURPOSE.** It is the purpose of this Article to regulate adult oriented businesses in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult oriented businesses within the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented material. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

7-5-2 **FINDINGS.** Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Commission, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.,* 475 U.S. 41 (1986), *Young v. American Mini Theaters,* 426 U.S. 50 (1976), *Barnes v. Glen Theater, Inc.,* 501 U.S. 560 (1991), *North Avenue Novelties Incorporated v. City of Chicago,* 88 F. 3d. 441 (7th Cir. 1996), and *Excalibur Group, Inc. v. City of Minneapolis,* 116 F. 3d 1216 (CA8 1997), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on finding from the Report of the Attorney General's Working Group On The Regulation Of Adult Oriented Businesses, (June 6, 1989, State of Minnesota), the Council finds:

(A) Adult oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(B) Certain employees and patrons of adult oriented businesses defined in this Article as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees and patrons other establishments.

(C) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(D) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(E) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.

(F) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV – AIDS), genital herpes, Hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(G) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.

(H) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(I) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(J) Sanitary conditions in some adult oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self regulate those activities and maintain those facilities.

(K) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses where persons view "adult" oriented films.

(L) The findings noted in paragraphs (A) through (K) raise substantial and legitimate governmental concerns.

(M) Adult oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial and legitimate governmental concerns.

(N) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of the adult oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the adult oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult oriented business, fully in possession and control of the premises and activities occurring therein.

(O) Prohibiting of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(P) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult oriented business, where such information is substantially related to the significant government interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(Q) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(R) There are certain operational characteristics of adult oriented businesses that have adverse secondary effects (noted herein) on communities, including but not limited to the advertisement of adult oriented business through the use of large signs, which contribute to the blighting and/or downgrading of surrounding property.

(S) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this Article.

(T) Due to the adverse secondary effects (noted herein) on communities, it is reasonable and necessary to impose reasonable time, place and manner restrictions on adult oriented businesses in the form of zoning and locational regulations contained in this Article, and that these regulations are tailored to advance the legitimate governmental interest of

avoiding, to the extent possible, the impact of such harmful and adverse secondary effects on the community while ensuring that such regulations do not unreasonably limit alternative avenues of communications.

(U) Based on Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), and North Avenue Novelties Incorporated v. City of Chicago, 88 F. 3d 441 (7th Cir. 1996), the Commission further finds that this Article, while advancing the legitimate and substantial governmental interest of protecting property values, preventing increase in crime, and protecting the health, safety and welfare of the community, does not unreasonably limit alternative avenues of communication for adult oriented businesses and the Proposed Ordinance does provide a reasonable opportunity to disseminate speech to the extent that:

(1) No adult oriented businesses presently exist within the corporate boundaries of the County of Clinton, Illinois; and,

(2) Over the past **five (5) years**, Clinton County, Illinois has received only **zero (0)** inquiries regarding the location of an adult oriented business in Clinton County, Illinois, and that none have located within Clinton County, Illinois; and

(3) Based on the findings of the Locational Study, there is ample area for the locations of Adult Oriented Businesses in that the total area within Clinton County's zoning jurisdiction equals approximately **1.17 square miles**, the Industrial Zone equals approximately **seven hundred fifty-five (755) acres**, and that approximately **four hundred (400) acres** are available for the location of adult oriented businesses; and,

(4) The areas available for the location of adult oriented businesses are presently served by adequate public utilities and infrastructure, or such areas can be readily served with such public utilities and infrastructure if and when the need for development of such areas arises.

(V) Increased criminal activity in areas where adult oriented businesses operate, including increased property crimes (vandalism, burglary, larceny, auto theft), violent crimes (murder, rape, robbery and assault) and sex crimes (rape, indecent exposure, child molestation). Due to the increase in criminal activity, insurance rates also increased.

(W) Substantial depreciation in neighborhood property values occurs where adult oriented businesses are located.

(X) Tendency of local citizenry to avoid areas where adult oriented businesses are located. These studies noted that patrons of adult oriented businesses are typically not resident of nearby neighborhoods, and that without community identify, behavior is less inhibited which contributes to increased criminal activity. The studies also noted that the owners of adult oriented businesses are typically not residents of the community in which the adult oriented business is located.

(Y) The location of adult oriented businesses near establishments selling alcoholic beverages compounds the problem of increased criminal activity.

(Z) Increased public health hazards due to illicit sexual encounters in adult oriented businesses, including but not limited to sexual encounters within "peep show booths", used condoms littering the streets and sidewalks, and increased prostitution.

(AA) Adult oriented businesses cause an increase in noise, lighting and traffic during late night hours.

(BB) County will be best able to buffer the harmful secondary effects of adult oriented businesses on surrounding areas by imposing reasonable design controls on the appearance and image of adult oriented businesses.

(CC) Those findings made in the prefatory portion of this Article are hereby adopted.

7-5-3 - 7-5-9 **RESERVED.**

DIVISION II – DEFINITIONS

7-5-10 **ADULT ARCADE.** Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show images to **five (5)** or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

7-5-11 **ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE.** Adult bookstore, adult novelty store or adult video store means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any **one (1)** or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(B) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

7-5-12 **ADULT CABARET.** Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) persons who appear in a state of nudity or semi-nude; or

(B) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

7-5-13 **ADULT MOTEL.** Adult motel means a hotel, motel or similar commercial establishment which:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time that is less than **ten (10) hours**; or

(C) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than **ten (10) hours**.

7-5-14 **ADULT MOTION PICTURE THEATER.** Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

7-5-15 **ADULT THEATER.** Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

7-5-16 **EMPLOYEE.** Employee means a person who performs any service on the premises of adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

7-5-17 **ESCORT.** Escort means a person who, for consideration and/or payment, offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

7-5-18 **ESCORT AGENCY.** Escort agency means a person or business or association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

7-5-19 **ESTABLISHMENT.** Establishment means and includes any of the following:

(A) the opening or commencement of any adult oriented business as a new business;

(B) the conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;

(C) the additions of any adult oriented business to any other existing adult oriented business; or

(D) the relocation of any adult oriented business.

7-5-20 **LICENSEE.** Licensee means a person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application or a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business.

7-5-21 **NUDE MODEL STUDIO.** Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarity depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Illinois or college, community college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation; or in a structure:

(A) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(B) where in order to participate in a class; a student must enroll at least **three (3) days** in advance of the class; and

(C) where no more than **one (1)** nude or semi-nude model is on the premises at any one time.

7-5-22 **NUDITY, STATE OF NUDITY.** Nudity, state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

7-5-23 **PERSON.** Person means an individual, proprietorship, partnership, limited liability company, corporation, association, or other legal entity.

7-5-24 **SEMI-NUDE, SEMI-NUDE CONDITION.** Semi-nude, semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest points or the showing of the male or female buttocks. This definition shall

include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

7-5-25 **SEXUAL ENCOUNTER CENTER.** Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of payment or consideration:

(A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) activities between male and female persons and/or persons of the same sex when **one (1)** or more of the persons is in a state of nudity or semi-nude.

7-5-26 **ADULT ORIENTED BUSINESS.** Adult oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.

7-5-27 **SPECIFIED ANATOMICAL AREAS.** Specified anatomical areas means:

(A) The human male genitals in a discernibly turgid state, even if completely and opaquely covered, or

(B) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

7-5-28 **SPECIFIED SEXUAL ACTIVITIES.** Specified sexual activities means any of the following:

(A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(C) Excretory functions as part of or in connection with any of the activities set forth in (A) through (B) above.

7-5-29 **SUBSTANTIAL ENLARGEMENT.** Substantial enlargement of an adult oriented business means the increase in floor areas occupied by the business by more than **twenty-five percent (25%)**, as the floor areas exist on the date this Article takes effect.

7-5-30 **TRANSFER OF OWNERSHIP OR CONTROL.** Transfer of ownership or control of an adult oriented business means and includes any of the following:

(A) the sale, lease, or sublease of the business;

(B) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(C) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possession the ownership or control.

7-5-31 - 7-5-35 **RESERVED.**

DIVISION III – CLASSIFICATIONS

7-5-36 **CLASSIFICATION.** The term "adult oriented business" shall mean include, and are classified as follows:

(A) adult arcades;
(B) adult bookstores, adult novelty stores, or adult video stores;
(C) adult cabarets;
(D) adult motels;
(E) adult motion picture theaters;
(F) adult theaters;
(G) escort agencies;
(H) nude model studios; and
(I) sexual encounter centers.

7-5-37 - 7-5-40 **RESERVED.**

DIVISION IV – LICENSING

7-5-41 **LICENSE REQUIRED.** It is unlawful:

(A) For any person to operate an adult oriented business without a valid adult oriented business license issued by the County pursuant to this Article.

(B) For any person who operates an adult oriented business to employ a person to work for the adult oriented business who is not licensed as an adult oriented business employee by the County pursuant to this Article.

(C) For any person to obtain employment with an adult oriented business without having secured an adult oriented business employee license pursuant to this Article.

7-5-42 **FORMS BY COUNTY.** An application for an adult oriented business license must be made on a form provided by the County.

7-5-43 **APPLICANTS QUALIFICATIONS.** All applicants must be qualified according to the provisions of the Article. The application may request and the applicant shall provide such information as to enable the County to determine whether the applicant meets the qualifications established in this Article.

7-5-44 **APPLICATION SIGNATURE.** If a person wishes to operate an adult oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a **ten percent (10%)** or greater ownership interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

7-5-45 **<u>INFORMATION ON APPLICANT.</u>** The completed application for an adult oriented business license shall contain the following information and shall be accompanied by the following documents:

(A) If the applicant is:

(1) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;

(2) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(3) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(B) If the applicant intends to operate the adult oriented business under name other than that of the applicant he or she must state (a) the adult oriented business' fictitious name and (b) submit the registration documents required under applicable state law to operate under a fictitious name.

(C) Whether the applicant has had a previous license under this Article or other similar adult oriented business ordinance from another city, county or unit of local government within the United States of America denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation, or a member or manager of a limited liability company that is licensed under this Article whose license has previously been denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(D) Whether the applicant holds any other licenses under this Article or other similar adult oriented business ordinance from another city, county or other unit of local government within the United States of America, and, if so, the names and locations of such other licensed businesses.

(E) The single classification of license of which the applicant is filing.

(F) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone number(s), if any.

(G) The applicant's mailing address.

(H) A recent photograph of the applicant(s).

(I) The applicant's driver's license number, social security number, and/or his/her/its state or federally issued tax identification number.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, prepared by a professional architect, engineer or similar professional. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus **six (6) inches**.

(K) A plat prepared within **thirty (30) days** prior to application by a registered land surveyor and/or professional engineer depicting the property lines and the structures containing any existing adult oriented businesses within **one thousand (1,000)**

feet of the proposed adult oriented business location, the property lines and location of any religious institution/synagogue, school, establishment selling or offering for sale alcoholic beverages, residential structure, place of public accommodation, restaurant, or public park or recreation area within **one thousand (1,000) feet** of the proposed adult oriented business location. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(L) If an applicant wishes to operate an adult oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than **one hundred fifty (150) square feet** of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in **Section 7-5-81**.

7-5-46 **EMPLOYEE LICENSE REQUIRED.** Before any applicant may be issued an adult oriented business employee license, the applicant shall submit on a form to be provided by the County the following information:

(A) The applicant's name or any other name (including "stage" names) or aliases used by the individual;

(B) Age, date, and place of birth;

(C) Height, weight, hair and eye color;

(D) Present residence address and telephone number;

(E) Present business address and telephone number;

(F) Date, issuing state and number of driver's permit or other identification card information;

(G) Social security number; and

(H) Proof that the individual is at least **eighteen (18) years** of age.

7-5-47 **APPLICATION ATTACHMENTS.** Attached to the application form for an adult oriented business employee license as provided above, shall be the following:

(A) A color photograph of the applicant clearly showing the applicant's face.

(B) A statement detailing the license history of the applicant for the **five (5) years** immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

7-5-48 - 7-5-50 **RESERVED.**

DIVISION V – ISSUANCE OF LICENSE

7-5-51 **TEMPORARY STATUS – INVESTIGATION.** Upon the filing of said application for an adult oriented business employee license, the County shall issue a temporary license to said applicant. The application shall then be referred to the County Sheriff's Department for an investigation to be made on such information as is contained on the application. The application process shall be completed within **thirty (30) days** from the date the completed application is filed. After the investigation, the County shall issue a license, unless it is determined by the County by a preponderance of the evidence that one or more of the following findings is true:

(A) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(B) The applicant is under the age of **eighteen (18) years**;

(C) The adult oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation or prohibited by a particular provision of this Article; or

(D) The applicant has had an adult oriented business employee license revoked by the County within **two (2) years** of the date of the current application. If the adult oriented business employee license is denied, the temporary license previously issued shall be immediately deemed null and void. Denial, suspension, or revocation of a license issued permit to this Section shall be subject to appeal as set forth in **Division X**.

7-5-52 **RENEWAL.** A license granted pursuant to this Section shall be subject to annual renewal upon the written application of the applicant as stated herein.

7-5-53 **TIME PARAMETERS FOR COUNTY.** Within **thirty (30) days** after receipt of a completed adult oriented business application, the County shall approve or deny the issuance of a license to an applicant. The County shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(A) An applicant is under **eighteen (18) years** of age.

(B) An applicant or a person with whom applicant is residing is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.

(C) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(D) An applicant has been denied a license by the County to operate an adult oriented business within the preceding **twelve (12) months** or whose license to operate an adult oriented business has been suspended or revoked within the preceding **twelve (12) months**.

(E) The premises to be used for the adult oriented business have not been approved by the fire department and the building official as being in compliance with applicable laws and ordinances.

(F) The license fee required by this Article has not been paid.

(G) An applicant of the proposed adult oriented business is in violation of or is not in compliance with any of the provisions of this Article.

7-5-54 **DISPLAY OF LICENSE.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult oriented business and the classification for which the license is issued pursuant to **Division III**. All licenses shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that they may be easily read at any time.

7-5-55 **PREMISES IN COMPLIANCE.** The fire department and the building official shall complete their certification that the premises is in compliance or not in compliance with applicable laws and ordinances within **thirty (30) days** of receipt of the application by the County.

7-5-56 **LICENSE CLASSIFICATION.** An adult oriented business license shall be issued for only one classification as found in **Division III**.

7-5-57 - 7-5-59 **RESERVED.**

DIVISION VI – FEES

7-5-60 **APPLICATION AND INVESTIGATION FEE.** Every application for an adult oriented business license or adult oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by a **Five Hundred Dollar ($500.00)** non-refundable application and investigation fee.

7-5-61 **LICENSE FEE – NON-REFUNDABLE.** In addition to the application and investigation fee required above, every adult oriented business and an adult oriented business employee that is granted a license (new or renewal) shall pay to the County an annual non-refundable license fee of **One Thousand Dollars ($1,000.00)** within **thirty (30) days** of license issuance or renewal.

7-5-62 **COUNTY CLERK.** All license applications and fees shall be submitted to the County Clerk of the County.

7-5-63 - 7-5-65 **RESERVED.**

DIVISION VII – INSPECTION

7-5-66 **SPECIFIED INSPECTORS.** An applicant or licensee shall permit representatives of the Sheriff's Department, the Fire Department, the Zoning Department and the County Health Department to inspect the premises of an adult oriented business for the purpose of insuring compliance with this Article at any time the premises is open for business.

7-5-67 **PENALTY FOR REFUSAL TO ALLOW INSPECTION.** A person who operates an adult business, or his agent or employee, commits a Class C misdemeanor, punishable by a fine of **Five Hundred Dollars ($500.00)**, if the person refused to permit such lawful inspection of the premises at any time it is open for business.

7-5-68 - 7-5-69 **RESERVED.**

DIVISION VIII – EXPIRATION OF LICENSE

7-5-70 **EXPIRATION.** Each license shall expire **one (1) year** from the date of issuance and may be renewed only by making application as provided in **Division IV**. Application for renewal shall be made at least **thirty (30) days** before the expiration date, and when made less than **thirty (30) days** before the expiration date, the expiration date of the license will not be affected.

7-5-71 **DENIAL OF LICENSE.** When the County denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the County finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least **ninety (90) days** have elapsed since the date denial became final.

7-5-72 **RESERVED.**

DIVISION IX – SUSPENSION

7-5-73 **LICENSE SUSPENSION.** The County shall suspend a license for a period not to exceed **thirty (30) days** if the County determines that a licensee or an employee of a license has:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult oriented business premises as authorized by this Chapter.

7-5-74 **RESERVED.**

DIVISION X – REVOCATION

7-5-75 **MANDATORY REVOCATION.** The County shall revoke a license if suspension in **Division IX** occurs and the license has been suspended within the preceding **twelve (12) months**.

7-5-76 **CONDITIONS FOR REVOCATION.** The County shall revoke a license if the County determines that:

(A) a licensee gave false or misleading information in the material submitted during the application process;

(B) a licensee has knowingly allowed possession, use, or sale of controlled substances or alcoholic beverages on the premises;

(C) a licensee has knowingly allowed prostitution on the premises;

(D) a licensee knowingly operated the adult oriented business during a period of time when the license was suspended; or

(E) except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the premises.

7-5-77 **LENGTH OF REVOCATION.** When the County revokes a license, the revocation shall continue for **one (1) year**, and the licensee shall not be issued an adult oriented business license for **one (1) year** from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least **ninety (90) days** have elapsed since the date the revocation became effective.

7-5-78 **JUDICIAL REVIEW.** After denial of a renewal of an application, or suspension or revocation of any license may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

DIVISION XI – TRANSFER OF LICENSE

7-5-79 **NON-TRANSFERABLE.** A license granted under this Article shall be deemed non-transferable. A licensee shall not transfer or attempt to transfer his/her/its license to another, nor shall a licensee operate an adult oriented business under the authority of a license, or for the classification designated on the license.

DIVISION XII – GENERAL REGULATIONS

7-5-80 **ADDITIONAL REGULATIONS FOR ADULT MOTELS.**

(A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated **two (2)** or more times in a period of time that is less than **ten (10) hours** creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Article.

(B) A person commits a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult oriented license, he rents or subrents a sleeping room to a person and, within **ten (10) hours** from the time the room is rented, he rents or subrents the same room again.

(C) For purposes of subsection (B) of this Section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

7-5-81 **EXHIBITION OF ADULT EXPLICIT FILMS IN VIEWING ROOMS.**

(A) A person who operates or causes to be operated an adult oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than **one hundred fifty (150) square feet** of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(1) Upon application for an adult oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of **one (1)** or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed **thirty-two (32) square feet** of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall be required; each diagram should be oriented to the north or to some identifiable scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus **six (6) inches**. The County may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the County.

(4) It is the duty of the licensee of the premises to ensure that at least **one (1)** licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has **two (2)** or more manager's stations identifiable, then the interior of the premises shall be configured in such manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least **one (1)** of the manager's station.

(6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been identifiable as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.

(7) No viewing room may be occupied by more than **one (1) person** at any time.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access.

(9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

(10) No licensee shall allow openings of any kind to exist between viewing booths or rooms.

(11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed or, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used.

(B) A person having a duty under subsection (1) through (14) of subsection (A) above commits a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) if he knowingly fails to fulfill that duty.

7-5-82<u>ESCORT AGENCIES REGULATIONS.</u>

(A) An escort agency shall not employ any person under the age of **eighteen (18) years**.

(B) A person commits a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) if the person acts as an escort or agrees to act as an escort for any person under the age of **eighteen (18) years**.

7-5-83 **NUDE MODEL STUDIOS REGULATIONS.**

(A) A nude model studio shall not employ any person under the age of **eighteen (18) years**.

(B) A person under the age of **eighteen (18) years** commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection the person under **eighteen (18) years** was in a restroom not open to public view to any other person.

(C) A person commits a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) offense if the person appears in a state of nudity, or knowingly allows another person to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

7-5-84 **PUBLIC NUDITY REGULATIONS.**

(A) It shall be a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) for a person who knowingly and intentionally, in an adult oriented business, appears in a state of nudity or depicts specified sexual activities.

(B) It shall be a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) for an employee, while semi-nude in an adult oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in an adult oriented business.

(C) It shall be a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) for an employee, while semi-nude, to touch a customer or the clothing of a customer.

7-5-85 **CHILDREN IN ADULT ORIENTED BUSINESS PROHIBITED.** A person commits a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars ($500.00)**) if the person knowingly allows a person under the age of **eighteen (18) years** on the premises of an adult oriented business.

7-5-86 **HOURS OF OPERATION.** No adult oriented business, except for an adult motel, may remain open at any time between the hours of **one o'clock (1:00) A.M.** and **eight o'clock (8:00) A.M.** on weekdays and Saturdays, and **one o'clock (1:00) A.M.** and **Noon (12:00) P.M.** on Sundays.

7-5-87 **EXEMPTIONS.** It is a defense to prosecution under **Section 7-5-84** that a person appearing in a state of nudity did so in a modeling class operated:

(A) by a proprietary school, licensed by the State of Illinois; a college, community college, or university supported entirely or partly by taxation, or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation; and,

(B) in a structure:

(1) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(2) where, in order to participate in a class a student must enroll at least **three (3) days** in advance of the class; and

(3) where no more than **one (1)** nude model is on the premises at any one time.

7-5-88 **INJUNCTION.** A person who operates or causes to be operated an adult oriented business without a valid driver's license or in violation of **Section 40-5-12** of the Zoning Code is subject to a suit for injunctive and/or declaratory relief in a court of competent jurisdiction, as well as prosecution for criminal violations. Such violations shall be deemed a Class C misdemeanor punishable by a fine of **Seven Hundred Fifty Dollars ($750.00)**. Each day an adult oriented business so operates is a separate offense or violation.

ARTICLE VI - PAWNBROKERS

7-6-1 **LICENSE REQUIRED.** No person, firm or corporation shall conduct or operate the business of pawnbroker without having first obtained a license therefor as is herein provided; or in violation of any of the provisions herein contained. Any pawnbroker's license may be revoked by the County Board Chairman for any violation of any provision of this Article.

7-6-2 **APPLICATION - INVESTIGATION.** Application for pawnbroker's license shall be made to the County Clerk and shall state thereon the name of the applicant; the place of business; and the number of employees intended to be engaged. The Sheriff or any other officer of the County designated by the County Board Chairman shall investigate each applicant for such license and shall report back to the County Clerk whether or not such applicant is a person of good character; no license shall be issued to a person who has been convicted of the offense of receiving stolen good or of burglary or robbery.

7-6-3 **FEE.** The annual fee for a pawnbroker's license shall be **Five Hundred Dollars ($500.00)** and this fee shall be payable in advance and no license shall be issued until the fee is paid.

7-6-4 **RECORDS.** Every pawnbroker doing business in the unincorporated areas of the County shall keep a record of every article pledged with him or sold to him, and this record shall be open to the inspection of any police officer at any time during the hours of business.

7-6-5 **WEAPONS.** No pawnbroker shall receive as a pledge or purchase any illegal revolver, pistol, blackjack or sawed-off shotgun and no pawnbroker shall display in his window or shop any such weapon for sale. A federal firearm license shall be required to sell weapons.

7-6-6 **MINORS.** No pawnbroker shall have any business dealings as a pawnbroker with any person less than **eighteen (18) years** of age, except with the written consent of the parent or guardian of the minor to each particular transaction. No pawnbroker's license shall be issued to any person who is not **eighteen (18) years** of age or over; and no pawnbroker shall employ a person of less than **eighteen (18) years** of age to assist him in his business.

7-6-7 **STOLEN GOODS.** It shall be the duty of every pawnbroker to report to the police any article pledged with him, or which it is sought to be pledged with him, if he shall have reason to believe that the article was stolen or lost.

7-6-8 **SECONDHAND DEALERS.** No pawnbroker shall conduct the business of a secondhand dealer without having obtained the license required for such dealer in addition to his pawnbroker's license.

ARTICLE VII – FISH MARKET LICENSE

7-7-1 **SCOPE.** This Article shall apply to peddlers and transient merchants regarding the offering by them of fish for sale.

7-7-2 **PERMIT.** A permit to sell fish, either at wholesale or retail, shall be obtained from the County Clerk's office by any person offering fish for sale within Clinton County.

7-7-3 **ISSUANCE OF PERMITS.** The County Clerk's Office shall administer the issuance of permits. Each permit will cost **Ten Dollars ($10.00)**.

7-7-4 **SEPARATE LICENSES.** Permits shall be procured for each separate fish market and for each vehicle from which fish are sold.

7-7-5 **TERM OF LICENSE.** Permits shall be issued on a calendar year basis, that is, they will be valid from **January 1** of the year until **December 31st** of the same year. Permits may be purchased at any time during the calendar year for a fee of **Twenty-Five Dollars ($25.00)** each.

7-7-6 **DISPLAY OF LICENSE.** A County permit to sell fish must be conspicuously displayed at each location within the County at which fish is offered for sale.

7-7-7 **SIGN INDICATING SOURCE OF FISH.** It is further required by the permit that each location from which fish are offered for sale must conspicuously display a sign stating the waters or location from which all fish or each species of fish for sale were taken.

7-7-8 **PENALTY.**

(A) Failure to possess or to conspicuously display the County permit to sell fish when engaged in offering fish for sale shall be punishable by a fine as provided in **Section 1-1-20**.

(B) Failure to conspicuously display a sign at each location from which fish are offered for sale, stating the waters from which the fish were taken shall be punishable by a fine as provided in **Section 1-1-20**.

(Ord. No. 535; 01-09-79)

ARTICLE VIII – RECREATION EVENTS

7-8-1 **EVENTS SUBJECT TO LAW.** All businesses, including not for profit businesses, engaged in the holding or providing large group recreation or entertainment, including, but not limited to carnivals, circuses, fairs, festivals, music festivals, rock festivals, and other amusement in Clinton County, Illinois, outside the limits of any city, village, or incorporated town, excepting established community organizations and churches so long as the anticipated or projected daily attendance is less than **five thousand (5,000) persons** and so long as the established community organization or church event is not linked in any way with an outside business, including a not for profit business, and so long as the event is a recurring event having been in existence prior to **January 1, 1984**, shall be subject to the conditions in this Article.

7-8-2 **APPLICATION; CLASS; FEES.** All activities covered by this Article are required to be licensed by the Clinton County District Board, Clinton County, Illinois, before they are permitted to transact business. No phase of any such activity shall be commenced or continued without a proper license. Application for license will be made in accordance with **Section 7-8-3** and **7-8-4** hereof. The license fee for the use of the County of Clinton in the manner hereinafter specified shall be:

License Class	Daily Attendance	License Fee
Class 1	Under 5,000	$500.00
Class 2	5,000 to 10,000	1,500.00
Class 3	10,000 to 20,000	3,000.00
Class 4	20,000 to 30,000	5,000.00
Class 5	30,000 to 50,000	10,000.00
Class 6	Over 50,000	15,000.00

License fees for the second and subsequent day shall be **fifty percent (50%)** of the fee for the **first (1st) day**.

7-8-3 **STANDARDS FOR EVENTS.** The standards applicable to the aforesaid event shall include the following, to-wit:

(A) Parking facilities, off public roadways, shall be provided to fully serve all reasonable anticipated requirements at the rate of no more than **one hundred (100) passenger cars** per usable acre or **eighty (80) buses** per usable acre.

(B) Privy construction and location shall not constitute a threat to surface of underground water pollution. Such facilities shall be designed to fully serve all reasonable anticipated requirements at a rate of no more than **one hundred (100) persons** per toilet seat and **one hundred (100) persons** per lavatory. Sealed containers for toilet waste are acceptable.

(C) **One (1) pint** of potable water per person, per hour, at the maximum estimated hourly attendance, shall be provided, and shall meet the approved water supply standard of the United States Public Health Service as applied to interstate traffic. Internal water distribution shall meet the requirements of the State of Illinois Plumbing Code.

(D) Internal covered storage and collection of refuse shall be provided and shall not constitute a threat to surface or underground water pollution. A refuse disposal site approved by the State of Illinois Department of Public Health shall be provided; the premises and immediate surrounding properties shall be cleaned within **forty-eight (48) hours** after an event.

(E) Enclosed and roofed emergency first-aid facilities or shelters and food service arrangements including mandatory dispensing of liquids in plastic, paper or styrofoam cups, shall be provided to fully serve all reasonable anticipated requirements. In addition, the sponsor, organizer or manager of such event shall provide **one (1) ambulance** at the scene for every **ten thousand (10,000) people**, **one (1) registered nurse** for every **ten thousand (10,000) people**, **one (1) licensed physician** for every **twenty thousand (20,000) people** and **one (1) first-aid tent** for every **ten thousand (10,000) people**.

(F) Amplifying equipment shall control the noise level at the perimeter of the site to no more than **seventy (70) decibels** on the A scale of a sound lever meter which meets the specifications of the American National Standards Institute.

(G) The site shall be provided with adequate light to illuminate the site at all times with a minimum of **five (5) candle power**. All lighting shall be controlled so as not to reflect on any area beyond the boundary of such site.

(H) Public liability and property damage insurance shall be furnished by the applicant at the rate of **One Hundred Thousand Dollars ($100,000.00)** per incident and **Five Hundred Thousand Dollars ($500,000.00)** per occurrence. An umbrella policy shall be provided in the following amounts:

Class 1 & 2	$1,000,000.00
Class 3	$2,000,000.00
Class 4	$3,000,000.00
Class 5	$4,000,000.00
Class 6	$6,000,000.00

(I) Security enforcement, including prevention of the unlawful use of alcohol, narcotics, or dangerous drugs at the site, and methods for limiting the size of the proposed function to the number of participants for which the license has been granted shall employed by the applicant. Security enforcements shall include the external as well as the internal crowd control and sufficient security personnel for crowd control and security enforcement shall be provided. **One (1)** security guard shall be furnished for each **five hundred (500) persons** attending any site. Each guard shall be licensed pursuant to the requirements of **225 ILCS Sec. 446/1 et seq.**

(J) At least **three thousand (3,000) square feet** shall be made available for each trailer or tent located at the site of the event.

(K) Applicant shall submit, with his application, proof of his financial resources sufficient to execute his plans, as submitted and shall give such further assurances as may be required by the County Board as a part of the license issued. In addition, applicant shall submit with his application, a performance bond guaranteeing against damage to the proposed site and damage to neighboring property owners in the following amounts:

Class 1 & 2	$50,000.00
Class 3	$100,000.00
Class 4	$150,000.00
Class 5	$200,000.00
Class 6	$250,000.00

(L) No entertainment activity governed hereby shall be located within **five hundred (500) feet** of any adjacent property line or **one thousand (1,000) feet** from any occupied dwelling unless:

(1) The County Board determines that the area to be specially used by the activity is adequately buffered from all resident development; or

(2) A written waiver has been filed by the County Board by owners of all adjacent property within **five hundred (500) feet** of the proposed activity area or the applicants of any dwelling within **one thousand (1,000) feet** of the proposed activity area excepting such dwelling as found by the County Board to be adequately buffered;

(3) All entertainment activities shall be discontinued at the following times:

Class 1 & 2	Midnight
Class 3, 4, 5 & 6	11:00 P.M.

7-8-4 **<u>WRITTEN APPLICATION.</u>** Applications for the license shall be made to the County Board by filing written application, together with the license fee in the office of the County Clerk. The application shall be delivered by the County Clerk to the Chairman of the County Board. An investigation and examination to determine the adequacy of the application and to determine compliance of said application with the rules and regulations herein set forth shall be conducted by the Chairman or such persons as he may designate. The Chairman shall report his findings to the County Board at the regular meeting or a special meeting called for that purpose. The license shall be issued by the Chairman over his signature on behalf of the County Board, after he is given authority to do so by a majority vote of the Board, and shall be displayed by the licensee in a prominent place at such activity sight.

(A) The application for license shall contain:

(1) Name, date of birth, driver's license number of the applicant. If the applicant is a partnership or corporation the application shall contain the name, date of birth and driver's license numbers of all partners, corporate officers, stockholders. If the applicant is a corporation the application shall include a certified copy of the articles of incorporation and a list of the names, addresses, dates of birth and driver's license numbers of all persons directly involved in the management of such activity.

(2) The location and legal description of the premises where the activity is proposed to be conducted, including all lands to be used directly, indirectly or incidental to the proposed activity or any part thereof. As to all such lands, there shall be attached to the application certified copies of documents disclosing the nature of the interest of the applicant in and to the same.

(3) The date or dates and the hours during which the activity is to be conducted and a statement as to whether or not the activity will involve a total time period of more than **twelve (12) hours** and if so, the total time period.

(4) A detailed statement, containing plans and specifications of the applicant's program and plans for the activity in its entirety

including, but not limited to, the manner in which the applicant proposes to meet the regulations, requirements and standards provided for elsewhere in this resolution along with whatever evidence of such plans may be required by the County Board, including but not limited to copies of actual signed contracts.

(5) An estimate of the costs of producing the activity and all other costs related thereto which said estimate shall not be binding upon the County Board.

(6) An estimate of the minimum and maximum numbers of customers, spectators, participants and other persons expected to attend the activity daily or per performance.

(7) A statement certified on penalty of perjury, the correctness of the information given on the application and in supporting documents, and agreeing on behalf of the proposed licensee that there shall be full compliance of the licensee with all state and local laws in the conduct of the activities for which a license may be granted.

(8) A copy of all contracts involved in the total event shall be furnished to the Chairman of the County Board.

(9) Authorization for inspection by the Chairman or his representative and/or by the Sheriff of Clinton County or his deputies.

(10) Applicant shall certify application under oath before a notary public.

7-8-5 **ACTION ON APPLICATION.** Application for license under this Act shall be made in writing to the County Board at least **sixty (60) days** in advance of the assembly and shall be acted upon by the County Board within **thirty (30) days** or at the next regularly scheduled meeting of the County Board after receipt of said application. If such application meets all of the requirements set forth above, the County Board may issue a license to the application. Such license, if granted, shall permit the assembly of only the maximum number of people stated in such license.

7-8-6 **INJUNCTION; REVOCATION OF PERMIT.** The Chairman of the County Board is hereby authorized to proceed by way of injunction or any other form of action to stop violation of or to enforce compliance by all applicants and all persons covered by this resolution with the terms and requirements hereof, and additional terms and requirements imposed by the County Board and the laws, rules and regulations adopted by federal, state or local governmental agencies applicable to the activity or event in question. In any event, any license issued under this Act may be revoked by the County Board at any time fi any of the conditions necessary for the issuance of or contained in the license are not complied with or if any condition previously met ceases to be complied with.

7-8-7 **EXCEPTION TO COUNTY SPONSORED EVENT.** The foregoing rules and regulations shall not be applicable to any business sponsored or subsidized in whole or in part by the County of Clinton nor shall it apply to any business operated by a corporation incorporated under the not for profit act of the State of Illinois whose principal place of business is located in Clinton County, Illinois.

(See Section 1-1-20 for penalty.)
(Ord. Passed in 1984)

ARTICLE IX – FIREWORKS CODE

7-9-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Common Fireworks: Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

(1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;

(2) Smoke devices;

(3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;

(4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

Dangerous Fireworks: Any fireworks not defined as a "common firework".

Fireworks: Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

Special Fireworks: Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

7-9-2 **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the County other than those fireworks designated in **Section 7-9-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

7-9-3 **POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the County; provided that this prohibition shall not apply to duly authorized public displays.

7-9-4 **PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the County without first having obtained a valid permit issued pursuant to the provisions of this Article.

7-9-5 **TIME LIMIT SET ON SALE AND USE.** No permit holder shall offer for retail sale or sell any fireworks within the County except from **12:00 Noon** on the **28th of June** to **12:00 Noon** on the **6th of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

7-9-6 **PERMIT FEES.** The annual fee for a "seller's permit" for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars ($100.00)** per year for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be **One Hundred Dollars ($100.00)**, payable in advance, unless waived by the County Board.

7-9-7 **ISSUANCE – NONTRANSFERABLE VOIDING.**

(A) **Sellers.** Each seller's permit issued under this Article shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in **Section 7-9-11** of this Article. Each seller's permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

7-9-8 **APPLICATION FOR PUBLIC DISPLAY PERMIT.** Applications for a permit to conduct a public display of fireworks shall be made to the District Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-9-12** of this Article.

7-9-9 **APPLICATION FOR SELLER'S PERMIT—CONDITIONS FOR ISSUANCE.** Applications for seller's permits shall be made to the County Clerk annually on or after **April 1st** of the year for which the permit is issued and the filing period shall close on **April 15th** of such year unless extended by action of the County Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of those fireworks allowed pursuant to **Section 7-9-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(See 425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars ($500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars ($1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars ($500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars ($1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the County is to be an additional named insured and the policy shall provide for the immediate notification of the County by the insurer of any cancellation of any policy.

(E) The permit holder's location or place of business shall be only in those areas or zones within the County where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-8-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the County a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars ($200.00)** conditioned upon the prompt removal of

the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the County. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10th) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-9-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the County Clerk shall be controlling.

7-9-10 **SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in **Section 7-9-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

7-9-11 **STANDARDS FOR TEMPORARY STANDS.** The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the County Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the District Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7th) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

7-9-12 **<u>STANDARDS FOR PUBLIC FIREWORKS DISPLAYS.</u>** All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the County and approved by the District Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the District Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the District Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the County for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the District Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the District Fire Chief or designer and maintained in an approved manner.

7-9-13 **<u>USE OF FIREWORKS IN PUBLIC PARKS.</u>** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the County, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The District Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-9-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-9-5** in such areas shall not be a violation of this Section. In doing so, the District Fire Chief shall consider:

(1) The sensitivity of the area's environment, wildlife and wildlife habitat;
(2) The inconvenience and nuisance to abutting property owners;
(3) The safety and suitability of the area as a place for the discharge of fireworks; and
(4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1st** of each year for use on **July 4th** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may

be appealed in writing to the County Board by any citizen of the County. The decision of the County Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the County Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

7-9-14 **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the County in accordance with **Sections 7-9-7** and **7-9-8** of this Code.

7-9-15 **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

7-9-16 **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

7-9-17 **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

7-9-18 **ENFORCEMENT.** The District Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the District Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

7-9-19 **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

(See Section 1-1-20 for penalties.)

EXHIBIT "A"

APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT

PART A – DISPLAY SPONSOR INFORMATION

Display Sponsor's Name	Telephone Number
Address	Cell Phone

PART B – PYROTECHNIC DISTRIBUTOR INFORMATION

Pyrotechnic Distributor's Name		OSFM License
Address		Telephone Number
Location Where Fireworks Stored		Storage Dates
Lead Pyrotechnic Operator's Name		OSFM License
Assistant's Names	Date of Birth	License No. (if any)
Liability Insurance: (not less than $1,000,000.00)		
Name and Address of Insurer		Telephone Number
Policy Number		Coverage Dates
Type of Coverage		
List Type, Size and Approximate Number of Fireworks to be Displayed: (if you need more space, please attach a separate sheet of paper.)		

PART C – DISPLAY INFORMATION

Display Location	
Property Owner's Name	Telephone Number
Owner's Address (if different than Display Location)	
Date of Display	Time of Display
Alternative Date	Time of Alternative Display
By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property. Signature:	

PART D – SITE INSPECTION INFORMATION

Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display site?		
Have provisions been made for on-site fire protection during the display?		
Has a diagram of the display site been attached to this application?		
Identify the largest mortar size (in inches) you intend to use.		
Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.		

PART E – FIRE DEPARTMENT AUTHORIZATION
(Completed by Fire Department)

Department Name	Telephone Number	
Department Address		
Based on review of the Display Site, the provided Diagram, And this application:	Yes	No
Have you verified the answers the applicant has given to Part D of this application?		
Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?		
By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site: Signature:		
Print Name:	Date	

PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)

In the space provided below, draw and identify the location of the following items:
Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters. The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:

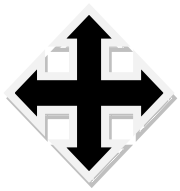


EXHIBIT "B"

OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST

PART A – DISPLAY INFORMATION

Name of Company: _____ License No. _____

Name of Lead Operator: _____ License No. _____

Location of Display: _____

Venue Contact: (Name, Address and Telephone Number)

_____

Date of Display: _____ Alternative Display Date: _____

Assistants Names Date of Birth License No. (If Any)

_____

_____

_____

_____

PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES

☐ Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.

☐ Identify the largest mortar size in inches: ( )

☐ The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

Table 1

Mortar Size (in inches)	Minimum Secured Diameter of the Site (in feet)
<3	280
3	420
4	560
5	700
6	840
7	980
8	1120
10	1400
12	1680

Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.

☐ Spectators and spectator parking areas must be located outside of the display site.

- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.

- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.

- Review sample Display Site Plan at end of this document.

PART C – LOCATION OF DISPLAY

- Mortars shall be placed at the approximate center of the display site.

- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.

- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.

  - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

PART D - MORTARS

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.

- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

PART E – GROUND DISPLAY

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.

  - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.

- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.

- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

PART F – DISPLAY SITE SAFETY

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.

- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.

- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.

- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

PART G – DISCHARGE AREA SAFETY

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.

- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.

- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.

  - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.

- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.

- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

PART H – HALTING DISPLAY

- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:

  - The lack of crowd control,

  - If high winds, precipitation, or other adverse weather conditions prevail, or

  - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.

- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

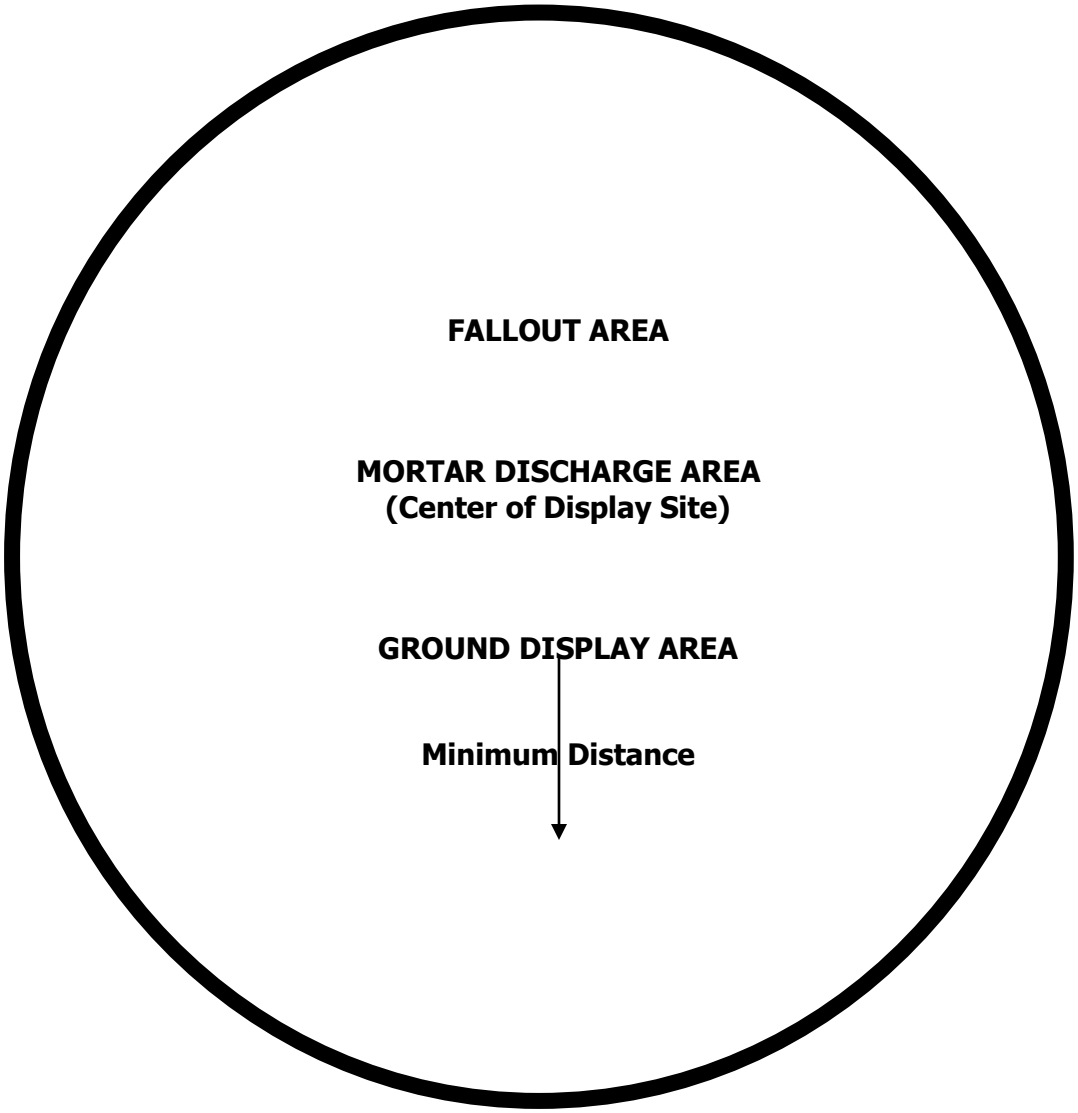
PART I – POST DISPLAY INSPECTION

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.

- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

DISPLAY SITE PLAN

MINIMUM SECURED DISTANCE



SPECTATOR VIEWING AREA

VEHICLE PARKING AREA

EXHIBIT "D"

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

OUTDOOR PYROTECHNIC DISPLAY PERMIT

Date _____ Permit No. _____

PERMITTEES:

Display Sponsor _____

Pyrotechnic Distributor _____

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on _____,
(Month, Day, Year)
at _____ in _____, Illinois.
(Time) (City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on
_____, at _____.
(Month, Day, Year) (Time)

The Lead Pyrotechnic Operator, _____, is hereby
(Name)
designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

_____
Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

_____
Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.

CABLE TELEVISION

ARTICLE			***TITLE***	***PAGE***
I	***FRANCHISE AGREEMENT***			
	Section 8-1-1	-	*Title*	*8-1*
	Section 8-1-2	-	*Definitions*	*8-1*
	Section 8-1-3	-	*Grant of Franchise*	*8-2*
	Section 8-1-4	-	*Jurisdiction of Grant of Franchise*	*8-3*
	Section 8-1-5	-	*Rates and Charges*	*8-3*
	Section 8-1-6	-	*Franchise Fee*	*8-4*
	Section 8-1-7	-	*Records*	*8-4*
	Section 8-1-8	-	*General System Standards*	*8-4*
	Section 8-1-9	-	*Service*	*8-5*
	Section 8-1-10	-	*Use of County Roads*	*8-5*
	Section 8-1-11	-	*Business Office and Service Calls*	*8-6*
	Section 8-1-12	-	*Indemnification and Insurance*	*8-6*
	Section 8-1-13	-	*Bond*	*8-7*
	Section 8-1-14	-	*Compliance with Local, State and Federal Jurisdiction*	*8-7*
	Section 8-1-15	-	*Monitoring and Subscriber Privacy*	*8-8*
	Section 8-1-16	-	*Establishment, Construction and Operation*	*8-8*
	Section 8-1-17	-	*Acceptance*	*8-8*
	Section 8-1-18	-	*Assignment*	*8-8*
	Section 8-1-19	-	*Revocation*	*8-9*
	Section 8-1-20	-	*Termination of Service*	*8-10*
	Section 8-1-21	-	*Construction*	*8-10*
	Section 8-1-22	-	*Public Buildings*	*8-10*
	Section 8-1-23	-	*Notices*	*8-11*
	Section 8-1-24	-	*Exclusive Jurisdiction*	*8-11*
	Section 8-1-25	-	*Franchises with Other Municipalities*	*8-11*
	Section 8-1-26	-	*Reservation of Rights*	*8-11*
II	***CABLE/VIDEO SERVICE PROVIDER FEE***			
	Section 8-2-1	-	*Definitions*	*8-12*
	Section 8-2-2	-	*Cable/Video Service Provider Fee Imposed*	*8-14*
	Section 8-2-3	-	*PEG Access Support Fee Imposed*	*8-14*
	Section 8-2-4	-	*Designation of Capacity for PEG*	*8-14*
	Section 8-2-5	-	*Applicable Principles*	*8-15*
	Section 8-2-6	-	*No Impact on Other Taxes Due From Holder*	*8-15*
	Section 8-2-7	-	*Audits of Cable/Video Service Provider*	*8-15*
	Section 8-2-8	-	*Late Fees/Payments*	*8-15*
III	***CABLE CUSTOMER PROTECTION LAW***			
	Section 8-3-1	-	*Customer Service and Privacy Protection Law*	*8-16*
	Section 8-3-2	-	*Enforcement*	*8-16*
	Section 8-3-3	-	*Customer Credits*	*8-16*
	Section 8-3-4	-	*Penalties*	*8-16*
	Section 8-3-5	-	*Schedule of Consumer Credits*	*8-16*

CHAPTER 8

CABLE TELEVISION

ARTICLE I – FRANCHISE AGREEMENT

8-1-1 **TITLE.** This Agreement shall be known as and may be cited as the **"Clinton County Cable Television Franchise Agreement"**.

8-1-2 **DEFINITIONS.** The words and phrases defined in this Section shall have the meanings ascribed to them as follows:

(A) **Basic Cable Service** shall mean the primary service transmitted on the cable system and shall include and not necessarily be limited to those signals from any FCC licensed television station.

(B) **Channel** means a frequency in the electromagnetic spectrum capable of clearly and effectively carrying an audio-date or an audio-visual television signal, and as defined by the FCC Rules and Regulations.

(C) **Company** means Grantee under the Franchise and is Satellite Cable TV Corp. d/b/a Metro East Cable TV Co.

(D) **FCC** means the Federal Communications Commission, established by the Communications Act of 1934, as amended, and shall include any successor agency or other agency with respect to the federal regulations and licensing in connection with the subject matter of this Agreement.

(E) **FM Services** means broadcast of audio signals only on a standard FM frequency.

(F) **Grant** means the right, privilege and franchise provided in **Section 8-1-3(A)** of this Agreement.

(G) **County** means the County of Clinton, Illinois.

(H) **Person** means any individual, firm, partnership, limited partnership, association, corporation, company or organization of any kind.

(I) **Potential Subscribers** means those persons within or without the current jurisdiction of the Grant of franchise who are not Subscribers, who have refused System services, or who have let lapse the time provided for free installation, with due consideration given to the reasonable probability that such persons may or may not become Subscribers.

(J) **Ancillary Service(s)** shall mean any signals other than basic cable services transmitted on the system which the Company offers for consumption by the Subscribers. The Company shall have the right to sell the Ancillary Service(s) at a monthly charge which is in addition to the charge for Basic Cable Service.

(K) **Public Right of Way** means all sidewalks, streets and alleys in the County which are dedicated to the County for street, highway, sidewalk, lighting, drainage, utility, or cable television purposes, and all public ways and places contiguous thereto.

(L) **Subscriber** means any person receiving service from or using the system under the Grant pursuant to this Agreement.

(M) **Cable TV System** means "community antenna television system" as defined in Section 11-42-11 of the Illinois Municipal Code, and as amended from time to time.

(N) **System Facilities** means a cable TV system composed of without limitation, antenna, cables, wires, lines, towers, amplifiers, conductors, equipment or facilities designed, constructed or wired for the purpose of producing, receiving amplifying and distributing by coaxial cable, fiber optics, microwave, or other means, audio or visual radio, television, electronic or electrical signals to and from Subscribers.

(O) **Gross Revenues** means the revenue derived by the Company from all services generated by the system facilities, or from the use of the system facilities, including but not limited to data transmission alarm or signal transmission, advertising revenue, charges to subscribers for programming and FM services, installation charges and any revenue received from any source whatsoever for the use of the system facilities for the transmission of electronic or microwave impulses and shall include services offered in the unincorporated areas of Clinton County.

8-1-3 GRANT OF FRANCHISE.

(A) The County to the full extent that it may do so, hereby grants to the Company, in accordance with the terms, conditions and provisions of this Agreement, the right, privilege, and franchise; to establish, construct, operate and maintain the System and System Facilities in, upon, over and under the County public rights of way and within easements or other rights to use property which are effective for the purpose of the Grant; to extend the System to and offer the services of the System to all Potential Subscribers within the unincorporated areas of Clinton County; to acquire by lease, license, purchase or other right to use equipment, facilities and improvements, and land constituting all or part to the System Facilities; to connect Subscribers to the System; and to repair, replace, enlarge and extend the System and System Facilities under the following conditions:

(1) All crossings on County Highways whether aerial or underground shall be made in compliance with County specifications and the National Electrical Code as applicable.

(2) The Company, its successors, grantees and assigns, in performing the work shall not interfere with or obstruct traffic on said highways, and as soon as practical after constructing pole lines, anchors, wires, underground conduits and cables shall restore the highways to their former condition. Reseeding will be required at the option of the Clinton County Superintendent of Highways.

(3) The Company, its successors, grantees, and assigns except as otherwise permitted by the County shall lay, construct, operate, and maintain said pole lines and underground conduits as close to the property lines as conditions will permit and so as not to interfere with natural drainage of the highways and so as not to interfere with the construction or maintenance of said highways, and said cables and underground conduits shall be layed at such depths beneath the surface so as not to interfere with public travel.

(4) The Company, its successors, grantees, and assigns shall lay, construct, operate and maintain such pole lines, anchors, wires, underground conduits and cables so as not to interfere with private entrances to farms now abutting on highways.

(5) The Company, its successors, grantees and assigns shall pay all damages to the owners of property abutting on the public highways which such owners may sustain by reason of the construction of said pole lines, anchors, wires, underground conduits and cables.

(6) The Company, its successors, grantees, and assigns shall assume all liabilities for all accidents and damages that may accrue to persons or property on account of the laying, maintaining and operating of such pole lines, anchors, wires, underground conduit and cables which result from its negligence. Proper signs and barricades in accordance with the manual on uniform traffic control devices for streets and highways shall be used. All reasonable caution shall be taken during the construction to protect and safeguard the lives and property of the travelling public and adjacent property owners on account of construction operations.

(7) Such pole lines, anchors, wires, underground conduits and cables shall be located and constructed to the satisfaction of the County Superintendent of Highways and should construction and operation of the highway require any alteration or change of location of said pole lines, anchors, wires, underground conduits and cables, such alteration or change of location shall be made by the Company, its successors, grantees, and assigns at the Company's expense upon written request from the County Superintendent of Highways or from the County Board, whether said pole lines, anchors, wires, underground conduits and cables wires, underground conduits and cables are located upon private

property which is to be dedicated to public road use and which dedication will result in the necessity of alteration for change of location.

(8) The Company shall request and attach a plat showing the location of proposed line cable and shall submit these to the County Superintendent of Highways for approval. All underground cables shall be installed in accordance with permits obtained from the County Superintendent of Highways. The permit shall direct the depth of the cable installation.

(B) The term of the Grant shall be **fifteen (15) years**. The term shall begin _____ _____.

(C) The Grant shall not be exclusive. The County may make the same Grant or a different Grant to the Company of to any other person or company during the term of the Grant.

8-1-4 JURISDICTION OF GRANT OF FRANCHISE.

(A) The Grant shall apply within the unincorporated areas of the County.

(B) The Company shall be required to extend the System to and to offer the services of the System to Potential Subscribers within all unincorporated areas of the County where there are at least a total of **forty (40)** residential dwelling units and occupied commercial or industrial structures per line mile.

(C) Notwithstanding the Grant, the Company shall obtain all necessary federal, state and local government permits, licenses, and other required authorizations in connection with the establishment, construction, operation and maintenance of the System and System Facilities.

(D) Where the density of residential dwellings and occupied commercial or industrial structures, adverse terrain, or other factors render extension of the system and offer services impractical or technically infeasible or creates an economic hardship, the County may, upon petition of the Company, either waive the extension of the System into such areas, or allow the extension and offer services on such special terms, conditions and provisions as are reasonable and fair to the County, the Company and Potential Subscribers in such areas.

8-1-5 RATES AND CHARGES.

(A) The Company shall lay all cable wires and lines both on public and private properties of the County at its own expense, but the Company shall have the privilege of charging its customers both an installation fee to bring the service to their properties and a monthly fee for their continued use of the service. Potential Subscribers have **one (1) year** after the date that the System services are available and immediately adjacent to them to sign up for cable service and to get free installation.

A schedule of the initial charges for service is attached as Annex A and shall be placed on file with the County Clerk upon commencement of service in the County. The Company shall have the right to adjust its rates for all services provided no more than once in any **twelve (12) month** period and not in excess of the previous calendar year's Consumer Price Index as published by the United States Department of Labor, Bureau of Standards and Statistics. Any adjustment in rates in accordance with this process shall be placed on file with the County Clerk at least **sixty (60) days** in advance of the rate adjustment effective date.

If the Company intends to adjust its rates in excess of the Consumer Price Index, it must notify the County at least **sixty (60) days** in advance and the County may at its option intervene and has the right to approve or veto the portion of the Company's rate adjustment in excess of the increase in the consumer price index. However, should the County exercise its right to intervene, it must notify the Company in writing within **thirty (30) days** of the Company's initial notice stating its decision to intervene and prescribing the actions by which it intends to analyze and process the Company's rate adjustment.

(B) Senior Citizens defined as heads of household **sixty-two (62)** or over shall receive a **ten percent (10%)** discount on their monthly service charge.

(C) In the event the Company should wish to add additional services, the Company will notify the County at least **sixty (60) days** in advance, whereupon the County has the option to intervene in the same manner as described in **Section 8-1-5(A)** above. The County's authority is limited to approval or disapproval of the rates the Company shall charge for its additional services.

8-1-6 FRANCHISE FEE.

(A) The Company shall pay to the County for the right, privilege and franchise in connection with the Grant, an amount equal to **three percent (3%)** of the Gross Revenues as defined in **Section 8-1-2** on an annual basis. Each payment shall be accompanied by a statement under oath from an official or representative of the Company having the requisite knowledge to make such a statement certifying the Gross Revenues upon which the payment is based.

(B) Within **sixty (60) days** of the end of each fiscal year of the Company, the Company shall file with the Corporate Authorities an annual report prepared, certified and audited by an independent certified public accountant, showing the financial status of the Company, total revenues of the Company from the System for the report period.

(C) In the event any payment is not paid by the last day of the month as provided above, Company shall pay interest on such payment to County at a rate equal to two percentage points higher than the prime interest rate as charged by the Continental Bank of Chicago, Illinois, at that time. Such interest shall be computed from the last day of the ending period until payment is received by County.

(D) Upon termination of the Grant at the expiration of the term provided in this Article or otherwise, the Company shall continue to make the annual statements and the annual reports as provided in this Section until such time as all payments due the Municipality under this Article have been paid and accounted for to the reasonable satisfaction of the Municipality.

8-1-7 RECORDS.

(A) The County shall have the right to inspect at all reasonable times, the records of the Company for the purpose of ascertaining accurately what the actual gross receipts of the Company for basic cable television service has been for the present or past years.

(B) At least **ten (10) days** prior to construction of any part of the System or System Facilities in public right of way, the Company shall file with the County copies of maps, plats or other drawings which accurately show the nature of the proposed construction of improvements. Upon completion of such construction, the Company shall submit "as built" maps detailing the location of its plant within the County.

(C) Within **sixty (60) days** of its acceptance of this franchise ordinance, and thereafter at reasonable times upon request of the County, the Company shall file with the County a current list of its owners, partners, both general and limited, and officers, together with a list of shareholders having **five percent (5%)** or more of the stock if the Company is a corporation.

(D) The Company shall promptly file with the County copies of all rules, regulations, terms and conditions established or imposed by the Company in connection with the establishment and operation of the System and shall promptly provide the County with revisions and amendments thereto as same are established.

8-1-8 GENERAL SYSTEM STANDARDS.

(A) The Company shall establish, construct, operate and maintain the System in accordance with the highest standards of the art of cable communications and in accordance with the highest standards of the code of conduct with respect to businesses of size and type like that of the Company.

(B) The Company through the System shall provide effective and efficient service in accordance with the rules and regulations of all governmental units and agencies having regulatory and licensing authority in connection with the System.

(C) The Company through the System shall provide uniform strong signals which are free from distortion and interference.

(D) The Company shall not interrupt all or any part of the services of the System in the absence of maintenance, repair or emergency circumstances.

(E) The Company shall establish, construct, operate and maintain the System, including System Facilities, so as to at all times meet FCC technical standards, including without limitation specifications for frequency boundaries, visual carriers, frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation and radiation.

(F) The Company shall establish, construct, operate and maintain the System in accordance with all applicable national, state and local building and safety codes. In the absence of any otherwise applicable building and safety code, the Company shall establish, construct, operate, and maintain the System in accordance with the most recent edition of the National Electrical Safety Code and the National Electrical Code.

(G) Without limiting the provisions of this Article, the Company shall establish, construct, operate and maintain the System in accordance with any proposals or representations made to the County. A copy of the Company's proposal to the County shall be filed with the County Clerk and is by this reference incorporated herein.

(H) The System shall be designed, established, constructed, operated and maintained for **twenty-four (24) hour-a-day** continuous operation.

(I) The Company shall not be liable for interruptions in service caused by strikes, war, civil commotion, Acts of God, and other causes beyond the control of the Company.

8-1-9 <u>SERVICE.</u>

(A) The Company shall construct the System facilities with sufficient spectrum to accommodate no less than **thirty (30)** video channels: Upon commencement of operation, the Company shall offer the programming and services set forth in Annex B attached hereto and made part of this Agreement as a minimum of its Cable TV services to the County.

(B) The Company shall make available to the County at no cost **two (2) channels** to be used by the County for various applications as may be consistent with the System's technical capability and not in conflict with present and future services offered by the Company.

(C) The Company shall make available **one (1) channel** for use by local and area educational institutions.

(D) In conjunction with (B) and (C), the Company shall construct a dedicated return line from schools within our cabled areas to be used on a time shared basis.

(E) The Company will provide a basic production kit consisting of a camera, a video tape recorder and accessory equipment to be utilized on a shared basis between the educational institutions and the County in conjunction with the channels specified in (B) and (C) of this Section.

8-1-10 <u>USE OF COUNTY ROADS.</u>

(A) All System Facilities erected, constructed or placed by the Company within the County shall be located so as not interfere with the proper use of streets, alleys and other public ways and placed, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and not to interfere with existing public utility installations. All service lines shall be underground in those areas of the County where both public utilities providing telephone or electric service are underground at the time of installation. In areas where telephone or electric utility facilities are above ground at the time of installation, the Company may install its service above ground. If, subsequently, both the telephone and electric utility facilities go underground, the affected facilities of the Company shall go underground simultaneously.

(B) In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Company shall, at its own expense, and in the manner required by the County ordinances or policies, replace and restore all paving, sidewalk, driveway or other surface of any street or alley disturbed. In

case of any disturbance on either private or public property, the land surface, including plantings and trees, shall be restored by the Company to substantially its previous condition.

(C) If at any time during the period of the franchise the County shall lawfully elect to alter or change the grade or location of any street, alley or other public way, the Company shall upon reasonable notice by the County, remove, relay and relocate affected System facilities at its own expense, and in each instance comply with the requirements of the County.

(D) The Company shall not place System facilities above or below ground where the same will interfere with the operation of any gas, electric, telephone fixtures, water hydrants or other utility, and all such poles, conduits or other fixtures placed in any street shall be so placed as to comply with all ordinances of the County.

(E) The Company may be required by the County to permit joint use of its System Facilities located in the streets, alleys or other public right of way of the County by utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore; provided, that in the absence of agreement regarding such joint use, the County shall provide for to be paid therefrom, which award shall be final.

(F) The Company shall, in request of any person holding a moving permit issued by the County, temporarily move affected System Facilities to permit the moving of buildings; the expense of such temporary removal to be paid in advance by the person requesting such removal, and the Company shall be given not less than **forty-eight (48) hours** advance notice to arrange for such temporary changes.

(G) The Company shall have the authority, except when in conflict with existing County ordinances, to trim any trees upon and overhanging public right of way so as to prevent the branches of such trees from coming in contact with System Facilities, except that at the option of the County, such trimming may be done by it, or under its supervision and direction, at the expense of the Company.

(H) If the Company seeks to construct and maintain its cables and other System Facilities on or above public or private property, and an easement for such use has already been granted to a telephone company, electric or other public utility, said easement shall, if at all possible, be interpreted so as to grant the Company the same rights and privileges as have been granted to the telephone and electric companies and other public utilities. In such easements, the words "telephone" or "telephone company", "electric company" and the like, shall be interpreted to include the Company. The Company shall not be required to install cable to service areas where the required easements are not reasonably obtainable.

8-1-11 <u>BUSINESS OFFICE AND SERVICE CALLS.</u>

(A) The Company has established a business office and agent at Rt. 1, Box 607, Hwy 161, Belleville, Illinois, for the purpose of receiving inquiries, requests and complaints concerning all aspects of the establishment, construction, maintenance and operation of the System and the payment of Subscribers' service charges. The office has a toll free telephone number, 800-642-5423, and shall be open during reasonable business hours.

(B) The Company shall respond to and resolve Subscribers' complaints or requests for service in connection with repairs and maintenance and malfunctions of System Facilities. The Company shall respond as soon as possible on such complaints or requests, but in any event not more than **twenty-four (24) hours** after receipt of the complaint.

8-1-12 <u>INDEMNIFICATION AND INSURANCE.</u>

(A) The Company shall defend, indemnify, protect and save harmless the County, its officers and employees from and against any and all claims that may arise from physical damage to property, bodily injury or death to persons, including payments made under any workmen's compensation law, and including necessary expenses of the County and attorney fees, if any, which may arise out of or be caused by the installation, maintenance, presence, operation, or removal of the cable television system authorized herein, including without limitation claims for libel and slander, invasion of

privacy, defamation, violation or infringement of any copyright, trademark, trade name, service mark or patent or of any other fright of any person, and failure of the Company to comply with the provision of any federal, state, or local statute, ordinance. The Company shall carry insurance in **one (1)** or more sound and reputable companies authorized to sell insurance in the State of Illinois, to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result directly or indirectly from or by reason of such loss, injury, or damage. The minimum liability limits for personal injury or death of any **one (1) person** shall be **One Million Dollars ($1,000,000.00)** and the damage to property resulting from any **one (1) occurrence** shall be **Five Hundred Thousand Dollars ($500,000.00)**. The Company shall also carry such insurance necessary to protect it and the County from all claims under any workmen's compensation laws in effect that may be applicable to the Company. All insurance required by this Agreement shall be and remain in full force and effect for the life of this Agreement. Certificates of such insurance shall be provided by the insurance companies involved to the County Clerk. Such certificates shall provide at least **thirty (30) days** advance notice of cancellation to the County.

(B) The foregoing paragraph notwithstanding, Company shall not be required to defend or indemnify County for any claims or causes of action against County arising from the transmission of program material originating with the County or transmitted by authority or County over channels allocated to and controlled by County, if any.

8-1-13 <u>BOND.</u>

(A) Concurrent with the filing by the Company if its acceptance of the franchise herein granted, the Company shall file with the County Clerk and at all times thereafter maintain in full force and effect for the term of this Article, or any renewal thereof at the Company's sole expense, a surety bond in the amount of **Ten Thousand Dollars ($10,000.00)** renewable annually with good and sufficient surety and conditioned upon the faithful performance of the conditions and terms of this Article by the Company and to secure construction and installation of the system in operating condition within **one (1) year** after the date hereof.

(B) In case of any breach of an agreement by Company the County shall be entitled to recover from the principal and sureties on such bond, the amount of any damages and all costs, expenses and attorney fees incurred by the County prominently resulting from the failure of the Company to well and faithfully observe and perform under any and all of the provisions, terms and conditions which this Article requires it to perform.

In the event of Company's failure to complete the initial construction of the system within **one (1) year** from the date hereof, the sum of **Ten Thousand Dollars ($10,000.00)** shall be liquidated damages of the County for such breach.

(C) No recovery by County of any sum by reason of the bond required by this Section shall be any limitation on the liability of the Company to the County except in the case of liquidated damages for failure to construct. Any sum shall be deducted from any recovery which the County might have against the Company.

8-1-14 <u>COMPLIANCE WITH LOCAL, STATE AND FEDERAL JURISDICTION.</u>

(A) The Company shall establish, construct, operate and maintain the System subject to the reasonable supervision of the County and in strict compliance with all applicable laws, rules and regulations.

(B) If at any time the powers of the County, state or federal government or any agency or official thereof in connection with the System are duly transferred to or later reside in any other board, authority, agency or official, such board, authority, agency or official shall have the power, rights and duties previously vested in addition to any other which they may acquire.

(C) Notwithstanding any other provisions of this Agreement, the Company shall at all times comply with all state and federal laws, rules and regulations, or any administrative agency thereof; provided, however, if any such ordinance, law, rule or regulation shall require the Company to perform any service or shall permit the Company to perform any service in conflict with the provisions and terms

of this Agreement or of any law, rule, or regulation, then as soon as possible following knowledge thereof the Company shall notify the Company shall notify the County of the point of conflict believed to exist. If the County determines that a material provision of this Agreement is affected by such action, the County shall have the right to modify or amend any of the provisions herein to such reasonable extent as may be necessary to carry out the full intent and purpose of this Agreement. However, if any condition of this instrument shall be deemed unlawful or in conflict with the rules and regulations of any regulatory agency empowered with authority over cable TV matters, the Company shall have the right to cease and desist immediately from compliance with that condition until any and all review procedures have been finalized. Actions by the Company relating to such matters will not place the Company in default with the Agreement.

8-1-15 **MONITORING AND SUBSCRIBER PRIVACY.** The Company shall not by its own actions and shall not by the actions of others, permit the monitoring of any portion of the System facilities, subscriber outlet or receiver for any purpose whatsoever with the specific authorization of the person(s) who may be affected by such actions. The foregoing notwithstanding, the Company shall have the right to monitor or sample the signals on the cable system for the purpose of maintenance, repair, compliance with FCC required performance tests and other procedures necessary to insure proper operation of the cable system. In all respects in connection with the System, the Company and the County shall protect the rights and privacy of its Subscribers and others.

8-1-16 **ESTABLISHMENT, CONSTRUCTION AND OPERATION.**

(A) Upon acceptance pursuant to **Section 8-1-19** of this Chapter the Company shall expeditiously proceed to establish, construct and operate the System, providing services of the System to Subscribers as soon as reasonably possible.

(B) The time for the establishment, construction and operation of the System and the provision of services to Subscribers shall be no more than **twelve (12) calendar months** from the date of acceptance by the Company.

8-1-17 **ACCEPTANCE.**

(A) The Company acknowledges by acceptance of the right, privilege and franchise, that it has carefully read the terms and conditions of this Chapter and is willing to and does accept all reasonable risks of the meaning of the provisions, terms and conditions herein.

(B) The Company, by acceptance of the right, privilege and franchise granted under this Agreement, acknowledges that it has not been induced to enter into such franchise by any understanding or promise or any other statement whether verbal or written by or on behalf of the County concerning any term or condition of this franchise not expressed herein.

(C) The Company will provide written notification of its acceptance within **ten (10) days** of the date of passage as specified in **Section 8-1-23** of this Chapter.

8-1-18 **ASSIGNMENT.** The Company shall not sell, lease or transfer its plant or system to another, or transfer or assign any rights under this franchise to another, without the prior written consent of the governing body of the County and no such sale or transfer shall be effective until the vendee, assignee, or leasee has filed in the Office of the County Clerk a statement duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the franchise and agreeing to perform all the conditions thereof. Consent shall not be unreasonably withheld.

The Franchise issued to the Company shall not be transferable by the Company prior to the commencement of operation. Should the Company default on its projected commencement operations date for any reason except those beyond its control, the County may direct the Company to a) transfer the Franchise without charge to an assignee of the County's choosing; or b) surrender the Franchise back to the County. The Company may, however, through its own process or others, attempt to recapture its

out-of-pocket expenses in plant, equipment and other fees. Subordinate to all provisions for assignment or transfer, the County has extended to it the first right of refusal with respect to its acquisition of the cable system. The price for such a sale shall be fair market as determined by an outside agency, company or brokerage house competent and experienced in such determination.

8-1-19 **REVOCATION.**

(A) In addition to all other rights, powers or remedies pertaining to the County in connection with this Chapter or otherwise, the County reserves the right to terminate, cancel or revoke the franchise and all rights and privileges of the Company under this Chapter in the event the Company:

(1) Violates any material provisions of this Chapter or any rule, order or determination of the County made pursuant to this Chapter; or

(2) Becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt; or

(3) Fails for a substantial time to provide effective transmission or receiving services and capabilities to subscribers, except for strikes, war, civil commotion, Acts of God, or other causes beyond the control of the Company; or

(4) Attempts to evade any of the provisions of this Chapter; or

(5) Fails to establish, construct and operate the System substantially in compliance with the time schedule in **Section 8-1-16(B)** of this Chapter due consideration having been given to the nature and cause of any delays; or

(6) Knowingly practices any fraud or deceit upon the County or any subscriber.

(B) Such termination, cancellation and revocation shall be by ordinance after a hearing before the Corporate Authorities. The County shall give the Company at least **thirty (30) days** notice of the hearing. The County shall allow the Company an additional period of time not to exceed **sixty (60) additional days**, to prepare for the hearing in the event the Company requests additional time prior to the expiration of the first **thirty (30) days**, but only upon the showing by the Company that such time is reasonably necessary for preparation purposes and is not merely a dilatory tactic. The Company shall have an opportunity before the Corporate Authorities to be fully heard and with respect to all situations (except those covered in **Section 18-1-19(A)(6)** above), shall be given a reasonable period of time not to exceed **ninety (90) days**, to cure any and all defaults, omissions, breaches, or causes for such termination, cancellation or revocation. The Corporate Authorities shall make findings of fact in connection with any termination, cancellation or revocation; and shall make a finding of fact as to the reasonableness of any time period allowed for cure. Failure of the Company to cure within the time allocated, providing such time is in fact reasonable, shall be grounds for final termination without the right of further hearing.

(C) With respect to violations of **Section 8-1-19(A)(6)** above with regard to knowing fraud or deceit, if after notice of hearing the County determines that any knowing fraud or deceit was an isolated act of any employee of Company and that none of the officers, directors, or principals of the Company knew or should have known of the fraud or deceit, County shall provide Company with a reasonable period of time to take proper action against the responsible employee, make full restitution for any damages caused, and establish procedures to prevent such problems in the future.

If after notice and hearing, County determines that there is reasonable cause to believe that any of the officers, directors, or principals of the Company knew or should have known of the fraud or deceit, County at its option may make a preliminary determination that such reasonable cause exists, and if the result of the preliminary determination is that such reasonable cause does in fact exist, shall indicate whether or not it will seek termination of the franchise on account of same if the preliminary determination is made final.

If the preliminary determination of County is that there is reasonable cause to believe that any of the officers, directors, or principals of the Company knew or should have known of the fraud or deceit and the County also intends to seek termination of the franchise, Company may, within **thirty (30) days**

after notice to Company of such determination, require the determination of such reasonable cause to be submitted to the American Arbitration Association, or if the association shall not then be in existence or shall not be able to act under the circumstances, to a similar of successor association, for binding arbitration in accordance with the rules of such association and the terms of this agreement. The Company shall continue to operate the system until such determination is made. After such determination is made, if it shall be determined that any officers, directors, or principals of Company knew or should have known of the fraud or deceit, County may at its option terminate this agreement immediately with no right of or time period for cure.

If the Arbitrators determine that contrary to the preliminary determination of the County no reasonable cause existed to believe that any of the officers, directors, or principals of Company knew or should have known of the fraud or deceit, County shall be responsible to pay for the Arbitrator's fees and charges for both parties. If the Arbitrators determine that the preliminary determination of County was correct and that such reasonable cause did in fact exist, Company shall pay the Arbitrator's fees and charges for both parties.

8-1-20 **TERMINATION OF SERVICE.** Upon termination of the System's service to any Subscriber, the Company, upon written request shall without charge promptly remove its System facilities from the property of such Subscriber. The removal of its facilities constitutes full satisfaction of its liability for any alterations it may have had to make to the customer's property at the time of installation in order to provide cable TV service to the Subscriber.

8-1-21 **CONSTRUCTION.** Principals concerning the construction and interpretation of this Chapter shall be as follows:

(A) All ordinances or parts thereof in conflict with the provisions of this Chapter are to that extent hereby repealed.

(B) If any provision of this Chapter or the applications thereof is for any reason held invalid, illegal, unconstitutional, or unenforceable, such holding shall not affect the remainder to this Chapter to any extent, each provision of this Chapter being a separate, distinct, and independent part.

(C) In connection with all actions and decisions to be taken or made under this Chapter by the County or the Company, due consideration shall be given the respective interests of the County, the Company, Subscribers and potential subscribers. Actions and decisions shall include, but not be limited to, increasing rates or otherwise amending this Chapter. The interests of potential subscribers, except for potential subscribers who have not refused System service or have not let lapse the time provided for free installation, shall be secondary to the interests of the County, the Company and Subscribers.

(D) Words in the present tense include the future.

(E) Words importing the plural number may extend to and include plural; words importing the plural number may extend to and include the singular; and words in masculine gender shall include female gender.

(F) The Company shall not be excused from complying with any of the terms, conditions and provisions of this Chapter by any failure of the County upon any one or more occasions to insist upon or to seek compliance with any such terms, conditions or provisions.

(G) The specification in this Section or principles to apply in the construction and interpretation of this Agreement shall not be a limitation as to the others.

8-1-22 **PUBLIC BUILDINGS.** The Company agrees to and shall furnish without installation charge or monthly service charge or fee live connections to the Clinton County Courthouse and Jail Building and County Highway shed and one connection to all fire houses, public works buildings, and any other public buildings designated by the County Board; to all library buildings; to all park district buildings; to all township buildings; and to all public and parochial elementary, secondary, and collect

level schools located within the County if said buildings are along existing system facilities served by the Company whether under this Agreement or another or meet the **forty (40)** unit per mile density. The public buildings so served be responsible for all internal wiring from such energizing connecting source.

8-1-23 **NOTICES.** All notices herein provided for shall be sent prepaid registered or certified mail addressed to the parties as follows:

To the County: Clinton County
C/o County Clerk
Clinton County Courthouse
Carlyle, Illinois 62231

To the Company: Metro East Cable TV Co.
Rt. 1 Box 607 Hwy 161
Belleville, IL 62221

8-1-24 **EXCLUSIVE JURISDICTION.** No community Antenna Television System shall be erected, maintained, or operated in the unincorporated areas of Clinton County without the passage of a franchise agreement granting the same.

8-1-25 **FRANCHISES WITH OTHER MUNICIPALITIES.** In the event that the Company or any subsidiary or affiliate thereof shall at any time have a franchise agreement or ordinance in effect for the Villages of Bartelso or Germantown or for the City of Breese or Carlyle, the corporate authorities of County shall have the option of incorporating into this franchise ordinance any provisions of any of the initial ordinances or agreements with such cities and villages which the County deems in its best interests providing such shall not be prohibited by applicable law or regulation. In the event County elects to so incorporate any such provisions, it must first amend this Chapter in the manner provided by law and so notify Company. No such change shall take effect until **thirty (30) days** after receipt of said notice by Company. The provisions of this Section do not apply to modifications which may subsequently be made to the ordinances or contracts with such cities or villages after the initial contract or ordinance.

8-1-26 **RESERVATION OF RIGHTS.**

(A) The right is hereby reserved to the County to adopt and enforce in addition to the terms, conditions and provisions contained in this Chapter and in otherwise existing applicable ordinances, such additional ordinances, rules and regulations as it shall find necessary in the exercise of the police powers; provided, that such ordinances, rules and regulations shall be reasonable and not in material or substantial conflict with the rights herein granted.

(B) In addition to the specific rights of inspection otherwise provided for in this Chapter, the County shall also have the right to make such reasonable inspections as it shall find necessary to insure compliance with the terms, provisions and conditions of this Chapter and other relevant provisions of law.

ARTICLE II - CABLE/VIDEO SERVICE PROVIDER FEE

8-2-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) ***"Cable Service"*** means that term as defined in 47 U.S.C. § 522(6).

(B) ***"Commission"*** means the Illinois Commerce Commission.

(C) ***"Gross Revenues"*** means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the County.

(1) Gross revenues shall include the following:

(a) Recurring charges for cable or video service.

(b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

(c) Rental of set top boxes and other cable service or video service equipment.

(d) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

(e) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

(f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

(g) A *pro* rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the County. The allocation shall be based on the number of subscribers in the County divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(h) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (i).

(i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(j) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

(a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

(b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-

issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

(c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the County and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.

(e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.

(f) Security deposits collected from subscribers.

(g) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(D) ***"Holder"*** means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(E) ***"PEG"*** means public, education and governmental.

(F) ***"PEG Access Support Fee"*** means the amount paid under this Article and 220 ILCS 5/21-801(d) by the holder to the County for the service areas within its territorial jurisdiction.

(G) ***"Service"*** means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(H) ***"Service Provider Fee"*** means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to the County for the service areas within its territorial jurisdiction.

(I) ***"Video Service"*** means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

8-2-2 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED.

(A) **Fee Imposed.** A fee is hereby imposed on any holder providing cable service or video service in the County.

(B) **Amount of Fee.** The amount of the fee imposed hereby shall be **five percent (5%)** of the holder's gross revenues or the same as the fee paid to the County by any incumbent operator providing cable service.

(C) **Notice to the County.** The holder shall notify the County at least **ten (10) days** prior to the date on which the holder begins to offer cable service or video service in the County.

(D) **Holder's Liability.** The holder shall be liable for and pay the service provider fee to the County. The holder's liability for the fee shall commence on the first day of the calendar month following **thirty (30) days** after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the County.

(E) **Payment Date.** The payment of the service provider fee shall be due on a quarterly basis, **forty-five (45) days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(F) **Exemption.** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the County in which a fee is paid.

(G) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit to prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under paragraph (B) of this Section.

8-2-3 PEG ACCESS SUPPORT FEE IMPOSED.

(A) **PEG Fee Imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the County in addition to the fee imposed pursuant to the Cable/Video Service Provider Fee imposed by this Article.

(B) **Amount of Fee.** The amount of the PEG access support fee imposed hereby shall be **one percent (1%)** of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the County or its designee for PEG access support in the County.

(C) **Payment.** The holder shall pay the PEG access support fee to the County or to the entity designated by the County to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in **Section 8-2-2(D)**.

(D) **Payment Due.** The payment of the PEG access support fee shall be due on a quarterly basis, **forty-five (45) days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to **220 ILCS 5/21-301(c)** shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owed under **Section 8-2-3(B)**.

8-2-4 DESIGNATION OF CAPACITY FOR PEG.

(A) **Initial Capacity.** In accordance with **220 ILCS 5/21-601(h)** the holder shall designate sufficient capacity for **three (3)** public, education, and governmental (PEG) channels.

(B) **Increased Capacity.** The County or its designee may seek to add additional capacity upon written notification to the holder specifying the number of additional channels to be used,

specifying the number of channels in actual use, and verifying that the additional channels requested will be put into actual use.

(C) **Regulations and Procedures.** All regulations and procedures related to PEG access shall be in accordance with **220 ILCS 5/21-601 *et seq.***

8-2-5 APPLICABLE PRINCIPLES. All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-2-6 NO IMPACT ON OTHER TAXES DUE FROM HOLDER. Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the County, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the County's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the County's 911 or E911 fees, taxes or charges.

8-2-7 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.

(A) **Audit Requirement.** The County will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the County imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recomputed any amounts determined to be payable under the requirements of the County. If all local franchises between the County and cable operator terminate, the audit requirements shall be those adopted by the County pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(B) **Additional Payments.** Any additional amount due after an audit shall be paid within **thirty (30) days** after the County's submission of an invoice for the sum.

8-2-8 LATE FEES/PAYMENTS. All fees due and payments which are past due shall be governed by ordinances adopted by this County pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

(See 220 ILCS 5/21-801)

ARTICLE III - CABLE CUSTOMER PROTECTION LAW

8-3-1 **CUSTOMER SERVICE AND PRIVACY PROTECTION LAW.**

(A) **Adoption.** The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and may applicable to the cable or video providers offering services within the County's boundaries.

(B) **Amendments.** Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the County's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the County.

8-3-2 **ENFORCEMENT.** The County does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the County.

8-3-3 **CUSTOMER CREDITS.** The County hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit. If the customer is no longer taking service from the cable or video provider, whose account has a **zero (0)** balance, the credit amount will be refunded to the customer by check within **thirty (30) days** of the termination of service, otherwise such credit will be applied to any balance first, the remaining of which shall be refunded to the customer by check within **thirty (30) days** of the termination of service.

8-3-4 **PENALTIES.** The County, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed **Seven Hundred Fifty Dollars ($750.00)** for each day of the material breach, and shall not exceed **Twenty-Five Thousand Dollars ($25,000.00)** for each occurrence of a material breach per customer.

(A) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

(B) The County shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least **thirty (30) days** from the receipt of the notice to remedy the specified material breach.

(C) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (B).

(D) No monetary penalties shall be assessed for a material breach that is out of the reasonable control of the cable or video providers or its affiliate.

8-3-5 **SCHEDULE OF CONSUMER CREDITS.** The following schedule of credits shall apply for breach of customer service standards and obligations contained in this Article and Illinois State Law in accordance with **220 ILCS 5/70-501**.

(A) Failure to provide notice of customer service standards upon initiation of service: $25.00.

(B) Failure to install service within **seven (7) days**: Waiver of **fifty percent (50%)** of the installation fee or the monthly fee for the lowest-cost basic service, whichever is greater. Failure to install service within **fourteen (14) days**: Waiver of **one hundred percent (100%)** of the installation fee or the monthly fee for the lowest-cost basic service, whichever is greater.

(C) Failure to remedy service interruptions or poor video or audio service quality within **forty-eight (48) hours**: Pro-rata credit of total regular monthly charges equal to the number of days of the service interruption.

(D) Failure to keep an appointment or to notify the customer prior to the close of business on the business day prior to the scheduled appointment: $25.00.

(E) Violation of the privacy protections: $150.00.

(F) Failure to comply with scrambling requirements: $50.00 per month.

(G) Violation of the customer service and billing standards in contained in **220 ILCS 5/7--501(c)** and **(d)**: $25.00 per occurrence.

(H) Violation of the bundling rules contained in **220 ILCS 5/70-501(h)**: $25.00 per month.

COURTHOUSE REGULATIONS

ARTICLE			***TITLE***	***PAGE***
I	***BUILDINGS***			
	Section 9-1-1	-	*Purpose*	*9-1*
	Section 9-1-2	-	*Unlawful Possession*	*9-1*
	Section 9-1-3	-	*Exceptions*	*9-1*
	Section 9-1-4	-	*Soliciting and Peddling Regulations – Clinton County Buildings*	*9-1*
	Section 9-1-5	-	*Clinton County Buildings Designated Smoke-Free*	*9-1*
	Section 9-1-6	-	*Penalties*	*9-1*

CHAPTER 9

COURTHOUSE REGULATIONS

ARTICLE I - BUILDINGS

9-1-1 **PURPOSE.** The purpose of this Article is to ensure the protection and safety of the general public while inside any buildings owned or operated by and for Clinton County. Due to the general adversarial nature of both civil and criminal proceedings at the Courthouse, as well as the presence of prisoners pending criminal prosecution, a potential danger to the public exists that must be protected by the County of Clinton.

9-1-2 **UNLAWFUL POSSESSION.** No person shall carry or possess on or about his person while inside any buildings owned or operated by and for Clinton County, any pistol, revolver, stungun, laser, or other firearms, bludgeon, blackjack, slingshot, sandbag, metal knuckles, or any switchblade knife or razor, bowie knife or dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon.

9-1-3 **EXCEPTIONS.** This Chapter does not apply to any officer of a police department or any sheriff or deputy sheriff or constable of the State of Illinois or United States Marshal while acting in his official capacity.

9-1-4 **SOLICITING AND PEDDLING REGULATIONS – CLINTON COUNTY BUILDINGS.** There shall be no selling, soliciting, peddling, distribution, or collection in connection with produce, foodstuffs, cosmetics, jewelry, newspapers, magazines, fund drives, or any other nature, within any building owned, leased, or rented by Clinton County, Illinois, other than in the conduct of officially approved County business by any County employee or member of the general public.

9-1-5 **CLINTON COUNTY BUILDINGS DESIGNATED SMOKE-FREE.** Smoking shall not be permitted in any portion of any building owned and/or operated by the County of Clinton by any person or persons whomever, except where the County Board specifically designates an area as a "smoking area". **(Ord. No. 94-458; 06-27-94)**

9-1-6 **PENALTIES.**

(A) Any person who violates the terms of this Article shall be guilty of a petty offense punishable by a fine not to exceed **One Thousand Dollars ($1,000.00)**.

(B) Upon conviction of a violation of the terms of this Article, the weapon possessed by the offender shall be confiscated by the trial court or appropriate authorities.

FLOOD PLAIN CODE

ARTICLE			***TITLE***	***PAGE***
I	***GENERALLY***			
	Section 14-1-1	-	*Purpose*	*14-1*
	Section 14-1-2	-	*Definitions*	*14-1*
	Section 14-1-3	-	*Base Flood Elevation*	*14-3*
	Section 14-1-4	-	*Duties of the Floodplain Coordinator*	*14-3*
	Section 14-1-5	-	*Development Permit*	*14-4*
	Section 14-1-6	-	*Preventing Increased Flood Heights and Resulting Damages*	*14-5*
	Section 14-1-7	-	*Protecting Buildings*	*14-5*
	Section 14-1-8	-	*Subdivision Requirements*	*14-8*
	Section 14-1-9	-	*Public Health and Other Standards*	*14-9*
	Section 14-1-10	-	*Variances*	*14-9*
	Section 14-1-11	-	*Disclaimer of Liability*	*14-10*
	Section 14-1-12	-	*Penalty*	*14-10*
	Section 14-1-13	-	*Abrogation and Greater Restrictions*	*14-10*

CHAPTER 14

FLOOD PLAIN CODE

14-1-1 **PURPOSE.** This Code is enacted pursuant to the police powers granted to this County by County Statutory Authority in **55 Illinois Compiled Statutes, 5/5-1041 and 5/1063** in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

(E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) To make federally subsidized flood insurance available; and

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

14-1-2 **DEFINITIONS.** For the purposes of this Code, the following definitions are adopted:

BASE FLOOD: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-3** of this Code.

BASE FLOOD ELEVATION (BFE): The elevation in relation to mean sea level of the crest of the base flood.

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

CRITICAL FACILITY: Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

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

(A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(B) Substantial improvement of an existing building;

(C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;

(D) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) Construction or erection of levees, dams, walls, or fences;

(F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(G) Storage of materials including the placement of gas and liquid storage tanks; and

(H) Channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

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

FEMA: Federal Emergency Management Agency.

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

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the Federal Emergency Management Agency. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA): They are synonymous. Those lands within the jurisdiction of Clinton County that are subject to inundation by the base flood. The floodplains of Clinton County are generally identified as such on the countywide Flood Insurance Rate Map of Clinton County prepared by the Federal Emergency Management Agency and dated **August 2, 2007**. Floodplain also includes those areas of known flooding as identified by the community. **(Ord. No. 2007-001; 08-20-07)**

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

FLOODPROOFING CERTIFICATE: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION OR FPE: The elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

FLOODWAY: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of **Grassy Branch, Kaskaskia River, Shoal Creek and Sugar Creek** shall be as delineated on the countywide Flood Insurance Rate Map of **Clinton County** prepared by FEMA and dated **August 2, 2007**. The floodways for each of the remaining floodplains of Clinton County shall be according to the best data available from Federal, State, or other sources. **(Ord. No. 2007-001; 08-20-07)**

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

MANUFACTURED HOME: A structure transportable in **one (1)** or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP: National Flood Insurance Program.

REPETITIVE LOSS: Flood related damages sustained by a structure on **two (2)** separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the

average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

TRAVEL TRAILER (OR RECREATIONAL VEHICLE): A vehicle which is:

(A) built on a single chassis;

(B) **four hundred (400) square feet** or less in size;

(C) designed to be self-propelled or permanently towable by a light duty truck; and

(D) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

14-1-3 **BASE FLOOD ELEVATION.** This Code's protection standard is the base flood. The best available base flood data are listed below. **Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.**

(A) The base flood elevation for the floodplains of **Grassy Branch, Kaskaskia River, Shoal Creek, Sugar Creek, Lake Branch, and Carlyle Lake** shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of **Clinton County** prepared by the Federal Emergency Management Agency and dated **August 2, 2007**. **(Ord. No. 2007-001; 08-20-07)**

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of **Clinton County** dated **August 2, 2007**. **(Ord. No. 2007-001; 08-20-07)**

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of **Clinton County** shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

14-1-4 **DUTIES OF THE FLOODPLAIN COORDINATOR.** The Floodplain Coordinator shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of **Clinton County** meet the requirements of this Code. Specifically, the Floodplain Coordinator shall:

(A) Process development permits in accordance with **Section 14-1-5**;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6**.

(C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8**;

(E) Ensure that water supply and waste disposal systems meet the public health standards of **Section 14-1-9**;

(F) If a variance is requested, ensure that the requirements of **Section 14-1-10** are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all actions outlined in **Section 14-1-12** as necessary to ensure compliance with this Code;

(H) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code; and

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code.

(M) Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain.

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

14-1-5 **DEVELOPMENT PERMIT.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Floodplain Coordinator. The Floodplain Coordinator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) **Application Documents.** The application for development permit shall be accompanied by:

(1) drawings of the site, drawn to scale showing property line dimensions;

(2) existing grade elevations and all changes in grade resulting from excavation or filling;

(3) the location and dimensions of all buildings and additions to buildings; and

(4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7** of this Code;

(5) cost of project or improvement as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) **Elevation Comparisons.** Upon receipt of an application for development permit, the Floodplain Coordinator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this Code. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this Code. The Floodplain Coordinator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

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

(A) Except as provided in **Section 14-1-6(B)**, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;

(2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No., 4;

(3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;

(4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;

(5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;

(6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;

(7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

(8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;

(9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and

(10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and

(11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and

(12) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

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

(1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

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

14-1-7 PROTECTING BUILDINGS.

(A) **Requirements.** In addition to the damage prevention requirements of **Section 14-1-6**, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building valued at more than **One Thousand Dollars ($1,000.00)** or **seventy (70) square feet**;

(2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this Code;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this Code.

(4) Structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)**;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and

(6) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.

(7) Repetitive loss to an existing building as defined in **Section 14-1-2(Q)**.

(B) **Alternative Methods.** Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

(2) The building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;

(b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of **one (1)** permanent opening on each wall no more than **one (1) foot** above grade. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation;

(d) The foundation and supporting members shall be anchored, designed and certified so as to minimize exposure by hydrodynamic forces such as current, waves, ice and floating debris;

(e) The finished interior grade shall not be less than the finished exterior grade;

(f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

(g) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

(h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

(C) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) elevated to or above the flood protection elevation; and

(2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

(D) Travel trailers and recreational vehicles on site for more than **one hundred eighty (180) days** per year shall meet the elevation requirements of **Section 14-1-7(C)** unless the following conditions are met:

(1) the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

(2) the vehicle must not be attached to external structures such as decks and porches; and

(3) the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and

(4) the vehicles largest horizontal projections must be no larger than **four hundred (400) square feet**; and

(5) the vehicle's wheels must remain on axles and inflated; and

(6) air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and

(7) propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and

(8) the vehicle must be licensed and titled as a recreational vehicle or park model; and

(9) the vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) **Non-Residential** buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer certifies that:

(1) below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

(2) the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impact from debris and ice; and

(3) floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Section.

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable; and

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and

(3) The garage or shed must be located outside of the floodway; and

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot; and

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and

(7) The garage or shed must have at least **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with **one (1) square inch** of opening for every square foot of floor area; and

(8) The garage or shed must be less than **Fifteen Thousand Dollars ($15,000.00)** in market value or replacement cost whichever is greater and less than **five hundred seventy-six (576) square feet**; and

(9) The structure shall be anchored to resist flotation and overturning; and

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(1) the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

(2) any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than **one (1) square inch** per **one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade; and

(3) the interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade; and

(4) the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed **four (4) feet** at any point; and

(5) an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and

(6) portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(7) utility systems within the crawlspace must be elevated above the flood protection elevation.

14-1-8 **SUBDIVISION REQUIREMENTS.** The Clinton County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) **Data Required.** New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 14-1-6** and **14-1-7** of this Code. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

(2) The boundary of the floodway when available; and

(3) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act **(See 765 Illinois Compiled Statutes, Sec. 205/2).**

14-1-9 **PUBLIC HEALTH AND OTHER STANDARDS.** Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 14-1-6** and **14-1-7**, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 14-1-7** of this Code.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damages.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(5) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

14-1-10 **VARIANCES.** Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Clinton County Zoning Board of Appeals for a variance. The Clinton County Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Clinton County Board. The Clinton County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) **Requirements for Variance.** No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety, or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other required state and federal permits have been obtained.

(B) **Notification of Applicant.** The Clinton County Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 14-1-7** would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to **Twenty-Five Dollars ($25.00)** per **One Hundred Dollars ($100.00)** of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 14-1-7** of this Code requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of **Section 14-1-9 (A)(1-5)**.

14-1-11 **DISCLAIMER OF LIABILITY.** The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of Clinton County or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

14-1-12 **PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Office of State's Attorney may determine that a violation of the minimum standards of this Code exist. The Office of State's Attorney shall notify the owner in writing of such violation.

(A) If such owner fails after **ten (10) days'** notice, to correct the violation:

(1) The County of Clinton may make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.

(2) Any person who violates this Code shall, upon conviction thereof, be fined not less than **One Hundred Fifty Dollars ($150.00)** nor more than **One Thousand Dollars ($1,000.00)** for each offense; and

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The County of Clinton shall record a notice of violation on the title to the property.

(B) The Office of State's Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(C) Nothing herein shall prevent the County of Clinton from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-1-13 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the Clinton County Board to fulfill the requirements of the National Flood Insurance Program including **February 10, 1987**. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal,

abrogate, or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(See 55 ILCS 5/5-1041; 5/5-1042; 5/5-1063)

(Ord. No. 05-04-03; 05-19-04)

CHAPTER 18

HEALTH REGULATIONS

ARTICLE		***TITLE***		***PAGE***
I	***PRIVATE SEWAGE CODE***			
	Section 18-1-1	-	*Definitions*	*18-1*
	Section 18-1-2	-	*Adoption by Reference*	*18-2*
	Section 18-1-3	-	*Lot Size*	*18-2*
	Section 18-1-4	-	*Subdivision Plat Review*	*18-2*
	Section 18-1-5	-	*Permit Requirements*	*18-3*
	Section 18-1-6	-	*Registrations*	*18-4*
	Section 18-1-7	-	*Compliance and Performance*	*18-5*
	Section 18-1-8	-	*Enforcement*	*18-5*
	Section 18-1-9	-	*Issuance of Notice*	*18-6*
	Section 18-1-10	-	*Revocation or Suspension of Registration Certificates*	*18-7*
	Section 18-1-11	-	*Hearings*	*18-7*
	Section 18-1-12	-	*Penalties*	*18-8*
II	***FOOD SERVICE SANITATION CODE***			
	Division I – Generally			
	Section 18-2-1	-	*Rules and Regulations*	*18-9*
	Section 18-2-2	-	*Scope*	*18-9*
	Division II – Definitions and Terms			
	Section 18-2-3	-	*Definitions*	*18-9*
	Section 18-2-4	-	*18-2-5 Reserved*	
	Division III – Enforcement Provision			
	Section 18-2-6	-	*Permit*	*18-11*
	Section 18-2-7	-	*Permit Categories*	*18-11*
	Section 18-2-8	-	*Issuance of Permits*	*18-12*
	Section 18-2-9	-	*Renewal of Permits*	*18-12*
	Section 18-2-10	-	*Suspension of Permits*	*18-13*
	Section 18-2-11	-	*Reinstatement of Suspended Permits*	*18-13*
	Section 18-2-12	-	*Revocation of Permits*	*18-13*
	Section 18-2-13	-	*Hearing*	*18-13*
	Section 18-2-14	-	*Closure of Establishment*	*18-14*
	Section 18-2-15	-	*Fees*	*18-14*
	Section 18-2-16	-	*18-2-19 Reserved*	
	Division IV – Inspections of Food Service Establishments and Retail Food Stores			
	Section 18-2-20	-	*Frequency of Inspections*	*18-15*
	Section 18-2-21	-	*Right of Entry*	*18-15*
	Section 18-2-22	-	*Report of Inspection*	*18-15*
	Section 18-2-23	-	*Correction of Violations*	*18-15*
	Section 18-2-24	-	*Issuance of Notices*	*18-16*
	Section 18-2-25	-	*Service of Notices*	*18-17*
	Section 18-2-26	-	*18-2-30 Reserved*	

ARTICLE	TITLE		PAGE
II	**FOOD SERVICE SANITATION CODE (CONTINUED)**		
	Division V – Examination and Condemnation of Food and/or Equipment		
	Section 18-2-31	*- Food*	*18-17*
	Section 18-2-32	*- Equipment*	*18-17*
	Division VI – Plan Review of Future Construction & Re-Opening Existing Facilities		
	Section 18-2-33	*- Submission of Plans*	*18-18*
	Section 18-2-34	*- Inspection of Establishment*	*18-18*
	Division VII – Infection Procedures		
	Section 18-2-35	*- Procedures When Infection is Suspected*	*18-18*
	Division VIII – Enforcement Interpretation		
	Section 18-2-36	*- Food Establishments Outside Jurisdiction of Health Authority*	*18-19*
	Section 18-2-37	*- Food Service Establishments*	*18-19*
	Section 18-2-38	*- Compliance with Other Laws and Regulations*	*18-19*
	Division IX – Penalties		
	Section 18-2-39	*- Penalties*	*18-19*
	Section 18-2-40	*- Repeal and Date of Effect*	*18-19*
III	**WATER SUPPLY CODE**		
	Section 18-3-1	*- Definitions*	*18-20*
	Section 18-3-2	*- Adoption by Reference*	*18-21*
	Section 18-3-3	*- Public Water Supply Use*	*18-21*
	Section 18-3-4	*- Potable Water Supply Required*	*18-21*
	Section 18-3-5	*- Abandoned Wells or Closed Loop Well*	*18-22*
	Section 18-3-6	*- Permit Required*	*18-22*
	Section 18-3-7	*- Application for Permit*	*18-22*
	Section 18-3-8	*- Issuance of Permit*	*18-22*
	Section 18-3-9	*- Property Owner's Responsibility*	*18-22*
	Section 18-3-10	*- Water Well, Pump Installation and/or Closed Loop Well Contractor's Responsibility*	*18-23*
	Section 18-3-11	*- Contact Information*	*18-23*
	Section 18-3-12	*- Permit Validity*	*18-23*
	Section 18-3-13	*- Permit Fee*	*18-23*
	Section 18-3-14	*- Exceptions*	*18-23*
	Section 18-3-15	*- Inspections*	*18-23*
	Section 18-3-16	*- Inspection of Completed Work*	*18-24*
	Section 18-3-17	*- Notification for Inspection*	*18-24*
	Section 18-3-18	*- Suspension of Permit*	*18-24*
	Section 18-3-19	*- Disinfection and Analysis*	*18-24*
	Section 18-3-20	*- Continuing Analysis*	*18-25*
	Section 18-3-21	*- Issuance of Notice*	*18-25*
	Section 18-3-22	*- Hearings*	*18-25*
	Section 18-3-23	*- Penalty*	*18-26*

CHAPTER 18

HEALTH REGULATIONS

ARTICLE I – PRIVATE SEWAGE CODE

18-1-1 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Chapter.

(A) **Authorized Representative** shall mean the legally designated Administrator or the Acting Administrator of the Clinton County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provisions of this Chapter.

(B) **Board of Health** shall mean the Clinton County Board of Health or its Authorized Representative(s).

(C) **Health Authority** shall mean the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

(D) **Domestic Sewage** means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.

(E) **Health Department** shall mean the Clinton County Public Health Department, an agency of the Clinton County Board of Health.

(F) **Home Owner** means a contract-for-deed buyer or a person who holds legal title to a residential structure which is to be used or is used for his personal, single family residence.

(G) **Home Owner Installed System** means a private sewage disposal system installed by a home owner for his personal single family residence.

(H) **Modify** shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.

(I) **Permit** shall mean a written permit issued by the Board of Health or its authorized representative permitting the construction of an individual sewage disposal system under this Chapter.

(J) **Private Sewage Disposal System** means any sewage handling or treatment facility receiving domestic sewage at a volume less than **one thousand five hundred (1,500) gallons** per day and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

(K) **Private Sewage Disposal System Installation Contractor** means any person excavating, constructing, repairing, installing, modifying, or maintaining or servicing a private sewage disposal system.

(L) **Private Sewage Disposal System Pumping Contractor** means any person who cleans or pumps waste from a private sewage disposal system or haul or disposes of wastes removed therefrom.

(M) **Private Sewage Disposal System Contractor's Registration** shall mean an annual Registration Certificate issued by the Clinton County Public Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Clinton County, Illinois.

(N) **Septic Tank Manufacturers and/or Aeration Unit Dealers** means any person who manufacturers, sells, offers for sale, or delivers septic tanks or aeration units in or into Clinton County, Illinois.

(O) **Septic Tank Manufacturers and/or Aeration Unit Dealers Registration** shall mean an annual registration certificate issued by Clinton County Public Health Department to all septic tank manufacturers and/or aeration unit dealers engaged in the manufacture, sale, offer for sale, and delivery of septic tanks and/or aeration units in or into Clinton County, Illinois.

18-1-2 ADOPTION BY REFERENCE. This Code shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois, Department of Public Health "Private Sewage Disposal Licensing Act and Code" [77 Ill. Adm. Code 905] and any subsequent amendments or revisions thereto, a copy of which shall be on file in the office of the Clinton County Health Department.

18-1-3 LOT SIZE. Minimum lot size for a residential structure requiring a private sewage disposal system, shall be **ten thousand (10,000) square feet** in area, and where a private water supply and a private sewage disposal system is proposed, shall be **one (1) acre** in size. However, a greater area may be required for such lots if, in the opinion of the Health Department, there are other factors of drainage, soil conditions, or other conditions which may cause potential health problems. Lots platted and on record before the effective date of this Article, will be given special consideration when applying for a permit. If a smaller area is requested, and there are extenuating or unusual circumstances, a variance may be granted in the opinion of the Health Department, an approved system can be installed and no potential health hazards will exist. However, the area shall be large enough to provide for a second private sewage system of a size and type equivalent to the minimum system approved for the lot. If a larger lot size is required by Zoning or Subdivisions and/or laws of Clinton County, then those provisions shall prevail.

18-1-4 SUBDIVISION PLAT REVIEW. The Health Department shall require subdividers to furnish information concerning soil absorption capacities, or require changes in a proposed subdivision plat, to reasonably ascertain that each lot of said proposed subdivision will be able to support the installation and subsequent use of an approved private sewage disposal system as defined in the Illinois Private Sewage Disposal Licensing Act and Code. There shall be a fee charged for the review of subdivision plans. The fee shall be collected by the County Health Department, and shall be deposited into the Health Department Fund. Fees established by the Board of Health are as follows:

Subdivision Plat Review

1-5 lots	Twenty Five Dollars ($25.00) + Ten Dollars ($10.00) per lot
6 lots or greater	Fifty Dollars ($50.00) + Ten Dollars ($10.00) per lot

Commercial/Industrial Plat Review

1-2 lots	Twenty Five Dollars ($25.00) + Twenty Dollars ($20.00) per lot
3 lots or greater	Fifty Dollars ($50.00) + Twenty Dollars ($20.00) per lot

18-1-5 PERMIT REQUIREMENTS.

(A) It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal system within Clinton County, Illinois, unless he/she holds a valid permit issued by the Clinton County Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. This permit shall be valid for a period of **twelve (12) months** from the date it is issued.

(B) All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

(C) A permit shall only be issued to a homeowner and/or a licensed private sewage disposal system installation contractor installing a sewage disposal system.

(D) Permit application forms provided by the Health Department shall be completed and signed by the applicant and private sewage disposal contractor when applicable and shall include the following:

(1) Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.

(2) Complete plan of the proposed disposal facility, with substantiating data, if necessary, attesting to its compliance with the minimum standards of this Code.

(3) Such other information as may be required by the Health Authority to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Code.

(E) The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where public or community sewage systems are available. A sewer shall be deemed available when a public sewer line in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than **six hundred (600) feet** for a single family residence and not greater than **one thousand (1,000) feet** for a commercial establishment, subdivision, or multi-family dwelling. A connection is practical when it can be completed using customary sewer lines. The need to annex an improvement to the municipality in order to connect to the municipal sanitary sewer system does not make the municipal sanitary sewer system unavailable within the meaning of this section.

(F) The Board of Health or its Authorized Representative shall act upon all applications within **fifteen (15) days** of receipt thereof.

(G) Said permit to construct is valid for a period of **twelve (12) months** from the date of issuance. If construction has not started within this period, the permit is void.

(H) Soil evaluations, as required by this Code, shall be performed according to the provisions of the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code". The Health Department reserves the right to determine the validity of any test and in cases where more than one set of tests are performed, the Health Department shall determine which test results shall prevail.

(I) The Health Department shall be notified of any intended modification, change or repair to any private sewage disposal system by either a home owner or contractor to determine whether that modification, change, or repair requires a permit as set forth in

Section 18-1-4(A). The routine cleaning of private sewage disposal system components, replacing septic tank covers, or rodding out inlet and outlets, does not require a construction permit as defined under **Section 18-1-4** of this Code.

(J) There shall be a **One Hundred Twenty Five Dollar ($125.00)** fee charge for the initial construction permit, alteration or extension of an individual sewage system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Health Department Fund. The fee shall be established by the Board of Health.

18-1-6 REGISTRATIONS.

(A) An annual contractor's registration shall be required by all private sewage disposal system installation contractors and all private sewage disposal system pumping contractors operating within limits of Clinton County. The Health Department shall issue a private sewage disposal system installation contractor registration certificate or a private sewage disposal system pumping contractor registration certificate to persons applying for such certificate who pass the written examination given by the State for the certificate desired and who are licensed by the State of Illinois as a private sewage disposal system installation contractor and/or a private sewage disposal system pumping contractors. A **Fifty Dollar ($50.00)** annual registration fee shall be required for a Private Sewage Disposal Installation Contractor and/or a Private Sewage Disposal Pumping Contractor operating within the limits of Clinton County. All Registration Certificates shall expire **December 31st** of the year issued, except those issued in December will expire **December 31st** of the following year. Payments received after the expiration date of the Registration Certificate shall be charged an additional late fee of **Twenty Five Dollars ($25.00).** Fees shall be collected by the Health Department at the time the application is submitted and shall be deposited in the Health Department Fund. The fee shall be established by the Board of Health.

(B) An annual Septic Tank Manufacturer and/or Aerobic Unit Dealer registration certificate shall be obtained by all persons who wish to manufacture, sell, offer for sale, or deliver septic tanks or aerobic units in or into Clinton County, Illinois. The Clinton County Public Health Department shall issue a Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate to persons who apply for such certificate and who have approval to manufacture and sell septic tanks and/or aerobic units for the Illinois Department of Public Health. There shall be no fee for said certificate. All registration certificates shall expire **December 31st** of the year in which they were issued, except those issued in December will expire **December 31st** of the following year.

(C) All persons who hold a Septic Tank Manufacturers and/or Aerobic Unit Dealer Registration Certificate shall be required to notify Clinton County Public Health Department in writing within **ten (10) days** of the date of delivery or sale of a septic tank or aerobic unit of the following information:

(1) Name of Purchaser.
(2) Location of Delivery.
(3) Date of sale and delivery.
(4) Size of septic tank or make and model of aerobic unit.

This information shall be provided on forms provided by Clinton County Health Department. Forms will be provided to Septic Tank Manufacturers and/or Aerobic Unit Dealer Registrants upon request of the Septic Tank Manufacturer and/or Aerobic Unit Dealers.

(D) Private Sewage Disposal System Pumping Contractors shall have their pumping truck, equipment, storage facilities, and land application sites inspected annually to qualify for application of a Private Sewage Disposal System Pumping Contractor Registration Certificate.

18-1-7 COMPLIANCE AND PERFORMANCE.

(A) All private sewage disposal systems within the limits of Clinton County, Illinois, shall be constructed, installed, modified, maintained or serviced by an individual with a valid private sewage disposal system installation contractor's registration certificate; and all such systems shall be pumped, cleaned, and the contents hauled and disposed of by individuals with a valid private sewage disposal system pumping contractor's registration certificate; provided, however, that a home owner may install and/or service a private sewage disposal system which serves his own personal single family residence.

(B) All septic tank and/or aerobic units manufactured, sold, offered for sale, or delivered in Clinton County, Illinois, shall comply with provisions in this Code.

18-1-8 ENFORCEMENT.

(A) It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, septic tank or seepage pit to emit offensive odors, to become objectionable, dangerous, or prejudicial to the public health, or to allow surface discharging systems to create a nuisance ponding condition, either on or off the property.

(B) Private sewage disposal systems constructed prior to the effective date of this Code shall be updated to comply with the requirements of this Code when malfunction or failure occurs or a permit is required to repair or replace that system.

(C) The Board of Health or its Authorized Representative is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

(D) It shall be the duty of the owner or occupant of a property to give the Board of Health or its Authorized Representative free access to the property at reasonable times to any property that has a private sewage disposal system on it for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code. If the Health Department is denied access to the property, it may, to the extent provided by law, obtain an administrative search warrant with the assistance of the State's Attorney Office for the purposes of this Code's enforcement.

(E) Persons who construct, install, repair or modify a private sewage disposal system shall notify the Health Department at least **forty-eight (48) hours** prior to commencement of work.

(F) A private sewage disposal system shall not be covered or placed in operation until the said installation shall have been inspected and approval of the said system shall have been issued by the Health Department.

(G) If any person who installs a private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of the Code before receipt of approval by the Health Department, the Health Department may give **fifteen (15) days** notice in writing to such

home owner and/or installation contractor so violating the provisions of the Code, to uncover such backfilled or covered portions of the system.

(H) At the end of such **fifteen (15) days**, if no approval for an extension has been granted, and if the home owner or installation contractor shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Authority may elect to have the system uncovered at the expense of the home owner. Failure of the home owner to pay such costs within **thirty (30) days** shall result in execution of a lien against the property.

(I) An effluent reduction trench system equal to **150 square feet** of absorption area per bedroom shall be installed after a surface discharging aeration unit. Minimum spacing for effluent reduction trenches shall be **ten (10) feet** from center to center of distribution lines.

(J) A surface-discharging system installed after January 1, 2014 shall not discharge to a roadside ditch as stipulated in the Illinois Highway Code [605 ILCS 5/9-123].

(K) **Penalty.** Property owners/violators who fail to maintain a legal private sewage system shall be notified and given **fifteen (15) days** to correct violation(s).

(1) If a property owner/violator is notified to correct a private sewage violation and complies repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with correction of violation(s).
   (a) First repeat violation - $250
   (b) Second repeat violation - $500
   (c) Third and fourth violations - $1,000
   (d) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(2) If a property owner/violator is notified to correct a violation and does not comply, this shall carry an automatic fine and repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with correction of violation(s).
   (a) First offense - $250
   (b) Second repeat violation - $500
   (c) Third and fourth repeat violations - $1,000
   (d) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

18-1-9 ISSUANCE OF NOTICE.

(A) Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:

(1) be in writing.
(2) include a statement of the reason for issuance of the notice.
(3) allow reasonable time as determined by the Health Department for performance of any act it required.
(4) be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address

as furnished to the Health Department or when he/she has been served with such notice by any other method authorized by laws of this State, and,

(5) contain an outline of remedial action which is required to effect compliance with this Code.

(B) It shall not be a prerequisite to enforcement of the penalty provisions of this Code that the Health Department first resort to the notice procedure set forth in **Section 18-1-9(A)**.

18-1-10 REVOCATION OR SUSPENSION OF REGISTRATION CERTIFICATES. For serious or repeated violations of any of the requirements of this Code, the private sewage disposal system installation contractor's Registration Certificate, private sewage disposal system pumping contractor's Registration Certificate, or a Septic Tank Manufacturer and/or Aerobic Unit Dealer Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action the Health Authority shall notify the contractor in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Health Authority, by the holder, within such **five (5) day** period. A Registration Certificate may be suspended for cause pending its revocation or a hearing relative thereto where clear and present danger to the public health is preliminarily found to exist by the Health Authority.

18-1-11 HEARINGS.

(A) **Hearings Before The Health Authority.** Any person affected by an order or notice issued by the Health Department in connection with the enforcement of any section of this Code, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department within **thirty (30) days** from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If as a result of the hearing, the Health Authority finds that strict compliance with the order, or notice, would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or notice and as a condition for such action may, where he/she deems it necessary, make requirements which are additional to those prescribed in this Code for the purpose of properly protecting the public health. The Health Authority shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief therefrom through a hearing before the Board of Health of the County of Clinton, State of Illinois.

(B) **Hearing Before the Board of Health of the County of Clinton, State of Illinois.** Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing at a time and place designated by the Secretary of the Board of Health within **thirty (30) days** of the date on which the written request was filed.

The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Health Authority would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health of the County of Clinton, State of Illinois may grant a variance and as a condition of such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Code, all for the purpose of properly protecting the public health. The Board of Health of the County of Clinton, State of Illinois will render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

18-1-12 **PENALTIES.** Any person who violates any provision of this Code, or any rules and regulations adopted herein shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than **One Thousand Dollars ($1,000.00)**. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense. All money collected from fines shall be deposited into the Clinton County Health Department Fund. **(See Section 1-1-20 for additional penalties)**

(Ord. No. 9-96-8)

ARTICLE II – FOOD SERVICE SANITATION CODE

DIVISION I – GENERALLY

18-2-1 **RULES AND REGULATIONS.** The current edition and subsequent revisions of the Illinois Department of Public Health Food Service Sanitation Rules and Regulations [77 Ill. Adm. Code 750]; Bed and Breakfast Act on file with the Secretary of State, are hereby adopted by reference. **(Ord. No. 2018-37; 12-19-18)**

18-2-2 **SCOPE.** This Code shall apply to all food service establishments such as: fixed or mobile restaurant, coffee shop, cafeteria, buffet, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, grocery store, meat market, fish market, poultry market, farmer's market, cottage food, catering kitchen, bed and breakfast, commissary, mobile food unit, school lunch room, delicatessen, bakery, confectionery, mobile food unit, temporary food service establishments, private, public or non-profit organizations or institutions routinely serving food; and any other eating or drinking establishment or operation where food or drink is prepared, served or provided for human consumption, within Clinton County, whether or not said establishments are located within the corporate limits of any municipality. **(Ord. No. 2018-37; 12-19-18)**

DIVISION II – DEFINITIONS AND TERMS

18-2-3 **DEFINITIONS.** In addition to the definitions contained in the above rules and regulations, the following definitions shall apply in the interpretation and enforcement of this Code:

(A) **Adequate** shall mean acceptable or sufficient as determined by the Clinton County Health Department.

(B) **Adulterated** shall mean the condition of any food:

(a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.

(b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerances if one has been established.

(c) if it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.

(d) if it has been processed, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.

(e) if it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.

(f) if its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health, (410 ILCS 620/10).

(C) **Approved** shall mean acceptable to the County Health Department if it conforms with appropriate standards and good public health practice.

(D) **Authorized Representative** shall mean those persons legally designated to enforce the provisions of this Code by the County Health Department.

(E) **Bed and Breakfast Establishment** shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5)** guest rooms for rent, in operation for more than **ten (10)** nights in a twelve month period; breakfast may be provided to the guests only; this term shall not include motels, hotels, boarding houses or food service establishments (50 ILCS 820/2.a).

(F) **Board of Health** shall mean the Clinton County Board of Health.

(G) **Closed** means without openings large enough for the entrance of insects. An opening of 1/32 of an inch or less is closed.

(H) **County Board** shall mean the Governing Board of Clinton County, Illinois.

(I) **Food Service Establishment** shall mean any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.

(J) **Hazardous Conditions.** Facilities lack; refrigeration, hot and cold potable water, electricity, proper facilities to cook or maintain food temperatures, sewage disposal, plumbing violations, major vermin/insect infestations, or employees with communicable diseases.

(K) **Health Authority** shall mean the Public Health Administrator of the Clinton County Health Department or his/her designee.

(L) **Misbranded** shall mean the presence of any written, printed, or graphic matter upon or accompanying food or containers of food which is false or misleading.

(M) **Regulating Authority** shall mean the Clinton County Health Department.

(N) **Temporary Food Service Establishment** means a food service establishment that operates at a fixed location for a period of time of not more than **fourteen (14) consecutive days** in conjunction with a single event or celebration.

(Ord. No. 2018-37; 12-19-18)

18-2-4 - 18-2-5 RESERVED.

DIVISION III – ENFORCEMENT PROVISION

18-2-6 **PERMIT.** It shall be unlawful for any person to operate a food service establishment within the County who does not possess a valid permit issued to him by the County Health Department. Only a person who complies with the requirements of this Code shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food service or retail food establishment. A valid permit is one that is not suspended, revoked, or expired.

Permits for permanent food service establishments shall be July 1 through June 30 of the following calendar year. All permits granted hereunder shall expire on June 30.

Temporary food service establishment permits shall be issued for a period of time not less than **two (2) calendar days** and not to exceed **fourteen (14) calendar days** for a single event.

(Ord. No. 2018-37; 12-19-18)

18-2-7 **PERMIT CATEGORIES.**

(A) **Category I** means a food establishment that presents a high relative risk of causing food-borne illness based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

- cooling of potentially hazardous foods, as part of the food handling operations at the facility;
- potentially hazardous foods are prepared hot or cold and held hot or cold for more than **twelve (12) hours** before serving;
- potentially hazardous cooked or cooled foods must be reheated;
- potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;
- complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occur as part of the food handling operations at the facility;
- vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- immuno-compromised individuals such as elderly, young children under age **four (4)** and pregnant women are served, where these individuals comprise the majority of the consuming population.

(B) **Category II** means a food establishment that presents a medium relative risk of causing food borne illness based upon few food handling operations typically implicated in food borne illness outbreaks. Category II facilities include those where the following operations occur:

- hot or cold foods are held at required temperatures for no more than **twelve (12) hours** and are restricted to same day service;
- food preparation from raw ingredients use only minimal assembly; or
- foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, high risk food service establishments.

(C) **Category III** means a food establishment that presents a low relative risk of causing food borne illness based upon few or no food handling operations typically implicated in food borne illness outbreaks. Category III facilities include those where the following operations occur:

- only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;
- only limited preparation of non-potentially foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- only beverages (alcoholic and non-alcoholic) are served at the facility.

(Ord. No. 2018-37; 12-19-18)

18-2-8 ISSUANCE OF PERMITS.

(A) Any person desiring to operate a food service establishment or to renew an expired permit shall make written application for a permit on forms provided by the County Health Department. Such application shall include the applicant's full name, home phone number and address, name and type of proposed food service establishment, establishment address and phone number, proposed menu and date of opening, listing of all certified food service sanitation managers and certified food handlers and the signature of the applicant or applicants.

(B) If the application is for a temporary food service vendor, the applicant shall include dates of the proposed operation, name of business or organization, name and phone number of responsible person, location of event, proposed menu, and signature of the applicant or applicants. Single day events shall be exempt from the permit requirements, however an inspection may be performed at these single day events if in the opinion of the Regulating Authority a health hazard may exist.

(C) Upon receipt of such an application, the County Health Department shall make an inspection of the food service establishment to determine compliance with the provisions of this Code. When inspection reveals that the applicable requirements of this Code have been met, a permit shall be issued to the applicant by the County Health Department.

(Ord. No. 2018-37; 12-19-18)

18-2-9 RENEWAL OF PERMITS.

(A) Annual renewal of permits shall be required for continued operation of food service establishments. Any person desiring to renew a permit shall make written application on forms provided by the County Health Department. If the establishment is in compliance with this Code, the permit may be renewed. Failure to update changes in the renewal or original application or knowingly furnishing false information shall be grounds for immediate suspension or revocation of any permit issued pursuant to this Code.

(B) All applications and fees for the annual renewal of permits are due **thirty (30) calendar days** prior to the permit expiration date. Persons failing to submit the appropriate fee and renewal application by the above stated renewal due date shall be assessed a late payment penalty fee in addition to the appropriate permit fee. Failure to submit the total fee and application by the permit expiration date, will result in an expired permit and a demand for cessation of the food establishment operation by the Regulating Authority due to lack of a valid permit. A permit which has expired shall be removed from the establishment by the permit holder. The Regulating Authority shall also be allowed to remove said expired permit.

(Ord. No. 2018-37; 12-19-18)

18-2-10 **SUSPENSION OF PERMITS.** Permits may be suspended temporarily by the County Health Department for failure of the permit holder to comply with the requirements of this Code. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Code, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the County Health Authority by the permit holder within **ten (10) calendar days**. Upon suspension of the permit, the permit shall be removed from the establishment by the County Health Department and returned to the Health Department. Notwithstanding the other provisions of this Code, whenever the County Health Department finds unsanitary or other hazardous conditions in the operation of a food service establishment which in his judgment, constitute a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which action shall be taken and if deemed necessary, such notice shall state that the permit, is immediately suspended and all operations within the food service establishment are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the County Health Department Health Authority within **ten (10) calendar days** shall be afforded a hearing as soon as possible. **(Ord. No. 2018-37; 12-19-18)**

18-2-11 **REINSTATEMENT OF SUSPENDED PERMITS.** Any person whose permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the permit. Within **ten (10) calendar days** following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the County Health Department shall make a reinspection. If the applicant is complying with the requirements of this Code, the permit shall be reinstated. **(Ord. No. 2018-37; 12-19-18)**

18-2-12 **REVOCATION OF PERMITS.** For serious or repeated violations of any of the requirements of this Code, or for interference with the County Health Department in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the County Health Department Health Authority or designee shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of **five (5) calendar days** following service of such notice, unless a request for a hearing is filed with the County Health Department, by the permit holder, within the **five (5) calendar day** period. A permit may be suspended for a cause pending its revocation or a hearing related hereto. **(Ord. No. 2018-37; 12-19-18)**

18-2-13 **HEARING.** Hearings provided for this Code shall be conducted by the Board of Health at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim and the presiding officer shall make provision for sufficient copies of the transcript. The Board of Health shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the County Health Department Health Authority. **(Ord. No. 2018-37; 12-19-18)**

18-2-14 **CLOSURE OF ESTABLISHMENT.** Whenever a permit is removed, expired, revoked or suspended, the establishment shall be posted as "CLOSED by order of the Clinton County Health Department". Only the County Health Department Health Authority or designee can remove such sign. Removal of any posted signs, other than by the County Health Department, is in violation of this Code. **(Ord. No. 2018-37; 12-19-18)**

18-2-15 **FEES.** Fees shall be charged by the County Health Department for permits in amounts sufficient to cover all or part of the cost for regulation and inspection. Fees for various categories of food service establishments and administration fees may be established by the Board of Health with advice and consent of the County Board. Fees shall be collected by the County Health Department and shall be deposited into the Health Department Fund. If an establishment falls under more than one permit category, then the higher fee category will apply. Permits fees shall be non-refundable once a permit has been issued by the Health Department.

Effective May 1, 2016 the fee schedule is as follows:

Annual Permits

Category I	$150.00
Category II	100.00
Category III	75.00
Schools	50.00

Non-Profit food service establishments operated by religious, voluntary or community service organizations or institutions on a scheduled basis **thirteen (13)** or more times per year. $50.00

Annual Permits issued between January 1 and June 30 shall pay 50% of the applicable permit category fee.

Temporary Permits

2-14 Day Event	$30.00 (per stand)

There will be no charge made for such permits to temporary food establishments operated by any non-profit religious, voluntary or community service organizations.

Initial Permits

New Permit	$75.00

Establishments that are new or remodeled, changed ownership or has reopened after being closed for 90 days shall pay an initial permit fee in addition to the appropriate annual permit category amount above.

Miscellaneous

Follow-up Inspection	$100.00 (per inspection)
Plan Review of Future Construction	75.00
Late Payment Charge	50% of category amount
Enforcement Penalty Maximum Fine	1,000.00

(Ord. No. 2018-37; 12-19-18)

18-2-16 - 18-2-19 **RESERVED.**

DIVISION IV – INSPECTIONS OF FOOD SERVICE ESTABLISHMENTS

18-2-20 **FREQUENCY OF INSPECTIONS.**

(A) Category I facilities shall receive **three (3) inspections** per year,

(B) Category II facilities shall receive **one (1) inspection** per year.

(C) Category III facilities shall receive **one (1) inspection** every **two (2) years**.

(D) Establishment classification will be evaluated each year.

(Ord. No. 2018-37; 12-19-18)

18-2-21 **RIGHT OF ENTRY.** The Authorized Representative, after proper identification to the manager, owner or person in charge, shall be permitted to enter at any reasonable time any food service establishment in the County for the purpose of making inspections to determine compliance with this Code. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used and persons employed. **(Ord. No. 2018-37; 12-19-18)**

18-2-22 **REPORT OF INSPECTION.** Whenever an inspection of a food service establishment is made, the findings shall be recorded on an inspection report that is substantially equivalent to that of the State of Illinois, Department of Public Health, Retail Food Sanitary Inspection Report. The original copy of the inspection report shall be furnished to the person in charge of the establishment. The copy of the inspection report form may be either paper or sent to establishment electronically. The complete inspection report form is a public document and shall be made available for public disclosure to any person who requests inspection. **(Ord. No. 2018-37; 12-19-18)**

18-2-23 **CORRECTION OF VIOLATIONS.**

(A) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found and the correction of the violation shall be accomplished within the period specified, in accordance with the following provisions:

(1) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the County Health Department Health Authority or designee.

(2) All risk factor and public health intervention violations shall be corrected as soon as possible, but in any event within **two (2) business days** following inspection. A follow-up inspection shall be conducted to confirm correction. Upon follow-up inspection, violations not corrected will incur a **One Hundred Dollar ($100.00)** follow-up inspection fee. Subsequent follow-up inspections for the same violation(s) within the same permit period will incur a **One Hundred Dollar ($100.00)** fee. Failure to correct risk factor violations by the designated time can result in immediate revocation of food permit.

(3) All food retail and standard operating procedure violations shall be corrected as soon as possible, but in any event, by the time of the next routine inspection. When food retail and standard operating procedure violations are repeated from the previous routine inspection, a reasonable time frame not to exceed **thirty (30) days** for correction shall be provided for the correction of the repeated violation(s). A follow-up inspection shall be conducted to confirm that the repeated violation(s) have been corrected. Upon follow-up inspection, violations not corrected will incur a **One Hundred Dollar ($100.00)** follow-up inspection fee. Failure to correct risk factor violations by the designed time can result in immediate revocation of food permit.

(B) In the case of temporary food service establishments, all violations shall be corrected within **twenty-four (24) hours**. If violations are not corrected within **twenty-four (24) hours**, the establishment shall immediately cease food service operations until authorized to resume by the County Health Department Health Authority or designee.

(1) The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for a hearing on the inspection findings or the time limitations or both will be provided if a written report is filed with the County Health Department Health Authority within **ten (10) calendar days** following cessation of operations. If a request for hearing is received, a hearing shall be held within **twenty (20) calendar days** of receipt of the request.

(2) Whenever a temporary food service establishment is required under the provisions of this Section to cease operations, it shall not resume operations until those conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

(Ord. No. 2018-37; 12-19-18)

18-2-24 **<u>ISSUANCE OF NOTICES.</u>** Whenever the Authorized Representative makes an inspection of a food service establishment, and discovers that any of the requirements of this Code have been violated, he/she shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. In such notification, the Health Department shall:

(A) Set forth the specific violations found.

(B) Establish a specific and reasonable period of time for the correction of the violations found.

(C) State that failure to comply with any notice issued may result in immediate suspension of the permit.

(D) State that an opportunity for appeal from any notice or inspection finding will be provided if a written request for a hearing is filed with the Health Department Health Authority within the period of time established in the notice of correction.

(Ord. No. 2018-37; 12-19-18)

18-2-25 **SERVICE OF NOTICES.** Notices provided for under this Division shall be deemed to have been properly served when the original inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return address requested. A copy of such notice shall be filed with the record of the Health Department. **(Ord. No. 2018-37; 12-19-18)**

18-2-26 - 18-2-30 **RESERVED.**

DIVISION V – EXAMINATION AND CONDEMNATION OF FOOD AND/OR EQUIPMENT

18-2-31 **FOOD.** Food may be examined or sampled by the County Health Department as may be necessary to determine freedom from adulteration or misbranding. The County Health Department Health Authority or designee may, upon written notice to the owner or person in charge, place a hold order on any food which he believes to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the County Health Department. Neither such food nor the contents thereof shall be relabeled, repackaged or reprocessed, altered, disposed of, or destroyed without permission of the County Health Department Health Authority or designee, except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing, as provided in this Code and on the basis of examination in the event of written request for a hearing has not been received within **ten (10) calendar days**, the County Health Department Health Authority or designee may vacate the hold order or may, by written order, direct the owner or person in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with provisions of this Code. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) days**. **(Ord. No. 2018-37; 12-19-18)**

18-2-32 **EQUIPMENT.** Equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and a hold order placed on said items by the County Health Department Health Authority or designee. Such equipment may not be placed back into service until written permission is obtained from the County Health Department Health Authority or designee. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the County Health Department. Such equipment will not be altered, disposed of or destroyed without permission of the County Health Department Health Authority or designee, except on an order in a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in this Code and on the basis of the evidence produced at such hearing or on the basis of examination in the event of a written request for a hearing is not received within **ten (10) calendar days**, the County Health Department Health Authority or designee may vacate the hold order or may by written notice direct the owner or person in charge of the equipment which was placed under the hold order to remove such equipment or bring it into compliance with provisions of this Code. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) calendar days**. **(Ord. No. 2018-37; 12-19-19)**

DIVISION VI – PLAN REVIEW OF FUTURE CONSTRUCTION & RE-OPENING EXISTING FACILITIES

18-2-33 **SUBMISSION OF PLANS.** When a food service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food service establishment, properly prepared plans and specifications for construction, remodeling or alterations, showing layout, arrangements and construction material of work areas, and the location size and type of fixed equipment and facilities shall be submitted to the County Health Department for approval before such work is begun. A fee shall be charged to offset the cost of plan review and be deposited into the Health Department Fund. The fee shall be approved by the Board of Health. **(Ord. No. 2018-37; 12-19-18)**

18-2-34 **INSPECTION OF ESTABLISHMENT.** Whenever plans and specifications are required to be submitted to the County Health Department, the County Health Department Health Authority or designee shall inspect the food service establishment as often as necessary to determine compliance with the approved plans and specifications and requirements of this Code. A plumbing inspection by the State or local plumbing inspector shall be conducted before opening. A pre-operational inspection shall be done prior to start of food service operations.

When a facility has closed for more than **ninety (90) calendar days** because of ownership transfer or other reasons, then a pre-operational inspection shall be conducted. A plumbing inspection by the state or local plumbing inspector may be required. Any violations documented by the inspections shall be corrected to bring the facility into compliance with the requirements of this Code prior to re-opening. **(Ord. No. 2018-37; 12-19-18)**

DIVISION VII – INFECTION PROCEDURES

18-2-35 **PROCEDURES WHEN INFECTION IS SUSPECTED.** When the County Health Department has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, the County Health Department Health Authority or designee shall secure a morbidity history of the suspected employee, or make such other investigations as may be indicated, and take appropriate action. The County Health Department Health Authority or designee may require any or all of the following measures:

(A) immediate exclusion of the employee from all food service establishments or food stores;

(B) the immediate closure of the food service establishment or food store concerned until, in the opinion of the County Health Department Health Authority or designee, no further danger, of disease outbreaks exist;

(C) restriction of the employee's services to some area of the establishment or store where there would be no danger of transmitting disease; or

(D) adequate medical and laboratory examination of the employee, other employees, and of his/her body discharges.

(Ord. No. 2018-37; 12-19-18)

DIVISION VIII – ENFORCEMENT INTERPRETATION

18-2-36 FOOD ESTABLISHMENTS OUTSIDE JURISDICTION OF HEALTH AUTHORITY. Food from establishments outside the jurisdiction of the Regulating Authority of Clinton County may be sold in the County if such food establishments conform to the provisions of this Code or to substantially equivalent provisions. To determine extent of compliance with such provision, the Regulatory Authority may accept reports from responsible authorities in other jurisdictions where such food establishments are located. **(Ord. No. 2018-37; 12-19-18)**

18-2-37 FOOD SERVICE ESTABLISHMENTS. Food service establishments shall be enforced by the County Health Department in accordance with the current Illinois Food Service Sanitation Code Rules and Regulations [77 Ill. Adm. Code 750] and all guidelines and procedures as established by the Illinois Department of Public Health, Division of Food, Drugs and Dairies, Office of Health Protection; copies of which are on file at the County Health Department. **(Ord. No. 2018-37; 12-19-18)**

18-2-38 COMPLIANCE WITH OTHER LAWS AND REGULATIONS. No person holding a permit issued by the Clinton County Health Department shall in the conduct of the permitted business or upon the permitted premises:

(A) Violate any Federal Law or State Statute, example being the Smoke-Free Illinois Act;

(B) Violate any city, village, town or county ordinance or resolution regulating the preparation, handling, service, or storage of food items;

(C) Suffer or permit a violation of any Federal Law or Law of the State of Illinois, or any rule of the Clinton County Health Department;

(D) Suffer or permit a violation of the city, village, town or county ordinance or resolution regulating the preparation, handling, service, or storage of food.

(Ord. No. 2018-37; 12-19-18)

DIVISION IX – PENALTIES

18-2-39 PENALTIES. Any person who violates any provision of this Code, or any rules and regulations adopted herein shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than **One Thousand Dollars ($1,000)**. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense. All money collected from fines shall be deposited into the Clinton County Health Department Fund. **(See Section 1-1-20 for additional penalties)**

18-2-40 DATE OF EFFECT. This Code shall be in full force and effective **January 1, 2019**. **(Ord. No. 2018-37; 12-19-18)**

ARTICLE III – WATER SUPPLY CODE

A Code regulating water supplies, the construction and modification of water wells and closed loop well systems, the sealing of abandoned wells and the inspection of water supplies and their components within Clinton County, Illinois.

Pursuant to the power granted to the Clinton County Board by the Statutes of the State of Illinois in such case make and provide therefore, and Whereas, the Board of Health of Clinton County has deemed it necessary and desirable to regulate water supplies for health purposes, and groundwater protection: THEREFORE, BE IT RESOLVED by the County Board of Clinton County, Illinois that the following rules and regulations are hereby made and adopted.

18-3-1 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Code.

Abandoned Well means a water or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contamination into an aquifer or otherwise threatens the public health or safety.

Board of Health means the Clinton County Board of Health or its authorized representative(s).

Closed Loop Well means a sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole, piping in the bore hole, heat exchange fluid, and the grouting of the bore hole and does not include the piping and appurtenances used in any other capacity. "Closed Loop Well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice.

Closed Loop Well Contractor means any person who installs Closed Loop Wells for another person. Closed Loop Well Contractor does not include the employee of a Closed Loop Well Contractor.

Community Public Water System means a public water system that serves at least **fifteen (15)** service connections used by residents, or regularly serves **twenty-five (25)** or more residents for at least **sixty (60) days** per year.

Health Authority means the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.

Health Department means the Clinton County Health Department, including its duly authorized representative(s).

Horizontal Closed Loop Well Systems means any open cut excavation where a watertight loop of pipe is buried outside of a building foundation that is intended to re-circulate a liquid solution through a heat exchanger.

Non-Community Public Water System means a public water system that is not a community water system, and has at least **fifteen (15)** service connections used by nonresidents or regularly serves **twenty-five (25)** or more nonresident individuals daily for at least **sixty (60) days** per year.

Permit means a written permit issued by the Health Department permitting the construction, modification or deepening of a water well or closed loop well under this Code.

Potable Water means water that is suitable for human consumption and which meets public health standards for drinking water.

Private Water System means any supply that provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

Semi-Private Water System means a water supply that is not a public water system, yet, which serves a segment of the public other than an owner-occupied single family dwelling.

Water Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use is for the location, diversion, artificial recharge or acquisition of groundwater.

18-3-2 ADOPTION BY REFERENCE. In addition to those provisions set forth, this Code shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Code, copies of which shall be on file in the office of the Clinton County Health Department.

(A) "Illinois Water Well Construction Code." (77 Ill. Adm. Code 920)
(B) "Illinois Water Well Pump Installation Code." (77 Ill. Adm. Code 925)
(C) "Public Area Sanitary Practice Code." (77 Ill. Adm. Code 895)
(D) "Drinking Water Systems Code." (77 Ill. Adm. Code 900)
(E) "Surface Source Water Treatment Code." (77 Ill. Adm. Code 930)
(F) "Illinois Pluming Code." (77 Ill. Adm. Code 890)

18-3-3 PUBLIC WATER SUPPLY USE. In those locations where a public supply is reasonably available, that supply shall be the sole source of water for drinking, culinary and sanitary purposes. A public water supply shall be deemed reasonably available when the subject property is located within **three hundred (300) feet** of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.

18-3-4 POTABLE WATER SUPPLY REQUIRED. All premises intended for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and shall be protected against backflow and backsiphonage in accordance with the requirements of the "Illinois Plumbing Code". Each potable water supply shall provide quantities of water that are sufficient for drinking, culinary, and sanitary needs of the dwelling or premises served. A minimum system pressure of **twenty (20) pounds per square inch** shall be maintained throughout each potable water supply.

(A) **Surface Water Supplies.** All water systems which receive their source of water from ponds, lakes, streams, rivers or other surface collectors of water shall be designed, constructed, and operated in accordance with the "Surface Source Water Treatment Code". No surface water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components.

(B) **Cisterns.** Cisterns shall not be used as a potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the "Surface Source Water Treatment Code". No cistern water shall be utilized as a potable water supply unless the Health Department has reviewed and approved the supply and its components. Abandoned cisterns shall have the floor and walls cracked or crumbled so that it will not hold water and be filled with an impermeable material such as clay.

18-3-5 ABANDONED WELLS or CLOSED LOOP WELL. Water wells or closed loop well systems that are abandoned shall be sealed in a manner prescribed by the Health Department and the "Illinois Water Well Construction Code". The Health Department shall inspect abandoned wells and closed loop well systems which have been sealed to determine compliance with this Code. In questionable cases, the Health Department shall make the determination as to whether a water well is considered abandoned, based upon the definition of an "abandoned well" and the facts in each particular case.

18-3-6 PERMIT REQUIRED.
No water well or closed loop well system shall be constructed, modified or deepened except in accordance with this Code, and it shall be unlawful to proceed with such work unless a permit has first been obtained from the Health Department. A non-community public water supply shall not be constructed without first obtaining a permit from the Illinois Department of Public Health.

18-3-7 APPLICATION FOR PERMIT. All applications for water wells, sealings and closed loop well system permits under the provisions of this Code shall be made in writing and in such form as prescribed by the Health Department. Every application shall be signed by the licensed Well Contractor or the registered Closed Loop Well Contractor. Sufficient data shall be included to determine whether the proposed application for permit meets the requirements of this Code. The application shall be accompanied by a drawing indicating lot size, property lines, structures, locations and distances from the proposed new well to septic or aeration tanks, seepage fields, sewers, barnyard or animal confinement lots, manure pits, bodies of water, buried fuel tanks, water wells, closed loop wells and all other potential sources of contamination, if they are within 200 feet of the proposed water well or closed loop well system.

18-3-8ISSUANCE OF PERMIT. Upon submission of the application for permit, including the plans and specifications of the proposed water well, all components sealings or closed loop well systems, the Health Department shall review said application prior to issuance of a permit. The Health Department may require additional information, which may include the location of private sewage disposal systems and/or water wells on adjacent properties. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all necessary data and to design a system which will meet the requirements of this Code. If the Health Department, upon review of said application, finds that such application meets the requirements of this Code, and upon payment of the required fee(s), a permit shall be issued to the applicant. Such permit shall include specifications specific to each proposed water well and/or closed loop well system and shall include a statement as to any restrictions relating to the location, materials, components, or type of water well or closed loop well system to be constructed. The Health Department shall act upon all applications within **fifteen (15) days** of receipt thereof.

18-3-9PROPERTY OWNER'S RESPONSIBILITY. It shall be the responsibility of the property owner to obtain a permit before any construction, modification, sealing or deepening of a water well or closed loop well system is begun. Failure of the property owner to obtain a permit before any construction, modification, sealing or deepening of a water well or closed loop well system is begun shall constitute a violation of this Code.

18-3-10 <u>WATER WELL, PUMP INSTALLATION AND/OR CLOSED LOOP WELL CONTRACTOR'S RESPONSIBILITY.</u> It shall be the responsibility of the Water Well Contractor or Closed Loop Well Contractor to insure that a permit has been issued before any construction, modification or deepening of a water well or closed loop well system is begun and to follow the condition of said permit. Failure of the Water Well Contractor or Closed Loop Well Contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Code. All water wells and closed loop well systems shall be constructed in accordance with the "Illinois Water Well Construction Code". All individuals who construct water wells and install well pumps shall be licensed by the Illinois Department of Public Health in accordance with the Water Well and Pump Installation Contractor's License Act **(225 ILCS 345/1)**. All individuals who construct closed loop wells shall hold a Certificate of Registration from the Illinois Department of Public Health in accordance with the Illinois Water Well Construction Code **(77 Ill. Adm. Code 920)**.

18-3-11 <u>CONTACT INFORMATION.</u> All Illinois Private Water Well, Pump Installation and Closed Loop Well Contractors must submit contact information to the Health Department on forms provided by the Health Department for verification of mailing address, phone numbers and emergency contact information on a yearly basis before obtaining any permits from the Health Department.

18-3-12 <u>PERMIT VALIDITY.</u> A permit to construct, modify or deepen a water well, closed loop well system or sealing is valid for a period of **one (1) year** from the date of issuance. If construction has not started within this period, the permit is void and a new permit is required "including payment of fee" before construction begins.

18-3-13 <u>PERMIT FEE.</u> There shall be a nonrefundable fee of **One Hundred Dollars ($100.00)** charged for the initial construction permit, alteration or extension, of a private water well system as approved by the Health Department. Each closed loop well system application shall be submitted with a nonrefundable fee of **One Hundred Dollars ($100.00)** for the first ten (10) closed loop well boreholes and **Ten Dollars ($10.00)** for each additional borehole. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Clinton County Health Department Fund. Fees shall be established by the Board of Health.

18-3-14 <u>EXCEPTIONS.</u> A permit to construct or deepen a water well shall not be required by the Health Department when such water well does or will serve a community public water system or function as a monitoring well.

18-3-15 <u>INSPECTIONS.</u> The Health Department shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Code. It shall be the duty of the owner or occupant of a property to allow the Health Department free access to the property for inspection purposes to determine compliance with the provisions of this Code. If the Health Department is denied access to the property, it may, to the extent provided by law, obtain an administrative search warrant with the assistance of the State's Attorney Office for the purposes of this Codes' enforcement **(415 ILCS 55/9(j))**.

18-3-16 **INSPECTION OF COMPLETED WORK.** At the time a permit is issued for a private water well and closed loop well system an additional **One Hundred Dollars ($100.00)** for administrative costs will be charged for review, approval, inspection, sampling of water well and other administrative fees as required of the Health Department and shall be deposited into the Clinton County Health Department Fund. Fees shall be established by the Board of Health. A water well or closed loop well system shall not be placed into operation until the installation of the water well, its components and closed loop well systems have been inspected to verify compliance with the applicable provisions of this Code and approval issued by the Health Department. To the degree practical and permitted by the Health Department, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Department. If the Health Department, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Code, the Health Department shall approve such work and authorize operation of the water well and/or closed loop well system. However, compliance with **Section 18-3-19** shall be obtained prior to utilizing the water system for drinking, culinary, and sanitary purposes.

18-3-17 **NOTIFICATION FOR INSPECTION.** The Health Department shall be notified at least **forty-eight (48) hours** prior to commencing the construction, modification or deepening of a water well or closed loop well system for which a permit has been issued. The Health Department shall also be notified at least **forty-eight (48) hours** prior to sealing of abandoned water well or closed loop well system at which time a date for inspection will be arranged. Further notification may be required by the Health Department for closed loop well systems as deemed necessary to assure proper construction practices and methods, e.g., installation of heat exchange equipment in the borehole, grouting of the borehole and setback distances. It shall be the responsibility of the Water Well Contractor or Closed Loop Well Contractor to notify the Health Department as required.

18-3-18 **SUSPENSION OF PERMIT.** Upon inspection by the Health Department, if it is found that any provisions of this Code or any permit specifications for a stated property have been violated, the Health Department shall notify the installer to make such specified changes in the work to allow compliance with the provisions of this Code and the permit. If such changes are not made within a period of time specified by the Health Department, said permit shall be suspended, and it shall be unlawful to place the water well into operation.

18-3-19 **DISINFECTION AND ANALYSIS.** All components of a new water well construction and/or modification shall be disinfected with a strong chlorine solution which will yield a dosage of at least **one hundred (100)** parts per million to the water in the well. After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a certified laboratory, shall be obtained prior to utilizing the water system for drinking, culinary and sanitary purposes. A certified laboratory shall mean a laboratory operated by the Illinois Department of Public Health or a laboratory given certification approval by the aforementioned agency for analyzing samples of water for potable use.

18-3-20 **CONTINUING ANALYSIS.** It shall be the duty of every owner of every water well serving a semi-private water system for more than **one (1)** residence to have the water therein bacteriologically analyzed by a certified laboratory as required by the Health Department for the protection of public health. Such water shall be bacteriologically analyzed whenever the water lines are opened up for repair, replacement, or extension of the water distribution system. The water from a semi-private water system shall meet the nitrate, chemical and bacteriological requirements contained in the "Drinking Water Systems Code".

18-3-21 **ISSUANCE OF NOTICE.** Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:

(A) Be in writing;

(B) Include a statement of the reasons for issuance of the notice;

(C) Allow reasonable time as determined by the Health Department for performance of any act it requires;

(D) Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of this State; and

(E) Contain an outline of remedial action which is required to effect compliance with this Code.

It shall not be a prerequisite to enforcement of the penalty provisions of this Code that the Health Department first utilizes the notice procedure set forth in this Code.

18-3-22 **HEARINGS.**

(A) **Hearings Before the Health Department.** Any person affected by any order or notice issued by the Health Department in connection with enforcement of this Code, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department within **thirty (30) days** from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Authority finds that the public health would be adequately protected and substantial justice done by varying or withdrawing the order, or notice, the Health Authority may modify or withdraw the order or notice. The Health Authority shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief therefrom through a hearing before the Board of Health. A transcript of the record shall be provided at the request and at the expense of the person requesting the hearing.

(B) **Hearing Before the Board of Health.** Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing before the Board of Health at a time and place designated by the secretary of the Board of Health within **thirty (30) days** of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days**

prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Board of Health finds that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Authority, the Board of Health may grant a variance. The Board of Health shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail. A transcript of the record shall be provided at the request and at the expense of the person requesting the hearing. All witnesses called shall be required to testify under sworn oath. An appeal from the decision of the Board of Health may be made to the Circuit Court of Clinton County, pursuant to the provisions of the "Administrative Review Act" in force and effect at that time in the State of Illinois.

18-3-23 **PENALTIES.** Any person who violates any provision of this Code, or any rules and regulations adopted herein shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than **One Thousand Dollars ($1,000.00)**. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense. Additionally, any person who violates any provision of this Code may be penalized in accordance with State of Illinois, Illinois Groundwater Protection Act **(415 ILCS 55/9(t))**. All money collected from fines shall be deposited into the Clinton County Health Department Fund. **(See Section 1-1-20 for additional penalties)**

(Ord. No. 2017-15; 05-15-17)

LIQUOR

ARTICLE			***TITLE***	***PAGE***
I	***GENERALLY***			
	Section 21-1-1	-	*Definitions*	*21-1*
II	***LICENSES***			
	Section 21-2-1	-	*Chairman of Board - Liquor Commissioner*	*21-5*
	Section 21-2-2	-	*License Required*	*21-5*
	Section 21-2-3	-	*Applications*	*21-5*
	Section 21-2-4	-	*Waiting Period*	*21-6*
	Section 21-2-5	-	*Examination of Applicant*	*21-6*
	Section 21-2-6	-	*Prohibited Licensees*	*21-6*
	Section 21-2-7	-	*Term; Fee Submitted in Advance*	*21-8*
	Section 21-2-8	-	*Classification – Fee - Limitation*	*21-9*
	Section 21-2-9	-	*License Limits – Exception Restaurants*	*21-10*
	Section 21-2-10	-	*Outdoor Liquor Sales Prohibited*	*21-11*
	Section 21-2-11	-	*Nature of License*	*21-11*
	Section 21-2-12	-	*Applicant Check: Insufficient Funds – Service Charge*	*21-11*
	Section 21-2-13	-	*False Information on Application*	*21-11*
	Section 21-2-14	-	*Lessee Moves License; Owner's Grace Period*	*21-12*
	Section 21-2-15	-	*Dramshop Insurance*	*21-12*
	Section 21-2-16	-	*Display of License*	*21-12*
	Section 21-2-17	-	*Record of Licenses*	*21-12*
III	***REGULATIONS***			
	Section 21-3-1	-	*Closing Hours for Licenses*	*21-13*
	Section 21-3-2	-	*Happy Hour Restrictions*	*21-13*
	Section 21-3-3	-	*Prohibited Locations*	*21-14*
	Section 21-3-4	-	*Change of Location*	*21-15*
	Section 21-3-5	-	*Stores Selling School Supplies, Lunches, Etc.*	*21-15*
	Section 21-3-6	-	*Transporting, Etc., In Motor Vehicles*	*21-15*
	Section 21-3-7	-	*Open Liquor - Cup-to-Go Prohibited*	*21-15*
	Section 21-3-8	-	*Liquor in Vehicles; Underage*	*21-15*
	Section 21-3-9	-	*Restricted Residential Areas*	*21-16*
	Section 21-3-10	-	*Election Days*	*21-16*
	Section 21-3-11	-	*Unlawful Acts*	*21-16*
	Section 21-3-12	-	*Unlawful Entertainment*	*21-16*
	Section 21-3-13	-	*Teen Promotions Prohibited*	*21-17*
	Section 21-3-14	-	*Sanitary Conditions*	*21-17*
	Section 21-3-15	-	*Diseased Employees*	*21-17*
	Section 21-3-16	-	*Health Permit*	*21-17*
	Section 21-3-17	-	*Peddling*	*21-17*
	Section 21-3-18	-	*Gambling*	*21-18*
	Section 21-3-19	-	*Disorderly House*	*21-18*
	Section 21-3-20	-	*Firearms Prohibited*	*21-18*
	Section 21-3-21	-	*Duty to Call Law Enforcement*	*21-18*
	Section 21-3-22	-	*Prohibited Sales - Generally*	*21-18*
	Section 21-3-23	-	*Persons Selling Liquor*	*21-19*

ARTICLE		TITLE	PAGE
III	***REGULATIONS (CONTINUED)***		
	Section 21-3-24	*- Underaged; Entry on Licensed Premises*	*21-19*
	Section 21-3-25	*- Unlawful Purchase of Liquor*	*21-19*
	Section 21-3-26	*- Identification Required*	*21-19*
	Section 21-3-27	*- Transfer of Identification Card*	*21-19*
	Section 21-3-28	*- Posting Warning*	*21-20*
	Section 21-3-29	*- Exclusionary Provision*	*21-20*
	Section 21-3-30	*- Inspections*	*21-20*
	Section 21-3-31	*- Books and Records - Available Upon Reasonable Notice and Maintained in State Records*	*21-20*
	Section 21-3-32	*- Restriction on Licensee*	*21-20*
	Section 21-3-33	*- Selling False Identification*	*21-21*
	Section 21-3-34	*- False Identification*	*21-21*
	Section 21-3-35	*- Underaged Drinking on Streets*	*21-21*
	Section 21-3-36	*- Residential Drinking*	*21-21*
	Section 21-3-37	*- Renting Hotel Rooms for Drinking*	*21-22*
	Section 21-3-38	*- Civil Rights*	*21-22*
IV	***VIOLATIONS AND PENALTIES***		
	Section 21-4-1	*- Owner of Premises Permitting Violation*	*21-23*
	Section 21-4-2	*- Acts of Agent or Employee - Liability; Knowledge*	*21-23*
	Section 21-4-3	*- Revocation of License After Conviction*	*21-23*
	Section 21-4-4	*- Revocation of License When Employee Convicted*	*21-23*
	Section 21-4-5	*- Misbranding*	*21-23*
	Section 21-4-6	*- Abatement of Place Used in Violation*	*21-23*
	Section 21-4-7	*- Use of Premises for One Year After Revocation*	*21-24*
	Section 21-4-8	*- Revocation of Licenses*	*21-24*
	Section 21-4-9	*- Complaint by Residents*	*21-24*
	Section 21-4-10	*- Revocation or Suspension of Local License; - Notice and Hearing*	*21-25*
	Section 21-4-11	*- Appeals From Order of Liquor Commissioner*	*21-25*
	Section 21-4-12	*- Subsequent Violations in a Year*	*21-26*
	Section 21-4-13	*- Appeal Limitations for Subsequent Violation*	*21-26*

CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

"BEER" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 1-3.04)**

"BEER GARDEN" means an open unroofed area where beer and other alcoholic beverages are served or consumed.

"CATERER RETAILER" means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. **(235 ILCS 5/1-3.34)**

"CLOSE" means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

"CLUB" means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors,

executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

"CORPORATION" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

"DISTILLED SPIRITS". See "Spirits".

"EMPLOYEE" means a person who works for a holder of a liquor license whether that holder be an individual, a corporation, a co-partnership, or a manager or agent. An employee is someone who works for salary or wages or other compensation. A person uncompensated may be deemed an employee if that person works under the direction of or with the knowledge of a liquor license holder whether that license holder be an individual, a corporation, a co-partnership, a partner, or manager or agent. The word "servant" is synonymous with "employee".

"EVENT" means a single theme. **(Rules and Regulations 100.10(o))**

"HOTEL" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(235 ILCS 5/1-3.25)**

"LIQUOR COMMISSIONER" means the Local Liquor Control Commissioner as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the County Chairman unless otherwise provided.

"MANAGER" OR "AGENT" means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. **(Rule 100.10(f))**

"MEAL" means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rules and Regulations 100.10(n))**

"ORIGINAL PACKAGE" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

"PACKAGE LIQUOR STORE" means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

"PARTNER" is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

"PREMISES/PLACE OF BUSINESS" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

"PRIVATE FUNCTION" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

"PUBLIC PLACE" means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms **"public place" and "public premises"** shall be interchangeable for the purposes of this Chapter.

"RESIDENT" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the city, village and county in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license and is a registered voter. **(Rule 100.10(a))**

"RESTAURANT" means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant. **(235 ILCS 5/1-3.23)**

"RETAILER" means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

"SALE" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

"SELL AT RETAIL" and "SALE OF RETAIL" refer to any mean sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(235 ILCS 5/1-3.30)**

"SPECIAL EVENTS RETAILER" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. **(235 ILCS 5/1-3.17.1) (Ord. No. 10-97-6)**

"SPECIAL USE PERMIT LICENSE" means a license for use by a retailer to allow for the transfer of alcoholic beverages from an existing retail premises to a designated site for a specific event. **(235 ILCS 5/1-3.35) (Ord. No. 04-07-03; 04-16-07)**

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

"TAVERN" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal use, and receives no more than **ten percent (10%)** of its gross revenue from the sale of sandwiches, snacks and other food products consumed on the premises. "Tavern" includes, but is not limited to, bars, nightclubs, cocktail lounges, and cabarets. "Tavern" does not include "restaurants", where the principal business is serving food and "adult entertainment facilities".

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

"WINE" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq. of the Illinois Administration Code.]

ARTICLE II - LICENSES

21-2-1 **CHAIRMAN OF BOARD – LIQUOR COMMISSIONER.** The Chairman of the County Board shall be the Local Liquor Control Commissioner in the territory of the County, outside the corporate limits of any city, village or incorporated town, and is charged with the administration of the appropriate provisions of the aforesaid Act of the General Assembly and the provisions of this Chapter. The Local Liquor Control Commissioner shall herein after be referred to as the "Liquor Commissioner" in this Chapter. The Chairman of the County Board may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided.

21-2-2 **LICENSE REQUIRED.** No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of the County outside the corporate limits of any incorporated city, town or village, without having a license to do so issued by the Liquor Commissioner, in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois.**

A similar valid license issued by the Liquor Commissioner is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this County, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(See 235 ILCS Sec. 5/4-1)**

21-2-3 **APPLICATIONS.** The Liquor Commissioner is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this County upon the conditions and in the manner provided by this Chapter and by the **Act of the General Assembly of Illinois,** and not otherwise. Such license shall be in writing, signed by the Liquor Commissioner and attested by the County Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Liquor Commissioner an application in triplicate, in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

(B) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid **Act of the General Assembly** or in this Chapter or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **one (1) member** of such partnership, firm, association or club, or by the president and secretary of such corporation.

One (1) copy of the application shall be retained by the Liquor Commissioner, a second copy given to the Sheriff and State's Attorney, each of which shall endorse then each his or her approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Liquor Commissioner and the endorsements and comments of the Sheriff and State's Attorney shall be considered by him as an aid in deciding whether the license should be issued or refused. **(See 235 ILCS Sec. 5/7-1)**

21-2-4 **WAITING PERIOD.** There shall be a **thirty (30) day** waiting period before a County liquor license is issued. The **thirty (30) days** shall begin to run upon the Liquor Control Commissioner receiving a properly completed application.

To renew a Clinton County liquor license a licensee must fill out a renewal application and supply all information pursuant to **Section 21-2-3** of this Article. The **thirty (30) day** waiting period in this Section shall not apply to renewal applications.

21-2-5EXAMINATION OF APPLICANT. The Liquor Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, including but not limited to requiring the production of an affidavit affirming any particular or specific question posed by the Commissioner and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Liquor Commissioner under this Section, he may authorize his agent to act on his behalf. **(See 235 ILCS Sec. 5/4-5)**

21-2-6 **PROHIBITED LICENSEES.** No retail license shall be issued by the Liquor Commissioner to the following:

(A) A person who **is not** a resident of this county;

(B) A person who **<u>is not</u> twenty-one (21) years** of age;

(C) A person who has been convicted of a felony under any federal or state law if the Liquor Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;

(E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;

(F) A person whose license has previously been revoked for cause;

(G) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;

(H) A co-partnership, if any general partnership thereof or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason;

(I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;

(J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the **"Business Corporation Act of 1983"** to transact business in Illinois;

(K) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;

(L) Any person, association, or corporation not eligible for a state retail liquor license;

(M) A person who is not of good character and reputation in the community in which he resides;

(N) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Code or has forfeited his bond to appear in court to answer charges for any such violation;

(O) A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;

(P) Any law enforcing public official, including members of local liquor control commissions, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Liquor Commissioner.

(Q) A person who is not a beneficial owner of the business to be operated by the licensee;

(R) A person who has been convicted of a gambling offense as prescribed by any of **subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961,** as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period; except those persons who are eligible to receive a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

(T) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period;

(U) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period;

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. **(See 235 ILCS Sec. 5/6-2)**

(W) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in Section 5/6-21 of Chapter 235 of the Illinois Compiled Statutes;

(X) A person who is delinquent in the payment of any indebtedness or obligation to the County;

(Y) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Liquor Commissioner shall determine if all provisions of this paragraph have been met before any action on the corporation's license is initiated.

21-2-7 **<u>TERM; FEE SUBMITTED IN ADVANCE.</u>** Retail liquor licenses issued under this Code shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **July 1st to June 30th** of the following year.

- Retail liquor licenses issued after **January 1** of any given year shall expire on the immediate following **June 30** of that year. The license fee for licenses issued after **January 1** shall however be **one-half (1/2)** of the normal license fee.
- The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Liquor Commissioner as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited by the County Treasurer in the County General Fund. The application for a license shall be filed with the County Clerk for the Liquor Commissioner.
- In the event the license is approved, the applicant has **sixty (60) days** from the date of the application to secure the license. **(Ord. No. 10-97-6)**
- Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.
- With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation **must submit** the new manager's name and shall be submitted within **thirty (30) days.** Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the

license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. **(See 235 ILCS Sec. 5/4-1)**

21-2-8 **CLASSIFICATION - FEE - LIMITATION.** Every person engaged in the retail sale of alcoholic liquor in the County shall pay an annual license fee. Such licenses shall be divided into the following **three (3) classes**:

(A) **Class "A" Retail Liquor License.** A Class "A" retail liquor license shall entitle the licensee to sell at retail, alcoholic liquor and beverages. The fee for a Class "A" license shall be **Two Hundred Dollars ($200.00)** per year.

(B) **Class "B" Retail Liquor License.** A Class "B" retail liquor license shall entitle the licensee to sell at retail, alcoholic liquor and beverages. The fee for a Class "B" license shall be **Three Hundred Dollars ($300.00)** per year.

(C) **Class "C" Retail Liquor Licenses.** A Class "C" retail liquor license shall entitle the licensee to sell at retail, alcoholic liquor and beverages. The fee for a Class "C" license shall be **Four Hundred Dollars ($400.00)** per year.

(D) **Class "D" Special Event Retailer's License (Not-For-Profit).** A special event retailer's license shall entitle the licensee to sell at retail, alcoholic liquors for use and consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. A special event retailer's license (not-for-profit) shall be issued for a specific time period, not to exceed **ten (10) days** per licensee per location in any **twelve (12) month** period. The fee for a special event retailer's license (not-for-profit) shall be: No Fee. **(Ord. No. 10-97-6)**

(E) Each applicant for a Clinton County liquor license shall pay the County Clerk of Clinton County a **Twenty-One Dollars Fifty Cents ($21.50)** fee for issuing said license, said fee to be in addition to any other license fee payable pursuant to this Article. **(See Section 21-3-1 for Hours) (Ord. No. 2011-09; 05-16-11)**

(F) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form to any other entity.

(1) A special use permit license may be granted for the following time periods: **one (1)** to **three (3) days**, or for **four (4)** to a maximum of **fifteen (15) days** per location in any **twelve (12) month** period.

(2) The applicant shall complete an application on forms designated by the County Liquor Commissioner for a special use permit under this provision at least **fifteen (15) days** prior to the first date of the event to the Clinton County Liquor Commissioner at the address stated below. No late applications shall be accepted for consideration. The applicant for a special use permit license must also submit with the completed application satisfactory proof that the applicant has or will obtain dram shop liability insurance to the maximum limits for the premises covering the dates and times indicated in the application. **(Ord. No. 07-07-08; 07-17-07)**

(3) The applicant as a condition of the issuance of a special use permit hereunder must subsequently obtain approval for the State of Illinois Liquor Control Commission.

(4) The County's filing fee for a special use permit license for a **one (1)** to **three (3) day** event shall be **Forty Dollars ($40.00)**. The County's filing fee for a special use permit license for a **four (4)** to **fifteen (15) day** event shall be **One Hundred Dollars ($100.00)**. The non-refundable filing fee shall be submitted with the completed application. Application filing fees will not be refunded in the event the application is rejected or denied for any reason. However, the Liquor Control Commissioner shall have discretion as to whether a subsequent application by the same applicant for the same event shall require an additional filing fee.

(5) Each Illinois licensed retailer offering liquor for sale shall be required to obtain a special use permit license.

(6) The Liquor Commissioner shall furnish an application form for completion by each applicant for a special use permit license.

(7) All applicants requesting a Special Use Permit will be required to submit a copy of their completed Application for a State of Illinois Special Use Permit Liquor License, and pay all corresponding fees required by the Illinois Liquor Commission's rules and regulations, and other applicable federal or state statutes or regulations.

(8) All applications must be in writing and submitted to the Clinton County Liquor Commissioner, Clinton County Courthouse, 850 Fairfax Street, Carlyle, IL 62231.

(9) The Liquor Commissioner's decision as to the issuance or non-issuance of a special use permit hereunder shall be made in writing within **ten (10) working days** following submission of a completed application for a special use permit. Incomplete or unsupported applications will be rejected upon receipt.

(10) Any application submitted hereunder shall be accompanied by a written acknowledgement signed before a public notary by the owners of the premises where the event is to be held which indicates that they are aware of the proposed event and have consented to the use of their property for the event. An acknowledgement from a lessee of property shall not be sufficient to meet the requirement of this provision.

(Ord. No. 04-07-03; 04-16-07)

21-2-9 **<u>LICENSE LIMITS – EXCEPTION RESTAURANTS.</u>** The total number of Clinton County liquor licenses authorizing the sale or disposition of alcoholic liquor at retail in the regular course of business within the unincorporated areas shall not at any time exceed **thirty (30) licenses** unless the restaurant exception as listed below applies. **(Ord. No. 7-94-1)**

(A) An additional license may be issued to a restaurant when **eighty percent (80%)** of the gross sales revenues are for food provided that the **eighty percent (80%)** of the gross sales revenue constituting food is maintained throughout the license period.

(B) No restaurant, licensed as such, shall sell alcoholic liquor except with meals.

(C) The provision limiting the total number of retail liquor licenses to **thirty (30) licenses** shall not apply to limited **one (1) day** licenses for special events.

(D) The limit of **thirty (30) licenses** may be only increased by a **two-thirds (2/3) majority vote** of all members of the County Board.

21-2-10 <u>OUTDOOR LIQUOR SALES PROHIBITED.</u>

(A) A Liquor License shall be valid only for the sale of alcoholic liquor **inside** the building premises for which the license is issued.

(B) No licensee, his employee, his agent or servant shall sell or dispense alcoholic beverages outside the building premises of the business establishment licensed by the County to serve alcoholic beverages.

(C) This Section shall not apply to **one (1)**, **two (2)** or **three (3) day** special events for which a special liquor license has been issued, or to event for which a special use permit license has been issued under **Section 21-2-8(F)**. **(Ord. No. 04-07-03; 04-16-07)**

21-2-11 <u>NATURE OF LICENSE.</u> A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(See 235 ILCS Sec. 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

21-2-12 <u>APPLICANT CHECK: INSUFFICIENT FUNDS – SERVICE CHARGE.</u> If a license applicant, licensee, or renewal licensee pays the license fee by check or money order and if that check or money order is not honored by the financial institution on which it is drawn, then said license issued shall be invalid upon notice of dishonor.

There shall be a **Twenty-Five Dollar ($25.00)** service charge assessed against any licensee whose check or money order is not honored by the financial institution upon which it is drawn. This **Twenty-Five Dollar ($25.00)** service charge shall be paid to the County Clerk, and deposited in the County General Fund by the Treasurer.

21-2-13 <u>FALSE INFORMATION ON APPLICATION.</u> If it is found that any applicant, licensee or renewal licensee knowingly gave false information on the license

application, then the Liquor Control Commissioner shall hold a hearing on the matter to decide whether said license should be suspended or revoked. This is not a limitation to any other punishment under law.

21-2-14 **LESSEE MOVES LICENSE; OWNER'S GRACE PERIOD.** In the event a lessee of a building chooses not to renew his license at the expiration thereof or makes application for a license at a different location, the owner of that building upon given written notice to the Liquor Control Commissioner shall be given a **six (6) month** period from the date of the notice to obtain another eligible license. **(Ord. No. 10-97-6) (See Zoning Code)**

21-2-15 **DRAMSHOP INSURANCE.** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(235 ILCS 5/6-21)**

21-2-16 **DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(See 235 ILCS Sec. 5/6-24)**

21-2-17 **RECORD OF LICENSES.** The County Clerk shall keep a complete record of all licenses issued by the Liquor Commissioner and shall supply the State's Attorney and the Sheriff a copy of the same. Upon issuance or revocation of a license, the County Clerk shall give written notice to these same officers within **forty-eight (48) hours. (See 235 ILCS Sec. 5/4-1)**

ARTICLE III - REGULATIONS

21-3-1 **<u>CLOSING HOURS FOR LICENSES.</u>** It shall be unlawful for a licensee to give or sell or offer for sale or gift or in any way provide any alcoholic liquors, spirits, beer, or wine in the County during the following hours:

Class "A" From 12:00 A.M. to 5:00 A.M.
Class "B" From 1:00 A.M. to 5:00 A.M.
Class "C" From 2:00 A.M. to 5:00 A.M.
Special Events From 1:00 A.M. to 5:00 A.M.

Licensees must strictly adhere to the hours on their license. No alcoholic liquor shall be sold, dispensed, or consumed on the licensed premises at any time other than during the open hours as shown by the license. All licensed premises must remain closed at all other times.

The times referred to above shall refer to Daylight Savings Time or when the same is in effect in the County and upon cessation of Daylight Savings Time, shall be Central Standard Time.

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter. **(See 235 ILCS Sec. 5/4-1)**

21-3-2 **<u>HAPPY HOUR RESTRICTIONS.</u>**

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

(1) Serve **two (2)** or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except conducting product sampling pursuant to paragraphs (A) and (B) below or selling or delivering wine by the bottle or carafe;

(a) Retailer, distributor, importing distributor, manufacturer and nonresident dealer licensees may conduct product sampling for consumption at a licensed retail location. Up to **three (3)** samples, consisting of no more than (I) **one-fourth (1/4) ounce** of distilled spirits, (ii) **one (1) ounce** of wine, or (iii) **two (2) ounces** of beer may be served to a consumer in **one (1) day**.

(b) Notwithstanding the provisions of subsection (A), an on-premises retail licensee may offer for sale and serve more than **one (1)** drink per person for sampling purposes without violating paragraph (1) of subsection (b) of Section 6-28 or paragraph (6) of subsection (c) of Section 6-28 of this Act, provided the total quantity of the sampling package, regardless of the number of containers in which the alcoholic liquor is being served, does not exceed **one (1) ounce** of distilled spirits, **four (4) ounces** of wine, or **sixteen (16) ounces** of beer. In

any event, all provisions of this Section shall apply to an on-premises retail licensee that conducts product sampling.

(2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection C(7) of this Section.

(4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(6) Advertise or promote in any way, whether on or off the licenses premises, any of the practices prohibited under paragraphs (1) through (5).

(C) Nothing in subsection B shall be construed to prohibit a licensee from:

(1) Offering free food or entertainment at any time;

(2) Including drinks or alcoholic liquor as part of a meal package;

(3) Including drinks of alcoholic liquor as part of a hotel package;

(4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;

(5) Providing room service to persons renting rooms at a hotel;

(6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to **two (2)** or more persons at one time; or

(7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by **Article IV** of this Code. **(See 235 ILCS Sec. 5/6-28)**

21-3-3 **PROHIBITED LOCATIONS.** No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to

restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. **(See 235 ILCS Sec. 5/6-11)**

21-3-4 **CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the Code of this County. **(See 235 ILCS Sec- 5/7-14)**

21-3-5 **STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. **(See 235 ILCS Sec. 5/6-12)**

21-3-6 **TRANSPORTING, ETC., IN MOTOR VEHICLES.** No person shall, within this County, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 **OPEN LIQUOR - CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a **"cup-to-go".**

21-3-8 **LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

(A) If such liquor is found on the person of one of the occupants therein; or

(B) If such vehicle contains at least one occupant over **twenty-one (21) years of age**.

21-3-9 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the County in violation of the restrictions of the Zoning Code.

21-3-10 **ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Code.

21-3-11 **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the County, to-wit:

(A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Liquor Commissioner.

(B) Drink any alcoholic liquors in any public park, except with the permission of the Liquor Commissioner.

(C) Drink any alcoholic liquors on any private property without permission of an owner thereof.

(D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

21-3-12 **UNLAWFUL ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees **[topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward],** or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this County licensed to sell alcoholic liquor are prohibited:

(A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, pubic hair, anus, vulva, or genitals; or

(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-13 TEEN PROMOTIONS PROHIBITED.

(A) **Prohibited Activity.** No retail licensee or employee shall hold promotional events which have the primary purpose of encouraging persons under the age of **eighteen (18)** from gathering for entertainment when the event takes place within the premises licensed to sell alcoholic beverages whether or not any alcohol sales are allowed at said events.

(B) **Exceptions – Family or School Events.** The prohibitions set forth in this Section shall not include events which are essentially designed to promote family or school oriented events where persons under **eighteen (18)** participate in events which take place under the supervision of adult members of the community.

(C) **Exceptions – Parents.** The prohibitions set forth in this Section are not intended to make it unlawful for persons under **eighteen (18)** to be present in premises licensed to sell alcoholic liquors either when with parents or when there for any other lawful purpose.

(D) **Violation and Subsequent Suspension.** A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by this Act.

(E) **Waiver by Liquor Control Commissioner.** The Liquor Control Commissioner may issue a waiver to any licensee for a special event which may otherwise be prohibited by this Section. A waiver may be issued if the Commissioner finds that the special event poses no threat to the public welfare and that the licensee has taken adequate steps to insure that no violations of the Liquor Control Act or other provisions of this Section will occur.

(F) **Conditions in Waiver.** Any waiver issued by the Commissioner may contain necessary conditions to insure compliance with all applicable laws.

(Ord. No. 10-96-1)

21-3-14 SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(See 410 ILCS Sec. 650/1, et seq.)**

21-3-15 DISEASED EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(See 410 ILCS Sec. 650/10)**

21-3-16 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

21-3-17 PEDDLING. It shall be unlawful to peddle alcoholic liquor in this County. **(See 235 ILCS Sec. 5/4-1)**

21-3-18 **GAMBLING.** It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away. It shall be unlawful for any licensee, or his agent and/or employee, to give or award a cash prize or equivalent to any person playing any devices or machines defined as a coin-operated amusement device pursuant to **Section 7-4-1** of the Revised Code. **(See 720 ILCS Sec. 5/28-1)**

The foregoing gambling prohibitions shall not apply to any game or gaming event for which a license or permit has been issued by the Illinois Gaming Board pursuant to the Illinois Video Gaming Act **(230 ILCS 40/1 et seq.)**, so long as such game or gaming event is conducted in compliance with all requirements of said Act and all rules and regulations of the Illinois Gaming Board. **(Ord. No. 2012-27; 07-17-12)**

21-3-19 **DISORDERLY HOUSE.** Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. **(See 235 ILCS Sec. 5/4-1)**

21-3-20 **FIREARMS PROHIBITED.**

(A) **Prohibited Weapons.** No licensee, his agent, servant or employee shall permit or allow any person to carry or possess any firearm, stun gun, or laser or other deadly weapon inside the licensed premises.

(B) **Notification of Sheriff.** Whenever any licensee, his agent, servant or employee shall observe or be notified by any person that a person on the premises has any firearm, stun gun, or laser, or any other dangerous weapon on the premises, then said licensee, his agent, servant or employee shall immediately notify the County Sheriff's Department.

21-3-21 **DUTY TO CALL LAW ENFORCEMENT.**

(A) No licensee, his agent, servant or employee shall refuse to call and summon law enforcement personnel or shall fail to call or summon law enforcement personnel when a reasonable request to do so is made by another person.

(B) Every licensee, his agent, servant or employee shall call and summon law enforcement personnel whenever any fight, disturbance, or any other violation of the law comes to his or her attention.

21-3-22 **PROHIBITED SALES - GENERALLY.** No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years,** or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years,** except in the performance of a religious ceremony or service. **(See 235 ILCS Sec- 5/6-16)**

21-3-23 **PERSONS SELLING LIQUOR.** Liquor licensees shall not employ any person under the age of **eighteen (18) years** of age for the purpose of drawing, pouring, mixing, or serving any alcoholic liquor. This prohibition shall apply to employees, family members, uncompensated persons, or anyone on the premises under age **eighteen (18)**.

This prohibition shall not prohibit the hiring of a person under age **eighteen (18)** to perform a job function that is not related to drawing, pouring, mixing, or serving alcoholic liquor.

21-3-24 **UNDERAGED; ENTRY ON LICENSED PREMISES.** It shall be unlawful for any person under the age of **twenty-one (21) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold unless accompanied by a parent or legal guardian. No holder of a Class "B" or Class "C" license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **twenty-one (21) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this Section, any holder of a Class "B" or a Class "C" license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **twenty-one (21) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **twenty-one (21) years** is that person's parent or legal guardian. **(See 235 ILCS Sec. 5/4-1)**

21-3-25 **UNLAWFUL PURCHASE OF LIQUOR.** Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. **(See 235 ILCS Sec. 5/6-20)**

21-3-26 **IDENTIFICATION REQUIRED.** If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. **(See 235 ILCS Sec. 5/6-20)**

21-3-27 **TRANSFER OF IDENTIFICATION CARD.** No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Code.

The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. **(See 235 ILCS Sec. 5/6-20)**

21-3-28 **POSTING WARNING.** In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the County Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

"YOU ARE SUBJECT TO A FINE UP TO $1000 UNDER THE ORDINANCES OF THIS COUNTY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."

21-3-29 **EXCLUSIONARY PROVISION.** The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. **(See 235 ILCS Sec. 5/6-20)**

21-3-30 **INSPECTIONS.** It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Sheriff, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. **(See 235 ILCS Sec. 5/4-4)**

21-3-31 **BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS.** It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Liquor Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(See 235 ILCS Sec. 5/6-10)**

21-3-32 **RESTRICTIONS ON LICENSEE.** In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(See 235 ILCS Sec. 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(See 235 ILCS Sec. 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(See 235 ILCS Sec. 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(See 235 ILCS Sec. 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(See 235 ILCS Sec. 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

21-3-33 **SELLING FALSE IDENTIFICATION.** Any person who sells, gives, or furnishes to any person under the age of **twenty-one (21) years** any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of **twenty-one (21) years** evidence of age and identification of any other person is guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

21-3-34 **FALSE IDENTIFICATION.** Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

21-3-35 **UNDERAGED DRINKING ON STREETS.** Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This Section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(See 235 ILCS Sec. 5/6-16)**

21-3-36 **RESIDENTIAL DRINKING.** Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

(A) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic beverage; and

(B) the possession or consumption of the alcohol by the person under **twenty-one (21)** is not otherwise permitted by this Code and

(C) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this Section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(See 235 ILCS Sec. 5/6-16)**

21-3-37 **RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

21-3-38 **CIVIL RIGHTS.**

(A) No licensee licensed under the provisions of this Code shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

(B) A licensee, officer, associate, member, representative, agent or employee may refuse to serve alcoholic liquor to a person who presents identification that he is **twenty-one (21) years** of age or more provided that the licensee, officer, associate, member, representative, agent or employee reasonably doubts the authenticity of the offered identification or reasonably doubts whether the identification belongs to the person offering it; provided however that refusal of service shall not be based in any part on the person's race, color, creed, religion, national origin, or sex.

ARTICLE IV - VIOLATIONS AND PENALTIES

21-4-1 **OWNER OF PREMISES PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(See 235 ILCS Sec. 5/10-2)**

21-4-2 **ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(See 235 ILCS Sec. 5/10-3)**

21-4-3 **REVOCATION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Liquor Commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. **(See 235 ILCS Sec. 5/10-4)**

21-4-4 **REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(See 235 ILCS Sec. 5/10-5)**

21-4-5 **MISBRANDING.** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(See 235 ILCS Sec. 5/10-6)**

21-4-6 **ABATEMENT OF PLACE USED IN VIOLATION.** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in

violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(See 235 ILCS Sec. 5/10-7)**

21-4-7 **USE OF PREMISES FOR ONE YEAR AFTER REVOCATION.** When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(See 235 ILCS Sec. 5/7-13)**

21-4-8 **REVOCATION OF LICENSES.** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(See 235 ILCS Sec. 5/4-4)**

21-4-9 **COMPLAINT BY RESIDENTS.** Any **five (5) residents** of the County shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. **(See 235 ILCS Sec. 5/7-7)**

21-4-10 REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act,** any valid ordinance adopted by the County, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A) **Fine as Opposed to Suspension or Revocation.** **In addition to the suspension, the Local Liquor Control Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars ($1,000.00) for a first violation within a twelve (12) month period, One Thousand Five Hundred Dollars ($1,500.00) for a second violation within a twelve (12) month period, and Two Thousand Five Hundred Dollars ($2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. No more than Fifteen Thousand Dollars ($15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the County treasury, as the case may be. (See P.A. 89-0063)**

(B) **Revocation and Suspension: Notice.** However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) **Hearing.** The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(See 235 ILCS Sec. 5/7-5)**

21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER. Except as provided in this Section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action by appealed by any resident of the County under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(See 235 ILCS Sec. 5/7-9)**

21-4-12 **SUBSEQUENT VIOLATIONS IN A YEAR.** In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period,** the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period**. **(See 235 ILCS Sec. 5/7-9)**

21-4-13 **APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION.** Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the County from State Commission. **(See 235 ILCS Sec. 5/7-9)**

[See Section 1-1-20 for General Penalty Provisions]

APPLICATION FOR LIQUOR RETAILER'S LICENSE

TO: Clinton County Clerk
850 Fairfax, Room 230
PO Box 308
Carlyle, IL 62231

The undersigned hereby make(s) application for the issuance of a county retailer's license for the sale of alcoholic liquor for the term beginning _____, 20___, and ending _____ _____, 20___, and hereby certify(ies) to the following facts:

1) Applicant's full name _____
(If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted:
_____

2) Location of place of business for which license is sought _____
A) _____
Exact address by street and number/zip code
B) _____
(Full description of location, place or premises, specifying floor, room, etc.)

3) State principal kind of business _____

4) Class of license applied for _____

5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? _____
_____

If so, are premises:
A) Maintained and held out to the public as a place where meals are actually and regularly served? _____
B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? ____
_____

6) Does applicant own premises for which this license is sought? _____

7) Has applicant a lease on such premises covering the full period for which the license is sought? _____ If so, attach copy.

8) Is applicant licensed as a food dispenser? _____

9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? _____

10) Is any law enforcing public official, mayor, alderman, member of the city council or commission, or any president or member of a county board directly interested in the business for which this license is sought? _____

11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? _____

12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? _____

_____

If so, at what location or locations? _____

13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? _____

If so, at what location or locations? _____

14) Will the business be conducted by a manager or agent? _____

If so, give name and residence address of such manager or agent:

Name _____

Address _____

15) Do you hold any other current business licenses issued by the County? __ If so, what type of license do you currently hold and what is the address of the licensed premises?

(Type) _____

(Address) _____

Individual Applicant:

16) A) Name _____

Date of birth _____

Month/Day/Year

B) Residence address _____

(give street and number)

Telephone number _____

C) Place of birth _____

D) Are you a citizen of the United States? _____

If a naturalized citizen, when naturalized? _____

Month/Day/Year

Where naturalized? _____

(City and State)

Court in which (or law under which) naturalized

_____

E) Have you ever been convicted of any felony under any Federal or State law?

_____

If so, give date and state offense _____

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? ____

_____

If so, give dates and state offense _____

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____

If so, give dates and state offense _____

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____

I) Have you made application for other similar license for premises other than described in this application? _____

If so, give date, location of premises and disposition of application _____

_____

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

Co-partnership/Corporate Applicant:

17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)
Date of birth _____
Month/Day/Year

B) Residence address _____
(City and State)
Telephone number _____

C) Place of birth _____
Month/Day/Year

D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(City and State)
Court in which (or law under which) naturalized _____

E) Have you ever been convicted of any felony under any Federal or State law? ____
_____
If so, give date and state offense _____

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? ____
_____
If so, give dates and state offense _____

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
If so, give dates and state offense _____

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____

I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____
_____

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

APPENDIX IV

AFFIDAVIT

STATE OF ILLINOIS)
) SS
COUNTY OF CLINTON)

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the County of Clinton or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this _____ day of _____, 20____.

_____
(Signature of Applicant)

MANDATED POLICIES

ARTICLE	TITLE			PAGE
I	DISCLOSURE OF SOCIAL SECURITY INFORMATION			
	Section 22-1-1	-	Statement of Purpose and Applicability	22-1
	Section 22-1-2	-	Social Security Number Protection Pursuant to Law	22-1
	Section 22-1-3	-	Requirement to Redact Social Security Numbers	22-2
	Section 22-1-4	-	Employee Access to Social Security Numbers	22-2
	Section 22-1-5	-	Other Protections	22-2
II	FREEDOM OF INFORMATION POLICY			
	Section 22-2-1	-	Public Records Available	22-3
	Section 22-2-2	-	Designation, Duties and Training of Freedom of Information Act Officers	22-3
	Section 22-2-3	-	Procedures	22-3
	Section 22-2-4	-	Requests to Inspect of Copy	22-4
	Section 22-2-5	-	Request for Commercial Purposes	22-5
	Section 22-2-6	-	Fees	22-5
	Section 22-2-7	-	Public File	22-5
	Section 22-2-8	-	Granting or Denial of Requests	22-5
	Section 22-2-9	-	Certain Information Exempt From Inspection and Copying	22-6
	Section 22-2-10	-	Notice of Denial of Request; Appeals	22-6
III	FAIR HOUSING CODE			
	Section 22-3-1	-	Declaration of Policy	22-7
	Section 22-3-2	-	Definitions	22-7
	Section 22-3-3	-	Prohibited Acts	22-8
	Section 22-3-4	-	Penalty	22-9
IV	ETHICS ACT			
	Section 22-4-1	-	Definitions	22-10
	Section 22-4-2	-	Prohibited Political Activities	22-12
	Section 22-4-3	-	Gift Ban	22-12
	Section 22-4-4	-	Exceptions	22-12
	Section 22-4-5	-	Disposition of Gifts	22-13
	Section 22-4-6	-	Penalties	22-14
V	INVESTMENT POLICY			
	Section 22-5-1	-	Investment Policy	22-15
	Section 22-5-2	-	Scope	22-15
	Section 22-5-3	-	Prudence	22-15
	Section 22-5-4	-	Objective	22-15
	Section 22-5-5	-	Delegation of Authority	22-15
	Section 22-5-6	-	Ethics and Conflicts of Interest	22-15
	Section 22-5-7	-	Authorized Financial Dealers and Institutions	22-15
	Section 22-5-8	-	Authorized and Suitable Investments	22-16

ARTICLE	TITLE			PAGE
V	INVESTMENT POLICY (CONTINUED)			
	Section 22-5-9	-	Collateralization	22-16
	Section 22-5-10	-	Safekeeping and Custody	22-16
	Section 22-5-11	-	Diversification	22-16
	Section 22-5-12	-	Maximum Maturities	22-16
	Section 22-5-13	-	Internal Control	22-16
	Section 22-5-14	-	Performance Standards	22-17
	Section 22-5-15	-	Reporting	22-17
	Section 22-5-16	-	Investment Policy Adoption and Modification	22-17
VI	EQUAL EMPLOYMENT POLICY			
	Section 22-6-1	-	Adoption of Codes	22-18
	Section 22-6-2	-	Non-Discriminatory Practices	22-18
	Section 22-6-3	-	Contracting with Non-Complaints	22-19
	Section 22-6-4	-	Outreach to All	22-20
	Section 22-6-5	-	Minority Hiring	22-20
	Section 22-6-6	-	Accommodations for Disabled	22-20
	Section 22-6-7	-	Compliance by Employees	22-20
	Section 22-6-8	-	Designated Enforcers	22-20
VII	ANTI-BULLYING POLICY			
	Section 22-7-1	-	Application of Policy	22-21
	Section 22-7-2	-	Definition	22-21
	Section 22-7-3	-	Bullying Prohibited	22-21
	Section 22-7-4	-	Disciplinary Action	22-22
	Section 22-7-5	-	Reporting and Complaint Procedure	22-22
VIII	DOMESTIC AND SEXUAL VIOLENCE POLICY			
	Section 22-8-1	-	Purpose of Policy	22-23
	Section 22-8-2	-	Definition	22-23
	Section 22-8-3	-	Victim's Economic Security and Safety Act (VESSA)	22-23
	Section 22-8-4	-	Policy	22-24
IX	IDENTITY THEFT			
	Section 22-9-1	-	Program Adoption	22-28
	Section 22-9-2	-	Program Purpose and Definitions	22-28
	Section 22-9-3	-	Identification of Red Flags	22-29
	Section 22-9-4	-	Detecting Red Flags	22-30
	Section 22-9-5	-	Preventing and Mitigating Identity Theft	22-30
	Section 22-9-6	-	Program Updates	22-31
	Section 22-9-7	-	Program Administration	22-31
X	POLICY PROHIBITING SEXUAL HARASSMENT			
	Section 22-10-1	-	Definitions	22-33
	Section 22-10-2	-	Prohibition on Sexual Harassment	22-33
	Section 22-10-3	-	Reporting an Allegation of Sexual Harassment	22-34
	Section 22-10-4	-	Prohibition Against Retaliation for Reporting Sexual Harassment	22-35
	Section 22-10-5	-	Consequences	22-36

CHAPTER 22

MANDATED POLICIES

ARTICLE I – DISCLOSURE OF SOCIAL SECURITY INFORMATION

22-1-1 **STATEMENT OF PURPOSE AND APPLICABILITY.** Clinton County (hereinafter referred to in this policy as the "County") adopts this Identity Protection Policy pursuant to the Identity Protection Act, **5 ILCS 179/1 et seq.** The Identity Protection Act requires each local and State government agency to draft, approve, and implement an Identity Protection Policy to ensure the confidentiality and integrity of Social Security Numbers that agencies collect, maintain, and use. It is important to safeguard Social Security Numbers (SSN's) against unauthorized access because SSN's can be used to facilitate identity theft. One way to better protect SSN's is to limit the widespread dissemination of those Numbers. The Identity Protection Act was passed in part to require Local and State government agencies to assess their personal information collection practices, and make necessary changes to those practices to ensure confidentiality. The judicial branch and Clerk of the Court is not subject to the provisions of this policy, pursuant to **5 ILCS 179/40**.

22-1-2 **SOCIAL SECURITY NUMBER PROTECTION PURSUANT TO LAW.** Whenever an individual is asked to provide the County with a SSN, the County shall provide that individual with a statement of the purpose for which the County is collecting and using the Social Security Number. The County shall also provide the Statement of Purpose upon request. That Statement of Purpose document may be in substantially such form as attached to this Policy or hereafter modified by the County.

The County shall not:

(A) Publicly post or publicly display in any manner an individual's Social Security Number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.

(B) Print an individual's Social Security Number on any card required for the individual to access products or services provided by the person or entity.

(C) Require an individual to transmit a Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.

(D) Print an individual's Social Security Number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the Social Security Number to be on the document to be mailed. SSN's may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that is permissibly mailed will not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

In addition, the County shall not:

(A) Collect, use, or disclose a Social Security Number from an individual, unless:

(1) Required to do so under State or federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the performance of the County's duties and responsibilities;

(2) The need and purpose for the Social Security Number is documented before collection of the Social Security Number; and

(3) The Social Security Number collected is relevant to the documented need and purpose.

(B) Require an individual to use his or her Social Security Number to access an Internet website.

(C) Use the Social Security Number for any purpose other than the purpose for which it was collected.

The foregoing prohibitions do not apply where specifically exempted by laws including but, by way of limitation, those exemptions provided for in the Identity Protection Act **(5 ILCS 279/1 et seq.)**. the County may disclose SSN's to other governmental agencies or to its own agents, employees, contractors, and subcontractors if the disclosure is necessary for the entity to perform its duties and responsibilities. However, if a government contractor or subcontractor requires the SSN of employees to perform the work for which they are contracted they will be required to present the County with a copy of their policy dealing with the protection of those SSN's. **(See Appendix "A")**

22-1-3<u>REQUIREMENT TO REDACT SOCIAL SECURITY NUMBERS.</u> The County shall comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security Number. The County shall redact social security number from the information or documents before allowing the public inspection or copying of the information or documents. However the Act does not apply to documents that are recorded by the County Recorder or required to be open to the public under any law, rule, or the Constitution of the State of Illinois.

When collecting Social Security Numbers, the County shall request each SSN in a manner that allows the SSN to be easily redacted if required to be released as part of a public records request. "Redact" means to alter or truncate data so that no more than five sequential digits of a Social Security Number are accessible as part of personal information.

22-1-4<u>EMPLOYEE ACCESS TO SOCIAL SECURITY NUMBERS.</u> Only employees who are required to use or handle information or documents that contain SSN's in the performance of their essential duties will have access to such documents. All employees who have access to SSN's are trained to protect the confidentiality of SSN's from the time of collection through the time of destruction.

22-1-5<u>OTHER PROTECTIONS.</u> In addition to the above protections the County will also take affirmative measures to protect SSN's in any format including, but not limited to, hardcopy, computer records, and computer transmissions. They will assure that all vendors to whom they provide or transmit SSN's have policies and equipment in place to reasonably protect the SSN information that is being provided to them. Electronic transmissions will be verified to be secure or SSN's will be encrypted.

A copy of this policy shall be available to employees or the general public upon request.

(Ord. No. 2011-35; 12-11-11)

ARTICLE II - FREEDOM OF INFORMATION POLICY

22-2-1 **PUBLIC RECORDS AVAILABLE.** To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the County shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7**.

22-2-2 **DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.**

(A) The State's Attorney or a person designated to act as Freedom of Information Officer; provided however, each department shall name a deputy officer. The Officer shall receive requests submitted to the County under the Freedom of Information Act, insure that the County responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the County shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

(1) Note the date the County receives the written request;

(2) Compute the date on which the period for response will expire and make a notation of that date on the written request;

(3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and

(4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the County, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

22-2-3 **PROCEDURES.** The County shall prominently display at the State's Attorney's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the County, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the County, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

22-2-4 **<u>REQUESTS TO INSPECT OR COPY.</u>** All requests to inspect or copy records or documents prepared, maintained or under the control of the County shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the County.

(B) The written request shall be submitted to the State's Attorney. If the State's Attorney is not available, the request shall be submitted to any employee of the County acting under the direction of the State's Attorney.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the County, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the County may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the County agree to extend the period for compliance, a failure by the County to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

(1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.

(2) **Fifteen Cents ($0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.

(3) **One Dollar ($1.00)** for each certified copy requested.

(4) **Ten Cents ($0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at County Building. If the person making the request asks the County to mail the documents, he or she shall provide the County with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents ($2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the County shall furnish it in the electronic format specified by the person making the

request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the County shall furnish it in the format in which it is maintained by the County, or in paper format at the option of the person making the request.

22-2-5 **REQUEST FOR COMMERCIAL PURPOSES.** The County shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the County to provide the records requested and an estimate of the fees to be charged, which the County may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the County shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the County Code.

22-2-6 **FEES.** The State's Attorney shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-2-7 **PUBLIC FILE.** The State's Attorney shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-2-8 **GRANTING OR DENIAL OF REQUESTS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the County. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the County and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the County. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-2-9 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING. If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-2-10 NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) If the County denies the request, the County shall notify the person making the request in writing of:

(1) the decision to deny the request;
(2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
(3) the names and titles or positions of each person responsible for the denial;
(4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
(5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the County asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

(1) a copy of the request for access to records;
(2) the proposed response from the County;
(3) a detailed summary of the County's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the County to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

ARTICLE III - FAIR HOUSING CODE

22-3-1 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the County may be ensured, it is hereby declared the policy of the County to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the County that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the County, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

22-3-2 DEFINITIONS. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) **"Decent, Sanitary, Healthful Standard Living Quarters".** "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) **"Discriminate".** The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) **"Financial Institution".** The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D) **"Housing Accommodation".** The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E) **"Owner".** An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker".** The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property".** The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the County.

22-3-3 PROHIBITED ACTS. It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the County:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the County or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

22-3-4 **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars ($100.00)** nor more than **One Thousand Dollars ($1,000.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the County to specifically enforce, by any legal means, any of the provisions of this Code.

ARTICLE IV – ETHICS ACT

22-4-1 **DEFINITIONS.** For the purposes of this Article, the following terms shall be given these definitions:

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

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

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

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

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

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

"Employee" means a person employed by the County, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the County of Clinton.

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

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

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

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

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

"Prohibited Political Activity" means:

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

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

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

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

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

(F) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.

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

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

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

(J) Preparing or reviewing responses to candidate questionnaires.

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

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

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

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

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

"Prohibited Source" means any person or entity who:

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

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

(C) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

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

22-4-2 PROHIBITED POLITICAL ACTIVITIES.

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

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

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

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

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

22-4-3 GIFT BAN. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

22-4-4 EXCEPTIONS. Section 22-4-1 is not applicable to the following:

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

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

(C) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D) Educational materials and missions.

(E) Travel expenses for a meeting to discuss business.

(F) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

(1) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(2) whether the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(3) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H) Food or refreshments not exceeding **Seventy-Five Dollars ($75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of the Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J) **Intra-Governmental and Inter-Governmental Gifts.** For the purpose of this provision, **"intra-governmental gift"** means any gift given to an officer or employee from another officer or employee, and **"inter-governmental gift"** means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K) Bequests, inheritances, and other transfers at death.

(L) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars ($100.00)**.

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

22-4-5 **DISPOSITION OF GIFTS.** An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

22-4-6 <u>PENALTIES.</u>

(A) A person who intentionally violates any provision of **Section 22-4-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars ($2,500.00)**.

(B) A person who intentionally violates any provision of **Section 22-4-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars ($1,001.00)** and not more than **Five Thousand Dollars ($5,000.00)**.

(C) Any person who intentionally makes a false report alleging a violation of any provisions of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars ($2,500.00)**.

(D) A violation of **Section 22-4-2** of this Article may be prosecuted as a quasi-criminal offense by the Office of the State's Attorney. **(Ord. No. 2007-008; 12-17-07)**

(E) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 22-4-2** or **Section 22-4-3** of this Article is subject to discipline or discharge.

(Ord. No. 06-04-01; 06-21-04)

ARTICLE V – INVESTMENT POLICY

22-5-1 **INVESTMENT POLICY.** It is the policy of the County to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the County and conforming to all State and local statutes governing the investment of public funds.

22-5-2 **SCOPE.** This policy includes all public funds of the County.

22-5-3 **PRUDENCE.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.

22-5-4 **OBJECTIVE.** The primary objective, in order of priority, shall be:

(A) **Legality.** Conformance with federal, state and other legal requirements.

(B) **Safety.** Preservation of capital and protection of investment principal.

(C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.

(D) **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the County's needs for safety, liquidity, rate of return, diversification and its general performance.

22-5-5 **DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

22-5-6 **ETHICS AND CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-5-7 **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

22-5-8 **AUTHORIZED AND SUITABLE INVESTMENTS.** Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-5-9 **COLLATERALIZATION.** Collateralization may be required, at the discretion of the County, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

22-5-10 **SAFEKEEPING AND CUSTODY.** All security transactions, including collateral for repurchase agreements, entered into by the County, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-5-11 **DIVERSIFICATION.** The County shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-5-12 **MAXIMUM MATURITIES.** To the extent possible, the County shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the County will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

Reserve funds may be invested in securities exceeding **two (2) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

22-5-13 **INTERNAL CONTROL.** The County Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the County are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

(A) Control of collusion.

(B) Separation of transaction authority from accounting.

(C) Custodial safekeeping.

(D) Written confirmation of telephone transactions for investments and wire transfers.

22-5-14 PERFORMANCE STANDARDS. The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-5-15 REPORTING. The County Treasurer shall prepare an investment report at least monthly. The report should be provided to the County Board and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the County Board. A statement of the market value of the portfolio shall be issued to the County Board quarterly.

22-5-16 INVESTMENT POLICY ADOPTION AND MODIFICATION. The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the County Treasurer, and any modifications made thereto shall be made by ordinance.

ARTICLE VI - EQUAL EMPLOYMENT POLICY

22-6-1 **ADOPTION OF CODES.** The County hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I) **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J) **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K) **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

22-6-2 **NON-DISCRIMINATORY PRACTICES.** The County will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

22-6-3 **<u>CONTRACTING WITH NON-COMPLAINTS.</u>** The County will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(A) The County will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

(1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

(a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.

(b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.

(c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.

(d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor

organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.

(e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.

(f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Act and the Department's Rules and Regulations.

(g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

22-6-4<u>OUTREACH TO ALL.</u> The County assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

22-6-5<u>MINORITY HIRING.</u> Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the County as well as surrounding areas.

22-6-6<u>ACCOMMODATIONS FOR DISABLED.</u> The County will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

22-6-7<u>COMPLIANCE BY EMPLOYEES.</u> All County employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out County program activities.

22-6-8<u>DESIGNATED ENFORCERS.</u> The County designates the County Board Chairman and the County Board to carry out the EEO/AA plan.

ARTICLE VII – ANTI-BULLYING POLICY

22-7-1 **APPLICATION OF POLICY.** The County finds a safe work environment is beneficial for employees and promotes productivity. Workplace bullying has been linked to absenteeism, drug and alcohol use, and sexual violence. The County considers workplace bullying unacceptable and will not tolerate it. The anti-bullying policy shall apply to all individuals who are employees, volunteers and contractors. For purposes of this policy:

(A) ***"Employee"*** is defined as an individual working for the County for remuneration;

(B) ***"Volunteer"*** is defined as an individual who volunteers services to the County without remuneration;

(C) ***"Contractor"*** is defined as an individual who contracts with the County to provide services, or an individual who works for a contractor of the County.

22-7-2 **DEFINITION.** Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one or more of the following:

(A) placing the person in reasonable fear of harm to the person or the person's property;

(B) causing a substantially detrimental effect on the person's physical or mental health;

(C) substantially interfering with the person's productivity; or

(D) substantially interfering with the person's ability to participate in or benefit from the opportunities offered by the employer.

Bullying may be intentional or unintentional. The County considers the following types of behavior illustrative examples of bullying: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

22-7-3 **BULLYING PROHIBITED.** Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, and any other distinguishing characteristic is prohibited in all places of employment, and an employer shall prevent bullying in its place of employment.

(A) No person shall be subjected to bullying:

(1) during any period of employment activity;

(2) while working, on property of the employer, or at employer-sponsored or employer-sanctioned events or activities; or

(3) through the transmission of information from an employment utilized telephone, computer, computer network, or other similar electronic employer-utilized equipment.

(B) Nothing in this policy is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment of the United States Constitution.

22-7-4 **DISCIPLINARY ACTION.** Any employee or volunteer who is determined, after an investigation, to have engaged in bullying in violation of this policy shall be subject to disciplinary action up to and including immediate discharge. Any contractor found to be in violation of this policy may be subject to contract cancellation.

(A) **False Accusations.** False accusations regarding bullying against employees, volunteers, contractors, or elected officials shall not be tolerated, and any person knowingly making a false accusation shall be subject to disciplinary action up to and including immediate discharge.

(B) **Retaliation for Reporting Bullying.** The County shall discipline any employee or volunteer who retaliates against any person who reports who reports alleged bullying, or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to bullying complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Contractors are likewise prohibited from retaliating.

22-7-5 **REPORTING AND COMPLAINT PROCEDURE.** The County encourages all employees, volunteers or contractors to promptly report any instance of bullying behavior. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken. The County shall make every effort to stop alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

Reports of bullying will be treated seriously, and investigated promptly and impartially. The County further encourages all individuals to whom this policy applies to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the County Attorney's office. The County Board requires any supervisor who witnesses bullying, irrespective of reporting relationship or his/her responsibility to address it, to promptly report this conduct to the Sheriff or the County Board Chairman.

Individuals who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matter, should report their complaints or concerns verbally or in writing to his or her supervisor, or the State's Attorney, before the conduct becomes severe or pervasive. If a verbal report is made, it shall be documented in writing by the official to whom it is reported. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated County representatives identified above.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

ARTICLE VIII – DOMESTIC AND SEXUAL VIOLENCE POLICY

22-8-1 **PURPOSE OF POLICY.** Domestic violence can permeate the lives and compromise the safety of employees with tragic, destructive and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past. Domestic violence represents a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against another in an intimate relationship or in the same household, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The County will take appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

22-8-2 **DEFINITION.** For purposes of this policy and pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), the following terms are defined as follows:

(A) ***"Abuser":*** A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

(B) ***"Domestic Violence":*** Domestic violence means abuse by a family or household member, as defined by this policy pursuant to Section 103 of the Illinois Domestic Violence Act of 1986. Domestic violence includes sexual assault or stalking.

(C) ***"Employee":*** A person working for the County for remuneration for services.

(D) ***"Family or Household Member":*** For employees with a family or household member who is a victim of domestic or sexual violence, this means spouse, parent, son, daughter, other person related by blood or by present or prior marriage, another person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(E) ***"Parent"*** means biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter as defined herein.

(F) ***"Son or Daughter"*** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age, or is **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability.

22-8-3 **VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA).** The person against whom an abuser directs coercive and/or violent acts, including an employee who is a victim of domestic or sexual violence, or an employee's family or household member who is a victim of domestic or sexual violence, and whose interests are not adverse to the employee as it related to domestic or sexual violence.

22-8-4 POLICY.

(A) **Employee Awareness.** The County shall take reasonable actions to educate employees regarding the effects of domestic violence and methods to report such violence to authorities. It is the policy of the County that information on domestic violence and available resources shall be available to employees through the County Board and by this written policy, which shall be disseminated to employees.

(B) **Non-Discriminatory Policy.** Non-Discriminatory and Responsive Personnel Policies for Victimized Employees of the County shall ensure that personnel policies and procedures do not discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

(1) Illinois law prohibits employers from interfering with, restraining, or denying the exercise of any right provided under VESSA. This law requires employers, when given **forty-eight (48) hours** prior notification, to allow time off for employed victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence, to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from the employer for the employee or the family or household member who is a victim.

(2) Illinois law prohibits employers from discriminating against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence.

(3) An employee who is a victim of domestic or sexual violence, or has a family or household member who is a victim of domestic or sexual violence and whose interests are not adverse to the employee as it relates to domestic or sexual violence, may take unpaid leave from work to address domestic or sexual violence by:

(a) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the victim;

(b) obtaining services from a victim services organization for the victim;

(c) obtaining psychological or other counseling for the victim;

(d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the victim;

(e) seeking legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(4) The employee shall be entitled to a total of **twelve (12) workweeks** of leave during any **twelve (12) month** period. This policy does not create a right for an employee to take an unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by the federal Family Medical Leave Act. Leave may be taken intermittently or

on a reduced work schedule. An employee may substitute accumulated paid leave for unpaid leave; however, the paid leave will count toward the number of workweeks used for purposes of this policy. The employee shall provide at least **forty-eight (48) hours** advance notice of the employee's intention to take leave, unless providing such notice is not practicable. No action will be taken against an employee for failing to provide **forty-eight (48) hours** advance notice if the employee provides certification that leave was used for the purposes outlined in **Section 22-8-4(B)(2)** of this Section and can demonstrate that advance notice was not practicable.

(5) During a leave taken pursuant to this policy, the County shall maintain coverage under its group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of such leave. If the employee fails to return from leave, however, the County may recover any premium costs it paid for such coverage if the reason for the employee not returning is other than the continuation, recurrence, or onset of domestic or sexual violence or circumstances beyond the control of the employee. Neither seniority nor leave benefits will accrue to the employee during unpaid leave.

(6) The County, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family or household member who has been a victim of domestic violence, the employee's supervisor or the County Board (or their designee) will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.

(7) The County requires certification from an employee for leave under this policy. The employee shall certify that the leave is for one of the purposes enumerated in **Section 22-8-4(B)** of this Section. Certification shall be provided to the employer within a time period set by the employer.

(8) The County understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required certification to justify absences without compromising their safety. Therefore, the Chairman or his designee shall consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer.

(9) All information provided to the employer pursuant to notification and certification requirements of this policy, and the purposes for which leave may be requested pursuant to this policy, shall be retained in strictest confidence by the employer, except to the

extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or State law. Reported information shall be kept private to the greatest extent possible by Federal law, State law, and County policy; however, information may have to be disclosed pursuant to a subpoena, Illinois Supreme Court Rules, a court of law, or where otherwise required by law. Where medical information is received by the County from an employee who is the victim of domestic violence, such medical information shall be kept confidential.

(10) Employees who are victims of domestic violence and who are legally separated from a covered spouse or civil-union partner, shall be allowed to make reasonable changes in benefits at any time during the calendar year, provided the change is requested within **thirty (30) days** of the separation and is in accordance with the County policies, rules, and regulations.

(11) The County will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

(C) **Accountability for Employees Who are Abusers.** The County will hold employees, individuals who volunteer services to the County without remuneration (hereafter "volunteers"), and individuals who contract with the County or work for contractors of the County (hereafter "contractors"), accountable for engaging in the following behavior: (i) using County resources to commit an act of domestic violence; (ii) committing an act of domestic violence from or at the workplace or from any other location while on official County business; or (iii) using their job-related authority and/or County resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

Any physical assault or threat made by an employee, volunteer, or contractor, while on County premises, during working hours, while representing the County, or at a County-sponsored event, is a serious violation of this policy. This policy applies no only to acts against employees, but to acts against all other persons. Those found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

(1) In cases in which the County has found that an employee, volunteer, or contractor, has threatened, harassed, or abused an intimate partner at the workplace using County resources such as work time, workplace telephones, facsimile machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.

(2) In cases in which the County has verification that an employee, volunteer, or contractor is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee, volunteer or contractor has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the Mayor shall determine if corrective action is warranted.

(3) In cases in which any employee, volunteer, or contractor intentionally uses his/her job-related authority and/or intentionally uses County resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his/her behavior, said individual may be subject to corrective or disciplinary action.

ARTICLE IX – IDENTITY THEFT

22-9-1 **PROGRAM ADOPTION.** The County developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the County. After consideration of the size and complexity of the County's operations and account systems, and the nature and scope of the County's activities, the County Board determined that this Program was appropriate for the County, and therefore approved this Program on February 9, 2009.

22-9-2 **PROGRAM PURPOSE AND DEFINITIONS.**

(A) **Fulfilling Requirements of the Red Flags Rule.** Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

(1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
(2) Detect Red Flags that have been incorporated into the Program;
(3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
(4) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

(B) **Red Flags Rule Definitions Used in this Program.** The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

According to the Rule, a County is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the County's accounts that are individual service accounts held by taxpayers of the County whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

(1) Any account the County offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
(2) Any other account the County offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the County from Identity Theft.

"Identifying information" is defined under the Rules as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

22-9-3 **IDENTIFICATION OF RED FLAGS.** In order to identify relevant Red Flags, the County considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The County identifies the following red flags, in each of the listed categories:

(A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**

(1) Report of fraud accompanying a credit report;
(2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
(3) Notice or report from a credit agency of an active duty alert for an applicant; and
(4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) **Suspicious Documents; Red Flags.**

(1) Identification document or card that appears to be forged, altered or inauthentic;
(2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
(3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
(4) Application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information; Red Flags.**

(1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
(2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
(3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
(4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
(5) Social security number presented that is the same as one given by another customer;
(6) An address or phone number presented that is the same as that of another person;
(7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
(8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**

(1) Change of address for an account followed by a request to change the account holder's or taxpayer's name;
(2) Payments stop on an otherwise consistently up-to-date account;
(3) Account used in a way that is not consistent with prior use (example: very high activity);
(4) Mail sent to the account holder is repeatedly returned as undeliverable;
(5) Notice to the County that a customer is not receiving mail sent by the County;
(6) Notice to the County that an account has unauthorized activity;
(7) Breach in the County's computer system security; and
(8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others; Red Flag.**

(1) Notice to the County from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

22-9-4 DETECTING RED FLAGS.

(A) **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a **new account**, County personnel will take the following steps to obtain and verify the identity of the person opening the account:

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
(2) Verify the customer's identity (for instance, review a driver's license or other identification card);
(3) Review documentation showing the existence of a business entity; and
(4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the Red Flags identified above for an **existing account**, County personnel will take the following steps to monitor transactions with an account:

(1) Verify the identification of the individuals if they request information (in person, via telephone, via facsimile, via email);
(2) Verify the validity of requests to change billing addresses; and
(3) Verify changes in banking information given for billing and payment purposes.

22-9-5 PREVENTING AND MITIGATING IDENTITY THEFT.

(A) **Prevent and Mitigate.** In the event County personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

(1) Continue to monitor an account for evidence of Identity Theft;
(2) Contact the person;

(3) Change any passwords or other security devices that permit access to accounts;
(4) Not open a new account;
(5) Close an existing account;
(6) Reopen an account with a new number;
(7) Notify the Program Administrator for determination of the appropriate step(s) to take;
(8) Notify law enforcement; or
(9) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to County accounts, the County will take the following steps with respect to its internal operating procedures to protect customer identifying information:

(1) Ensure that its website is secure or provide clear notice that the website is not secure;
(2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
(3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
(4) Keep offices clear of papers containing customer information;
(5) Request only the last 4 digits of social security numbers (if any);
(6) Ensure computer virus protection is up to date; and
(7) Require and keep only the kinds of customer information that are necessary for utility purposes.

22-9-6 PROGRAM UPDATES. The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the County from Identity Theft. In doing so, the Program Administrator will consider the County's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the County's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the County Board with his or her recommended changes and the County Board will make a determination of whether to accept, modify or reject those changes to the Program.

22-9-7 PROGRAM ADMINISTRATION.

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the County. The Committee is headed by a Program Administrator who may be the head of the County or his or her appointee. Two or more other individuals appointed by the head of the County or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of County staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps

for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** County staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C) **Service Provider Arrangements.** In the event the County engages a service provider to perform an activity in connection with one or more accounts, the County will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

(1) Require, by contract, that service providers have such policies and procedures in place; and

(2) Require, by contract, that service providers review the County's Program and report any Red Flags to the Program Administrator.

(D) **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Section 114 of the Fair and Accurate Credit Transactions of 2003 (16 C.F.R. Sec. 681.2) and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the County's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

[See Section 1-1-20 for General Penalty Provisions]

ARTICLE X – POLICY PROHIBITING SEXUAL HARASSMENT

22-10-1 DEFINITIONS.

(A) **"Employee"** means a person employed by the County of Clinton, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(B) **"Employer"** means the County of Clinton, Illinois.

(C) **"Officer"** means a person who holds, by election or appointment, an office in Clinton County, regardless of whether the officer is compensated for service in his or her official capacity.

(D) **"Sexual Harassment"** means any unwelcome sexual advances, requests for sexual favors or any conduct of a sexual nature when:

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

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

(3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(E) **"Working Environment"** is not limited to a physical location an employee is assigned to perform his or her duties.

22-10-2 PROHIBITION ON SEXUAL HARASSMENT.

(A) Each Employee or officer of Employer has the responsibility to refrain from sexual harassment in the workplace and is prohibited from engaging in conduct that constitutes sexual harassment.

(B) Conduct which may constitute sexual harassment includes:

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

(2) **Non-Verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

(3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

(4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

(5) **Textual/Electronic.** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/ video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is subtler and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

22-10-3 REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee and his/her supervisor.

(B) It is not necessary for sexual harassment to be directed at the person making a complaint.

(C) During the occurrence of an incident of sexual harassment or following reporting, the Employer may document or record each incident (what was said or done, the date, the time, and the place). Additionally, the Employer may collect and/or compile related written records such as letters, notes, memos, electronic messages, and telephone messages.

(D) All charges, including anonymous complaints, will be accepted and investigated regardless of how the matter comes to the attention of the Employer. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

(E) Proper methods of reporting conduct believed to be sexual harassment include the following:

(1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor. If the harasser is the immediate supervisor; the problem should be reported to the next level of supervision.

(3) **Formal Written Complaint.** An employee may also report incidents of sexual harassment directly to the supervisor, the supervisor will counsel the reporting employee and be available to assist with filing a formal complaint. The Employer will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.

(4) **Resolution Outside Employer.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint with those entities. An IDHR

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

(F) All reports shall be received and handled as confidential to the extent permitted by law and subject to any disclosure requirements pursuant to the Illinois Freedom of Information Act **(5 ILCS 140/1 et seq.)**

(G) The employee experiencing what he or she believes to be sexual harassment must not assume that the Employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Employer will not be presumed to have knowledge of the harassment.

22-10-4 <u>PROHIBITION AGAINST RETALIATION FOR REPORTING SEXUAL HARASSMENT.</u>

(A) An Employee shall not be retaliated against by the Employer or the Employees or Officers of the Employer due to the Employee's:

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

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

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

(B) No individual making a report will be retaliated against even if a report made in good faith is not substantiated.

(C) The Employer will take reasonable steps to protect from retaliation any Employee or Officer who is a witness.

(D) Supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

(E) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act **(5 ILCS 430/15-10)** provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

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

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or

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

(F) Pursuant to the Whistleblower Act **(740 ILCS 174/15(a))**, an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an

employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. **(740 ILCS 174/15(b))**.

(G) According to the Illinois Human Rights Act **(775 ILCS 5/6-101)**, it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(H) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within **one hundred eighty (180) days** (IDHR) or **three hundred (300) days** (EEOC) of the alleged retaliation.

22-10-5 <u>CONSEQUENCES.</u>

(A) In addition to any and all other discipline that may be applicable pursuant to Employer's policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Five Thousand Dollars ($5,000.00)** per offense, applicable discipline or discharge by the Employer and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Employer shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

(B) False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. A false and frivolous charge is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable County policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

(C) Any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Five Thousand Dollars ($5,000.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. No. 2017-21; 12-18-17)

APPENDIX "A"

(Appendix to Identity Protection Policy Article)

STATEMENT OF PURPOSE

What does the County do with your Social Security Number?
Statement of Public for Collection of Social Security Numbers
Identity-Protection Policy

The Identity Protection Act, **5 ILCS 179/1 et seq.**, requires each Local and State government agency to draft, approve, and implement an Identity-Protection Policy that includes a statement of the purpose or purposes for which the agency is collecting and using an individual's Social Security Number (SSN). This statement of purpose is being provided to you because you have been asked by the County to provide your SSN or because you requested a copy of this statement.

Why does the County collect your Social Security Number?

You are being asked for your SSN for one or more of the following reasons:

_____ Employment and/or Benefit Enrollment and Administration
_____ Health Department Services, Billing, and/or Insurance
_____ Law Enforcement and/or Investigation
_____ State Applications and Voter Registration Requirements
_____ Short and Long Term Residential Care
_____ Emergency Services/Care
_____ Contractor and/or Subcontractor Requirement for Services
_____ Other: _____

What do we do with your Social Security Number?

- We will only use your SSN for the purpose for which it was collected.
- We will **not**:
  - ✓ Sell, lease, loan, trade, or rent your SSN to a third party for any purpose;
  - ✓ Publicly post or publicly display your SSN;
  - ✓ Print your SSN on any card required for you to access benefits;
  - ✓ Require you to transmit your SSN over the Internet, unless the connection is secure or your SSN is encrypted; or
  - ✓ Print your SSN on any materials that are mailed to you, unless State or Federal law requires that number to be on documents mailed to you, or unless we are confirming the accuracy of your SSN.

Questions or Complaints about this Statement of Purpose:

Write to the Fill in County Contact Information; address and contact position and the phone number:

Clinton County, Illinois
Designated Protection Identity Policy Contact: _____
Address for that Contact: _____
Phone Number for that Contact: _____
E-mail address for that Contact: _____

_____

MOTOR VEHICLE CODE

ARTICLE		TITLE	PAGE
I	DEFINITIONS		
	Section 24-1-1	- Illinois Vehicle Code; Definitions Adopted	24-1
II	GENERAL REGULATIONS		
	Section 24-2-1	- Obedience to Police	24-1
	Section 24-2-2	- Scene of Fire	24-1
	Section 24-2-3	- Signs and Signals	24-1
	Section 24-2-4	- Unauthorized Signs	24-2
	Section 24-2-5	- Interference with Signs or Signals	24-2
	Section 24-2-6	- Advertising Signs	24-2
III	STOP AND THROUGH STREETS		
	Section 24-3-1	- Through Streets	24-3
	Section 24-3-2	- One-Way Streets or Alleys	24-3
	Section 24-3-3	- Stop Streets	24-3
	Section 24-3-4	- Yield Right-of-Way Streets	24-3
	Section 24-3-5	- Posting Signs	24-3
IV	DRIVING RULES		
	Section 24-4-1	- Illinois Vehicle Code; Rules of the Road Adopted	24-4
	Section 24-4-2	- Driving Rules	24-4
	Section 24-4-3	- Transporting Liquor in Vehicles	24-5
	Section 24-4-4	- Excessive Noise - Stopped Vehicle	24-6
	Section 24-4-5	- Excessive Noise - Wheels	24-6
	Section 24-4-6	- Excessive Noise - Squealing Tires	24-6
	Section 24-4-7	- Reckless, Negligent or Careless Driving	24-6
	Section 24-4-8	- Excessive Noise While Driving	24-6
V	EQUIPMENT OF VEHICLES		
	Section 24-5-1	- Illinois Vehicle Code; Equipment of Vehicles Adopted	24-7
	Section 24-5-2	- Muffler	24-7
	Section 24-5-3	- Sound Amplification System	24-7
	Section 24-5-4	- Excessive Engine Braking Noise Prohibited	24-7
VI	PARKING RULES		
	Section 24-6-1	- Time Limit Parking	24-8
	Section 24-6-2	- Parking for Sale or Repair	24-8
	Section 24-6-3	- Private Property	24-8
	Section 24-6-4	- Stopping, Standing or Parking Prohibited in Specified Places	24-8
	Section 24-6-5	- Parking for the Handicapped	24-9
	Section 24-6-6	- Towing Cars Away	24-10

ARTICLE	TITLE			PAGE
VI	PARKING RULES (CONTINUED)			
	Section 24-6-7	-	Parking Violations	24-10
	Section 24-6-8	-	Prima Facie Proof	24-10
	Section 24-6-9	-	Snow Routes	24-11
	Section 24-6-10	-	Parking Tickets - State Statute	24-11
VII	ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES			
	Section 24-7-1	-	Abandonment of Vehicles Prohibited	24-12
	Section 24-7-2	-	Abandoned, Lost, Stolen or Unclaimed Vehicle Notification to Law Enforcement Agencies	24-12
	Section 24-7-3	-	Removal of Motor Vehicles or Other Vehicles; Towing or Hauling Away	24-12
	Section 24-7-4	-	Police Tows; Reports, Release of Vehicles, Payment	24-13
	Section 24-7-5	-	Record Searches for Unknown Owner	24-13
	Section 24-7-6	-	Identifying and Tracing Vehicle	24-14
	Section 24-7-7	-	Reclaimed Vehicles; Expenses	24-14
	Section 24-7-8	-	Disposal of Unclaimed Vehicle	24-14
	Section 24-7-9	-	Disposal of Unclaimed Vehicles Without Notice	24-15
	Section 24-7-10	-	Disposal of Hazardous Dilapidated Motor Vehicles	24-16
	Section 24-7-11	-	Collection of Unpaid Charges	24-16
	Section 24-7-12	-	Police Record for Disposed Vehicle	24-16
	Section 24-7-13	-	Public Sale Proceeds; Disposition of	24-16
	Section 24-7-14	-	Liability of Law Enforcement Officers	24-16
	Section 24-7-15	-	Violations of Article	24-17
VIII	BICYCLE REGULATIONS			
	Section 24-8-1	-	Applicability of Traffic Regulations	24-18
	Section 24-8-2	-	Riding Restrictions	24-18
	Section 24-8-3	-	Riding Procedures on Roadways and Bicycle Paths	24-18
	Section 24-8-4	-	Speed Restriction	24-18
	Section 24-8-5	-	Procedure on Entering Public Ways	24-18
	Section 24-8-6	-	Restrictions on Carrying Articles	24-19
	Section 24-8-7	-	Parking Restrictions	24-19
	Section 24-8-8	-	Procedure When Riding on Sidewalk	24-19
	Section 24-8-9	-	Lamps and Other Equipment on Bicycles	24-19
	Section 24-8-10	-	Registration	24-19
IX	PENALTY			
	Section 24-9-1	-	Penalty	24-20
	Schedule "A"	-	Stop Intersections	MV-1
	Schedule "F"	-	Load Limit Streets	MV-7
	Schedule "G"	-	No Parking Zones	MV-8

CHAPTER 24

MOTOR VEHICLE CODE

ARTICLE I - DEFINITIONS

24-1-1 **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled **"Title and Definitions",** as passed, approved and amended by the Illinois General Assembly is hereby adopted by the County, the provisions thereof shall be controlling within the County. **(See 55 ILCS Sec. 5/5-6001 et seq.)**

ARTICLE II - GENERAL REGULATIONS

24-2-1 **OBEDIENCE TO POLICE.** Members of the Sheriff's Department, Special Deputies, and Auxiliary Deputies assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Code or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct traffic. **(See 625 ILCS Sec. 5/11-203)**

24-2-2 **SCENE OF FIRE.** The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of the Sheriff's deputies in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Sheriff's Department. The Emergency Management Agency members shall also have similar powers and authority as the Sheriff's personnel.

24-2-3 **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the County or in accordance with the laws of the State of Illinois except upon direction of a police officer or Sheriff's deputy. All signs and signals established by direction of the governing body shall conform to the **Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. (See 625 ILCS 5/11-301)**

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal. **(See 625 ILCS 5/11-310)**

24-2-5 **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal. **(See 625 ILCS 5/11-311)**

24-2-6 **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the County any sign, signal, marking or device other than a traffic sign or signal authorized by the County Board or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapter 40 - Zoning Code)**

ARTICLE III - STOP AND THROUGH STREETS

24-3-1 **<u>THROUGH STREETS.</u>** The streets and parts of streets of the County designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer.

24-3-2 **<u>ONE-WAY STREETS OR ALLEYS.</u>** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. **(See 625 ILCS Sec. 5/11-208)**

24-3-3 **<u>STOP STREETS.</u>** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. **Schedule "A"** shall list all stop intersections. **(See 625 ILCS Sec. 5/11-302)**

24-3-4 **<u>YIELD RIGHT-OF-WAY STREETS.</u>** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. **Schedule "D"** shall list all applicable yield right-of-way intersections. **(See 625 ILCS 5/11-302)**

24-3-5 **<u>POSTING SIGNS.</u>** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS Sec. 5/11-304)**

ARTICLE IV - DRIVING RULES

24-4-1 **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 5/11-100 et seq.**, entitled **"Rules of the Road",** as passed, approved and amended by the Illinois General Assembly is hereby adopted by the County and the provisions thereof shall be controlling within the County except for the following changes, deletions and omissions:

(A) **Omissions:**

(1) Omit Sections 5/11-202, 5/11-204, 5/11-207, 5/11-208, 5/11-208.1, 5/11-208.2, 5/11-209, 5/11-211, 5/11-302, 5/11-303, 5/11-500 to and including 5/11-504, 5/11-602, 5/11-603, 5/11-604, 5/11-606(b), 5/11-608, 11-1419.02, and 11-1422.

(B) **Changes and Additions:**

(1) Change 5/11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."

(2) Change 5/11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

24-4-2 **DRIVING RULES.**

(A) **Careless Driving.** It shall be unlawful to operate a vehicle in the County in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B) **Drag Racing Unlawful.** No person shall be a participant in drag racing as defined in **Section 5/11-504 of the Illinois Compiled Statutes.**

(C) **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in a peace officer's uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official emergency vehicle.

(D) **Unlawful Possession of Highway Sign or Marker.** The Department of Local Authorities with reference to traffic-control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths of an inch (3/8")** or more than **three-fourths of an inch (3/4")** in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department, deputy sheriffs, contractors and their employees engaged in highway construction, contract or work on

the highway approved by the Department, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified. **(See 625 ILCS Sec. 5/11-313)**

(E) **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the County and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. **(See 625 ILCS Sec. 5/11-608)**

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the County Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street, unless otherwise posted. **(Schedule "C"** shall be an integral part of this Section.) **(See 625 ILCS Sec. 5/11-604)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This Section shall not be applicable unless appropriate signs are posted upon streets and maintained by the County or State wherein the school zone is located. **(See 625 ILCS Sec. 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and roads of this County at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or roads. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and it is the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the County has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets or roads in the County.

(K) **Traffic Lane.** A vehicle shall be driven within the boundaries of the traffic lane that the driver is using.

24-4-3 **TRANSPORTING LIQUOR IN VEHICLES.** No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in the County except in the original container and with the seal unbroken. **(See 625 ILCS Sec. 5/11-502)**

24-4-4 **EXCESSIVE NOISE - STOPPED VEHICLE.** No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

24-4-5 **EXCESSIVE NOISE - WHEELS.** No operator of a motor vehicle shall, when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

24-4-6 **EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall accelerate the engine thereof when shifting the gears of such vehicle in such a manner as to cause the rear wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/11-505)**

24-4-7 **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the County in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

24-4-8 **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

ARTICLE V - EQUIPMENT OF VEHICLES

24-5-1 **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Article 5/12,** entitled **"Equipment of Vehicles",** as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the County and the provisions thereof shall be controlling within the County, except for the last sentence of Sections 5/12-205, beginning with "the" and ending with "act", 5/12-605, and 5/12-605.1.

24-5-2 **MUFFLER.** No motor vehicle shall be operated on any highway or street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(See 625 ILCS 5/12-602)**

24-5-3 **SOUND AMPLIFICATION SYSTEM.** No driver of any motor vehicle within this County shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This Section shall not apply to authorized emergency vehicles. **(See 625 ILCS 5/12-611)**

24-5-4 **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for an operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the County that emits excessive noise unless it is an emergency. The Superintendent is authorized and directed to post signs stating: **"EXCESSIVE ENGINE BRAKING NOISE PROHIBITED"** at appropriate locations. **(See 625 ILCS 5/12-602.1)**

ARTICLE VI - PARKING RULES

24-6-1 **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

24-6-2 **PARKING FOR SALE OR REPAIR.** No person shall park a vehicle upon any street or road for the purpose of:

(A) displaying such vehicle for sale; or

(B) washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

24-6-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-6-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a deputy sheriff, a police officer, or official traffic-control devices, no person shall:

(1) **Stop, Stand or Park a Vehicle:**

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(b) On a sidewalk.

(c) Within an intersection.

(d) On a crosswalk.

(e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(h) On any railroad tracks.

(i) At any place where official signs prohibit stopping.

(j) On any controlled-access highway.

(k) In the area between roadways of a divided highway, including crossovers.

(l) In any alley that is open and maintained.

(2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):

(a) In front of a public or private driveway.

(b) Within **fifteen (15) feet** of a fire hydrant.

(c) Within **twenty (20) feet** of a crosswalk at an intersection.

(d) Within **thirty feet (30')** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.

(e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).

(f) At any place where official signs prohibit standing or parking.

(3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):

(a) within **fifty (50) feet** of the nearest rail of a railroad crossing.

(b) at any place where official signs prohibit parking.

(c) in yellow zones.

(B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(C) **Schedule "G"** shall list all applicable no-parking zones.

(D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:

(1) Upon any street, alley or any public way within the County except for the purpose and time period reasonably necessary to load and unload the same.

(2) Upon public or private property within the County with the motor running for a continuous period in excess of **thirty (30) minutes**. **(See 625 ILCS 5/3-815)**

24-6-5 PARKING FOR THE HANDICAPPED.

(A) **Designated Parking.** Certain parking spaces within the confines of the County shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the County.

(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(See 625 ILCS Sec. 5/11-1301.2)**

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency or a County Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance

with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes**. The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **Two Hundred Fifty Dollars ($250.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle. **(See 625 ILCS 5/11-1301.3(C))**

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H".**

24-6-6 **TOWING CARS AWAY.** The Sheriff's Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours**.

Vehicles towed away shall be stored on any County property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the County in removing and storing such vehicle(s).

24-6-7 **PARKING VIOLATIONS.** Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the County **Fifteen Dollars ($15.00)** for each such offense and **Twenty-Five Dollars ($25.00)** for the second offense within **six (6) months**. Such payment may be made at the County Sheriff's office and a receipt shall be issued for all money so received and such money shall be promptly turned over to the County Treasurer to be credited to the General Fund. The members of the Sheriff's Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days**.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Sheriff's Department.

(A) **Removal – Time Limit.** Any vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by the Sheriff's Department of the County. In any emergency, any vehicle may be removed by any means when authorized by the Sheriff's Department.

24-6-8 **PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-6-9 **<u>SNOW ROUTES.</u>** It shall be unlawful to park a vehicle on the designated streets at any time within **eighteen (18) hours** after a snowfall of **three (3) inches** or more, unless the street has been cleared of snow. See **Schedule "S"**.

24-6-10 **<u>PARKING TICKETS – STATE STATUTE.</u>** The County Board intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure4 set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.

ARTICLE VII – ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES

24-7-1 <u>ABANDONMENT OF VEHICLES PROHIBITED.</u>

(A) The abandonment of a vehicle or any part thereof on any highway in this County is unlawful and subject to penalties as set forth under **Section 1-1-20** of this Code.

(B) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this County is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the County, after a waiting period of **seven (7) days** or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

(C) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the County or a law enforcement agency. **(625 ILCS 5/4-201)**

24-7-2 <u>ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.</u> When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this County, not the owner of the vehicle, such person shall immediately notify the Sheriff's Department when the vehicle is outside the corporate limits of any Municipality having a duly authorized police department, or the State Police. Upon receipt of such notification, the Sheriff will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

24-7-3 <u>REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.</u>

(A) When a vehicle is abandoned on a highway in an urban district **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

24-7-4 <u>POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT.</u> When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B) The Sheriff's Department authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-204)**

24-7-5 <u>RECORD SEARCHES FOR UNKNOWN OWNER.</u>

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the

impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. Mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. Mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(D) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(E) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Vehicle Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State. **(625 ILCS 5/4-205)**

24-7-6 <u>IDENTIFYING AND TRACING OF VEHICLE.</u> When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 24-7-5** of this Code. **(625 ILCS 5/4-206)**

24-7-7 <u>RECLAIMED VEHICLES; EXPENSES.</u>

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

24-7-8 <u>DISPOSAL OF UNCLAIMED VEHICLE.</u>

(A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under **Article 5** of **Chapter 625 of the**

Illinois Compiled Statutes or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.

(B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(C) In those instances where the certified notification specified in **Section 24-97-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided for in **Section 24-7-8** without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Article, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the **ten (10) day** period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

(1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.

(2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(C) **Antique Vehicle.** A vehicle classified as an antique vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it. **(625 ILCS Sec. 5/4-209)**

24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

24-7-11 COLLECTION OF UNPAID CHARGES. In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

24-7-12 POLICE RECORD FOR DISPOSED VEHICLE. When a vehicle in the custody of the County or law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.

(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the County.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

24-7-14 LIABILITY OF LAW ENFORCEMENT OFFICERS.

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

24-7-15 **<u>VIOLATIONS OF ARTICLE.</u>**

(A) Any person who violates **Section 24-7-1** of this Article or who aids and abets in that violation:

(1) shall be subject to a mandatory fine of **Five Hundred Dollars ($500.00)**; and

(2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 24-7-3(A) and (E)**.

(B) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of **thirty (30) days'** storage fees.

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

(1) a report of vehicle theft was filed with respect to the vehicle; or

(2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-214)**

ARTICLE VIII - BICYCLE REGULATIONS

24-8-1 <u>APPLICABILITY OF TRAFFIC REGULATIONS.</u>

(A) The regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated in this Chapter.

(B) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by this title applicable to the driver of a vehicle, except as to special regulations in this Chapter and except as to those regulations which by their nature can have no application.

(C) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer or sheriff's deputy.

(D) Whenever authorized signs are erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

24-8-2 <u>RIDING RESTRICTIONS.</u>

(A) A person propelling a bicycle shall not ride other than astride a permanent or regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at **one (1) time** than the number for which it is designed and equipped.

24-8-3 <u>RIDING PROCEDURES ON ROADWAYS AND BICYCLE PATHS.</u>

(A) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than **two (2) abreast** except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

24-8-4 <u>SPEED RESTRICTION.</u> No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

24-8-5 <u>PROCEDURE ON ENTERING PUBLIC WAYS.</u> The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

24-8-6 **RESTRICTIONS ON CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least **one (1) hand** upon the handlebars.

24-8-7 **PARKING RESTRICTIONS.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at a curb, in such a manner as to obstruct pedestrian traffic.

24-8-8 **PROCEDURE WHEN RIDING ON SIDEWALK.** Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

24-8-9 **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

(A) Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front and with a red reflector on the rear of a type approved by the Illinois Department of Transportation which shall be visible from all distances of **one hundred (100) feet** to **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred (200) feet**.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of **five hundred (500) feet** and shall be essentially colorless or red or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least **three-sixteenths (3/16)** of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front facing reflector.

24-8-10 **REGISTRATION.** All groups and organizations planning to use the County road system shall register the "bicycle ride" with the Sheriff's office, if the number of cyclists is over **five (5) people**. No group shall ride on the County roads unless they have the Sheriff's permission.

ARTICLE IX - PENALTY

24-9-1 **PENALTY.** A **Thirty Dollar ($30.00)** fee shall be added to all fines imposed for violation of **625 ILCS 5/11-501** (Driving Under the Influence of Alcohol), of the Illinois Vehicle Code, and committed in Clinton County, Illinois. Such fee shall be used to finance the court system in Clinton County. **(Ord. No. 86-18; 10-06-86)**

CITATION FORM

NO. _____

DATE _____ TIME _____

LICENSE NO. _____ STATE _____

LICENSE EXPIRES _____ MAKE OF VEHICLE _____

METER NUMBER _____ OFFICER _____

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

1.	Overparked, Two Hour Zone	$15.00 [ ]
2.	Double Parked	$15.00 [ ]
3.	Parked at Fire Plug	$15.00 [ ]
4.	Blocking Driveway or Alley	$15.00 [ ]
5.	Parked Where Official Signs Erected	$15.00 [ ]
6.	Improper Parking	$15.00 [ ]
7.	Yellow Line	$15.00 [ ]
8.	Each Additional Hour Violation	$15.00 [ ]
9.	Parking on Sidewalk	$15.00 [ ]

NAME _____

ADDRESS _____

VILLAGE _____ STATE _____ ZIP CODE _____

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than **$25.00** will be collected.

FOR YOUR CONVENIENCE

After detaching your Ticket Stub, place the fine in the envelope and deposit at the Sheriff's office.

[See Section 1-1-20 for General Penalty Provisions]

SCHEDULE "A"

STOP INTERSECTIONS

In accordance with **Section 24-1-1** and **Section 24-1-3**, the following are hereby designated as stop intersections, as posted:

County Highway No. 1, ILL 127 East to Hopewell Road.

Log Mile Location of Stop Signs:

1.55 mi., left (?)
2.30 mi., right (Hopewell)

County Highway No. 2, County Line South and West to ILL 127.

Log Mile Location of Stop Signs:

0.00 mi., left (Keyesport)
0.50 mi., left (Washington)
0.70 mi., right (Elliott)
1.00 mi., left (Walcott)
1.00 mi., right (Walcott)
1.02 mi., right (?)
1.62 mi., left (Panorama)
2.11 mi., left (Rose)
2.43 mi., left (Oak Grove)
2.91 mi., left (Burnside)
3.95 mi., right (C.H. 2)
3.95 mi., right (Hopewell)
3.95 mi., right (Emerald)
3.96 mi., left (C.H. 2)
4.45 mi., left (Millstone)
4.95 mi., left (Hopewell)
5.45 mi., left (Fisher)

County Highway No. 3, County Line South and West to US 50.

Log Mile Location of Stop Signs:

0.50 mi., left (Louise Creek)
0.50 mi., right (Louise Creek)
1.76 mi., left (C.H. 3)
2.55 mi., left (Buchele)
2.55 mi., right (Corps ?)
3.30 mi., right (Prichett)
4.30 mi., left (Quick)
4.35 mi., left (Clark)
4.45 mi., right (Gambill)
4.46 mi., right (Gambill)
4.47 mi., right (Gambill)
4.58 mi., right (Boat Ramp)
5.50 mi., right (Nut)
6.00 mi., left (Lake Villa)
6.00 mi., right (Lake Villa)
6.36 mi., left (Wortman)
6.52 mi., left (Wortman)
6.80 mi., right (Coles Creek)
6.96 mi., right (Coles Creek)
7.85 mi., left (Wiedle)
7.85 mi., right (Wiedle)
8.85 mi., left (Brink)
8.85 mi., right (Brink)
9.85 mi., left (Grasher)

County Highway No. 4, ILL 161 North to South of Huey.

Log Mile Location of Stop Signs:

0.12 mi., left (Second)[1]
0.12 mi., right (Second)[1]
0.21 mi., left (First)[1]
0.21 mi., right (First)[1]
0.24 mi., left (Main)[1]
0.24 mi., right (Main)[1]
0.36 mi., left (?)[1]
0.36 mi., right (?)[1]
0.49 mi., right (?)[1]
1.00 mi., left (Hugo)
1.00 mi., right (Hugo)
1.95 mi., right (College)
2.18 mi., right (Knolhoff)
3.40 mi., left (Vogel)
4.90 mi., right (Hammal)
5.40 mi., left (Sand Ridge)
5.40 mi., right (Sand Ridge)

County Highway No. 5, US 50 South to ILL 161.

Log Mile Location of Stop Signs:

0.40 mi., left (Front)
0.47 mi., left (Sandoval)
1.49 mi., left (Sand Ridge)
1.49 mi., right (Sand Ridge)
3.01 mi., left (Felton)
3.01 mi., right (Felton)
3.51 mi., left (College)
3.51 mi., right (College)
3.81 mi., left (? South KC)
4.09 mi., left (Prison)
4.09 mi., left (Prison)
4.97 mi., left (Roger)
4.97 mi., right (Hugo)

County Highway No. 6, US 50 South to ILL 161.

Log Mile Location of Stop Signs:

0.21 mi., left (Railroad)[2]
0.26 mi., left (First)[2]
0.34 mi., left (Second)[2]
0.41 mi., left (Third)[2]
0.46 mi., left (Forth)[2]
0.74 mi., right (Cemetery)
1.01 mi., left (Highline)
1.01 mi., right (Highline)
2.01 mi., left (Old Carlyle)
2.01 mi., right (Old Carlyle)
2.96 mi., left (Isaak)
3.03 mi., left (Kohrmann)
3.75 mi., right (Old Carlyle)
4.10 mi., right (Old Carlyle)
5.06 mi., left (Oil Field)
5.06 mi., right (Oil Field)
5.87 mi., right (?)[3]
5.97 mi., right (?)[3]
6.01 mi., right (?)[3]

County Highway No. 7, US 50 South to ILL 161.

Log Mile Location of Stop Signs:

0.05 mi., left (?)[4]
0.05 mi., right (?)[4]
0.12 mi., left (?)[4]
0.12 mi., right (?)[4]
0.20 mi., left (?)[4]
0.35 mi., left (Carlyle)[4]
0.55 mi., left (S. 4th)[4]
1.05 mi., left (Breese)
1.05 mi., right (Breese)
2.05 mi., left (Highline)
2.05 mi., right (Highline)
3.02 mi., left (Wesclin)
3.02 mi., right (Wesclin)
3.07 mi., left (Ash)
3.30 mi., left (Birch)
3.40 mi., right (?)[5]
3.57 mi., left (Old Carlyle)[5]
3.65 mi., left (Linda)[5]
3.70 mi., left (Henry)[5]
3.74 mi., left (Mill)[5]
3.74 mi., right (Mill)[5]
3.80 mi., left (Clinton)[5]
3.80 mi., right (Clinton)[5]
3.86 mi., right (Main)[5]
3.92 mi., left (Church)[5]
3.92 mi., right (Church)[5]
3.99 mi., right (Walnut)[5]
4.04 mi., left (Sycamore)[5]
4.04 mi., right (Sycamore)[5]

County Highway No. 8, US 50 South to ILL 161 (Aviston to Albers).

Log Mile Location of Stop Signs:

0.01 mi., right (Regal)[6]
0.05 mi., left (Maple)[6]
0.05 mi., right (Redwood)[6]
0.07 mi., left (Oak)[6]
0.07 mi., right (Oak)[6]
0.12 mi., left (Elm)[6]
0.59 mi., right (Forth)[6]
0.64 mi., left (Fifth)[6]
1.10 mi., right (Rocky Ford)
1.34 mi., right (Catalfa)
2.10 mi., left (Highline)
3.20 mi., left (Wesclin)

0.30 mi., left (Logan)[6]
0.30 mi., right (Logan)[6]
0.35 mi., left (Railroad)[6]
0.35 mi., right (Railroad)[6]
0.41 mi., right (First)[6]
0.49 mi., left (Second)[6]
0.49 mi., right (Second)[6]
0.54 mi., left (Third)[6]
0.54 mi., right (Third)[6]
0.59 mi., left (Forth)[6]
3.20 mi., right (Wesclin)
4.10 mi., left (Court)
4.10 mi., right (Court)
4.40 mi., right (Susan)[7]
4.45 mi., right (Debra)[7]
4.60 mi., right (Alois)[7]
4.73 mi., right (Hendricks)[7]
4.80 mi., left (Dwight)[7]
4.80 mi., right (Dwight)[7]

<u>County Highway No. 8, ILL 161 South to Damiansville then west.</u>

Log Mile Location of Stop Signs:

0.05 mi., left (Railroad)[7]
0.08 mi., left (Johnson)[7]
0.27 mi., left (?)[7]
1.30 mi., left (Monterey)
1.30 mi., right (Monterey)
2.26 mi., right (C.H. 8)
2.27 mi., left (Nursery)
2.55 mi., left (Peach)[8]
2.70 mi., left (Plum)[8]
2.71 mi., right (Hickory)[8]
2.80 mi., right (Cherry)[8]
2.85 mi., left (Park ?)[8]
2.90 mi., right (N. Church)[8]
2.98 mi., left (Parish)[8]
3.00 mi., right (Walnut)[8]
3.14 mi., left (Circle)[8]
3.25 mi., left (Sugar Cr.)[8]
3.85 mi., right (Winter)
4.40 mi., right (Billhartz)
4.61 mi., left (Billhartz)

<u>County Highway No. 9, ILL 127 West to C.H. 13.</u>

Log Mile Location of Stop Signs:

1.50 mi., left (Flat Branch)
1.50 mi., right (Flat Branch)
2.25 mi., left (Varel)
2.75 mi., right (Sharp)
3.50 mi., right (Beaver)
4.25 mi., left (Huelsmann)

<u>County Highway No. 10, Damiansville Road North to ILL 161.</u>

Log Mile Location of Stop Signs:

0.00 mi., right (Damiansville)
0.99 mi., right (Haselhorst)
1.00 mi., left (?)
1.60 mi., right (Missouri)[9]
1.63 mi., right (Indiana)[9]
1.67 mi., right (Illinois)[9]

<u>County Highway No. 11, US 50 North to County Line.</u>

Log Mile Location of Stop Signs:

0.04 mi., left (N. 5th)[4]
0.04 mi., right (N. 5th)[4]
0.10 mi., left (N. 6th)[4]
0.10 mi., right (N. 6th)[4]
0.16 mi., left (N. 7th)[4]
0.16 mi., right (N. 7th)[4]
0.22 mi., left (N. 8th)[4]
0.22 mi., right (N. 8th)[4]
0.30 mi., left (N. 9th)[4]
0.35 mi., left (N. 10th)[4]
0.45 mi., right (Vossclare)[4]
2.13 mi., left (Old State)
2.60 mi., right (Old State)
2.94 mi., left (Cybertel)
3.28 mi., right (Creekside)
4.50 mi., right (Tin Shanty)
5.00 mi., left (Quarry)
5.25 mi., right (Kampwerth)
6.25 mi., left (Goodings Ford)
6.25 mi., right (Goodings Ford)
7.75 mi., right (Low Bridge)
8.25 mi., left (Surge)

0.50 mi., left (N. 11th)[4]
0.53 mi., right (?)[4]
0.57 mi., left (? Shell)[4]
0.97 mi., left (Holy Cross)
0.97 mi., right (Holy Cross)
1.70 mi., right
8.25 mi., right (Surge)
8.75 mi., left (Keyesport)
8.75 mi., right (Keyesport)
9.00 mi., left (Westfall)
9.15 mi., right (Pieron)

County Highway No. 12, From C.H. 14 East to C.H. 11.

Log Mile Location of Stop Signs:

0.11 mi., left (Church)
0.11 mi., right (Church)
1.00 mi., left (Ellwood)
1.22 mi., right (Ellwood)

County Highway No. 13, From Old US 50 North to County Line.

Log Mile Location of Stop Signs:

1.77 mi., left (Old State)
1.77 mi., right (Old State)
2.52 mi., left (Moise)
2.52 mi., right (Moise)
3.02 mi., left (Huelsmann)
3.02 mi., right (Huelsmann)
4.73 mi., right (Wringe)
5.72 mi., left (Peek)
5.72 mi., right (Peek)
6.46 mi., right (Spring)
6.71 mi., left (Church)
7.70 mi., right (C.H. 13)
7.71 mi., right (Stolletown)
8.70 mi., left (Jenne)
8.70 mi., left (Emerald)
9.97 mi., right (Hull)
10.74 mi., left (Keyesport)
10.74 mi., right (Keyesport)

County Highway No. 14, From Old US 50 North and West to County Line.

Log Mile Location of Stop Signs:

1.00 mi., right (Holy Cross)
1.55 mi., left (Old State)
1.55 mi., right (Old State)
2.70 mi., right (Cyber Tel)
3.00 mi., left (Lee)
4.00 mi., left (Wayne)
4.00 mi., right (Wayne)
4.68 mi., right (?)
4.71 mi., right (Blue Mound)
4.78 mi., right (2nd)
4.87 mi., right (1st)
4.95 mi., right (C.H. 14)
4.95 mi., left (Main)
4.96 mi., right (Main)
4.96 mi., left (C.H. 14)
5.20 mi., left (Cemetary)
5.20 mi., right (Cemetary)
5.95 mi., left (Iberg)
5.95 mi., right (Goodings Ford)
6.70 mi., left (Henrichs)
7.85 mi., right (Water Tower)
7.98 mi., right (Surge)
8.60 mi., left (Fricker)
8.60 mi., right (Fricker)
10.10 mi., left (Baumann)

County Highway No. 15, From C.H. 2 South and West to ILL 127.

Log Mile Location of Stop Signs:

1.04 mi., left (Hopewell)
2.01 mi., right (C.H. 15)
2.01 mi., island (C.H. 15)
2.74 mi., right (McKay)
2.98 mi., right (Hazlet Pk.)
3.97 mi., left (Lake Shore)
3.97 mi., left (C.H. 15)
4.04 mi., left (Candy Corner)
4.14 mi., left (Clark)
4.20 mi., left (Jessie)

County Highway No. 16, From County Line North to West to ILL 161.

Log Mile Location of Stop Signs:

1.30 mi., left (Foster)
1.55 mi., left (Gas Plant)

County Highway No. 17, From ILL 127 West to C.H. 13.

Log Mile Location of Stop Signs:

0.97 mi., right (Kell)
1.42 mi., left (Flat Branch)
2.45 mi., right (Walker)
2.97 mi., left (Beaver)
2.97 mi., right (Beaver)

County Highway No. 18, From ILL 161 South to County Line.

Log Mile Location of Stop Signs:

0.71 mi., left (W. 4th)
0.76 mi., right (W. 4th)
1.27 mi., left (W. 10th)
1.71 mi., right (W. 10th)
2.21 mi., right (W. 17th)
2.22 mi., left (C.H. 18)

County Highway No. 19, From US 50 North to C.H. 3.

Log Mile Location of Stop Signs:

1.30 mi., left (Brink)
1.30 mi., right (Brink)
2.30 mi., left (Wiedle)
3.30 mi., left (Wortman)
3.30 mi., right (Wortman)
4.30 mi., right (Pigg)
4.80 mi., left (Hintz)
5.52 mi., right (Ducomb)
5.80 mi., right (Crowder)
6.55 mi., left (East Fork)
6.92 mi., right (HenHouse)
7.82 mi., left (Shattuc)
8.05 mi., left (Bud)

County Highway No. 20, From C.H. 15 South to ILL 127.

Log Mile Location of Stop Signs:

0.08 mi., right (Candy Corner)
0.19 mi., right (Oak)
0.70 mi., left (Hawn Corps)
1.66 mi., left (Corps)[10]
1.66 mi., right (Corps)[10]
1.90 mi., left (Corps)[10]
1.97 mi., right (C.H. 20)[10]
1.98 mi., left (C.H. 20)[10]
2.17 mi., right (Eula Mae)[10]
2.36 mi., left (W. Lake)[10]
2.36 mi., right (Eula Mae)[10]
2.45 mi., left (McDonalds)[10]
2.45 mi., right (Gov's Run)[10]

Superscripts indicate that signs are maintained by the following cities and villages:

1. Hoffman
2. Beckemeyer
3. Bartelso
4. Breese
5. Germantown
6. Aviston
7. Albers
8. Damiansville
9. New Baden
10. Carlyle

THROUGH STREET	**STOP STREET – DIRECTION**
Noltings Rd.	W. 17th St. (Both) **(#04-06-13)**

FOUR-WAY STOP

St. Rose (FAS 778)	and	Main St. (C.H. 12)

SCHEDULE "C"

SPEED LIMIT ZONES

In accordance with the provisions of **Section 24-4-2**, the following "Speed Limit Zones" are hereby designated, to wit:

STREET (SPEED)		LOCATION
Boulder Road (45 MPH)	From	200' South of Boulder Access Rd. North and East for 1.6 miles to 2,300' West of Buchele Rd. **(Res. No. 2016-8-6)**
Main St. (35 MPH)	From	St. Rose Rd. west 1620 feet **(#2017-19)**
St. Rose Rd. (35 MPH)	From	St. Rose Park to the north limits of the Village **(#2017-19)**

SCHEDULE "F"

LOAD LIMIT STREETS

In accordance with **Section 24-7-8** of this Code and **Section 15-111** of **Chapter 625** of the **Illinois Compiled Statutes**, the following are hereby established as special load limit streets:

I. Class III Routes Established

STREET – LIMIT		LOCATION
C.H. 6 (Bartelso Rd.) – 80,000 pounds	From	Old U.S. Route 50 extending south for 6.11 miles **(#02-03-07; 02-18-03)**
C.H. 7 (Germantown Rd.) – 80,000 pounds	From	Old U.S. Route 50 extending south for 4.27 miles **(#05-04-07)**

SCHEDULE "G"

NO PARKING ZONES

In accordance with the provisions of **Section 24-6-3(C)** of this Code, the following streets are hereby designated as "No Parking" zones, to-wit:

I. 15 Minute Limit from 7:00 A.M. to 3:30 P.M. on School Days Only

STREET – SIDE		LOCATION
Main St. (North side)	From	The center line of St. Rose Rd. to a point 175 feet east to a point 255 feet east. **(#2009-08)**

NUISANCES

ARTICLE			***TITLE***	***PAGE***
I	***GENERALLY***			
	Section 25-1-1	-	*Specific Nuisances Enumerated*	*25-1*
	Section 25-1-2	-	*Nuisances Detrimental to Health Generally*	*25-2*
	Section 25-1-3	-	*Notice to Abate*	*25-3*
	Section 25-1-4	-	*Abatement of Nuisance by County; Unknown Owner*	*25-3*
	Section 25-1-5	-	*Failure to Comply with Notice*	*25-3*
	Section 25-1-6	-	*Penalty for Repeat Violations*	*25-3*
	Section 25-1-7	-	*Penalty for Non-Compliance*	*25-3*
II	***WEEDS***			
	Section 25-2-1	-	*Definition*	*25-4*
	Section 25-2-2	-	*Declared Nuisance*	*25-4*
	Section 25-2-3	-	*Notice of Nuisance*	*25-4*
	Section 25-2-4	-	*Service of Notice*	*25-4*
	Section 25-2-5	-	*Abatement*	*25-4*
	Section 25-2-6	-	*Lien Imposed*	*25-4*
	Section 25-2-7	-	*Payment*	*25-4*
	Section 25-2-8	-	*Foreclosure of Lien*	*25-4*
	Section 25-2-9	-	*Penalty for Repeat Violations*	*25-5*
	Section 25-2-10	-	*Penalty for Non-Compliance*	*25-5*
III	***GARBAGE AND DEBRIS***			
	Section 25-3-1	-	*Accumulation Prohibited*	*25-6*
	Section 25-3-2	-	*Notice to Person*	*25-6*
	Section 25-3-3	-	*Service of Notice*	*25-6*
	Section 25-3-4	-	*Abatement*	*25-6*
	Section 25-3-5	-	*Lien*	*25-6*
	Section 25-3-6	-	*Payment*	*25-6*
	Section 25-3-7	-	*Foreclosure of Lien*	*25-6*
	Section 25-3-8	-	*Penalty for Repeat Violations*	*25-6*
	Section 25-3-9	-	*Penalty for Non-Compliance*	*25-7*
IV	***BUIDING AS NUISANCE***			
	Section 25-4-1	-	*Building Condition – Nuisance*	*25-8*
	Section 25-4-2	-	*Time Limit*	*25-8*
	Section 25-4-3	-	*Notification*	*25-8*
	Section 25-4-4	-	*Dangerous and Unsafe Building Defined*	*25-8*
	Section 25-4-5	-	*Standards for Repair, Vacation or Demolition*	*25-9*
	Section 25-4-6	-	*Dangerous and Unsafety Buildings – Nuisances*	*25-9*
	Section 25-4-7	-	*Duties of the State's Attorney*	*25-9*
	Section 25-4-8	-	*Liens*	*25-9*

CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the County, for any person, firm or corporation within the limits of the County to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) **Bodies of Water.** To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water or ground surface, so that it harbors mosquitoes, flies or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(J) **Storing Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, including but not limited to tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious and dangerous to the health of individuals or the public.

(K) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply, or from one underground stratum to another.

(L) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(M) **Business.** To establish, maintain and carry on any offensive or unwholesome business or establishment within the County.

(N) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink

upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds, and premises belonging to or occupied by him.

(O) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(P) **Litter on Streets.** It shall be unlawful for any person to deposit or allow trash, including but not limited to paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the County, or to be thrown by any person, or to throw from a moving vehicle and to remain thereon.

(Q) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the County.

(R) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(S) **Bringing Nuisances into the County.** To bring into the County, or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance or thing which shall be a nuisance or which shall occasion a nuisance in the County, or which may or shall be dangerous or detrimental to health.

(T) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive or putrid, or permit any such liquid to be discharged, placed, thrown or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(U) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(V) **Unplugged Wells.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged, after such well is no longer used for the purpose for which it was drilled.

(W) **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-out pit", so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(X) **Discarded Machinery.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well, or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Generally.** To commit any act which is determined by the County Board to be a nuisance or is otherwise declared a nuisance by any other Illinois statute, rule or regulation.

Nothing in this Section shall be construed to prevent the corporate authorities of this County from declaring what shall be nuisances, and abating them within the County limits.

25-1-2 **NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the County if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 **NOTICE TO ABATE.** Whenever the County Health Department Director or the Sheriff finds that a nuisance exists, he shall send a notice by mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

(A) A description of what constitutes the nuisance;

(B) The location of the nuisance;

(C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;

(D) A statement suggesting how such abatement might be accomplished;

(E) The date by which abatement must be completed;

(F) A statement indicating that if the nuisance is not abated by the date prescribed the County will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 **ABATEMENT OF NUISANCE BY COUNTY; UNKNOWN OWNER.** It shall be the duty of the Director of the Health Department and/or the Sheriff to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated, provided, however, that whenever the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance may be found in unknown or cannot be found, the Director of the Health Department and/or the Sheriff shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be paid by the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine.

25-1-5 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The County shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

25-1-6 **PENALTY FOR REPEAT VIOLATIONS.** If a property owner/violator is notified to abate a nuisance and complies, provided however, repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with abatement.

(A) First repeat violation - $250

(B) Second repeat violation - $500

(C) Third and fourth violations - $1,000

(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-17; 05-15-17)

25-1-7 **PENALTY FOR NON-COMPLIANCE.** If a property owner/violator is notified to abate a nuisance and does not comply, this shall carry an automatic fine and repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with abatement.

(A) First unabated offense - $250

(B) Second repeat violation - $500

(C) Third and fourth repeat violations - $1,000

(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-17; 05-15-17)

(See 720 ILCS Secs. 5/47-5; 5/47-10 and 5/47-15)

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following: Burdock, Ragweed (Giant), Ragweed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds.

25-2-2 **DECLARED NUISANCE.** It is hereby declared to be a nuisance for the owner or owners of subdivision lots in residential areas in the unincorporated areas of the County or any part thereof, to refuse or neglect to cut weeds, as defined by this Article when such weeds have reached a height in excess of **twelve (12) inches**.

25-2-3 **NOTICE OF NUISANCE.** The Director of the Health Department or designee or any other person so designated by the County Board Chairman may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **fifteen (15) days** after such notice has been duly served.

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of eaxh owner or owners.

25-2-5 **ABATEMENT.** If the owner or owners so notified does not abate the nuisance within **fifteen (15) days,** the Zoning Administrator may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

25-2-6 **LIEN IMPOSED.** The cost abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within **sixty (60) days** after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name filed notice of line in the County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting out:

(A) A description of the subdivision lot sufficient for identification thereof.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when such cost and expense was incurred by the County. However, the lien shall not be valid as to any purchaser whose rights in and to such subdivision lot have arisen subsequent to the weed cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such subdivision lot arise prior to the filing of such notice.

25-2-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and the release shall be filed for record in the same manner as filing notice of the lien.

25-2-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County after the lien is in effect for **sixty (60) days**.

25-2-9 **PENALTY FOR REPEAT VIOLATIONS.** If a property owner/violator is notified to abate a nuisance and complies, provided however, repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with abatement.

(A) First repeat violation - $250
(B) Second repeat violation - $500
(C) Third and fourth violations - $1,000
(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-17; 05-15-17)

25-2-10 **PENALTY FOR NON-COMPLIANCE.** If a property owner/violator is notified to abate a nuisance and does not comply, this shall carry an automatic fine and repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with abatement.

(A) First unabated offense - $250
(B) Second repeat violation - $500
(C) Third and fourth repeat violations - $1,000
(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-17; 05-15-17)

ARTICLE III - GARBAGE AND DEBRIS

25-3-1 **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. **It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.**

25-3-2 **NOTICE TO PERSON.** The Director of the Health Department or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Director or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the County shall be recorded in the following manner:

(A) A description of the real estate sufficient for identification thereof.

(B) The amount of money representing the cost and expense incurred or payable for the service.

(C) The date or dates when said cost and expense was incurred by the County and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-3-6 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the County, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

25-3-8 **PENALTY FOR REPEAT VIOLATIONS.** If a property owner/violator is notified to abate a nuisance and complies, provided however, repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with abatement.

(A) First repeat violation - $250
(B) Second repeat violation - $500
(C) Third and fourth violations - $1,000
(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-17; 05-15-17)

25-3-9 **PENALTY FOR NON-COMPLIANCE.** If a property owner/violator is notified to abate a nuisance and does not comply, this shall carry an automatic fine and repeat violations shall carry an automatic fine as noted. In addition, property owner/violator shall pay any cost associated with abatement.

(A) First unabated offense - $250
(B) Second repeat violation - $500
(C) Third and fourth repeat violations - $1,000
(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-17; 05-15-17)

(See 720 ILCS Sec. 5/47-10)

ARTICLE IV - BUILDING AS NUISANCE

25-4-1 **BUILDING CONDITION - NUISANCE.** The County Health Department Director or a designated representative shall report to the County Board when any building or structure in the County is in a dangerous condition and constitutes a nuisance. Hereinafter, all references to Director shall include "his designated representative".

25-4-2 **TIME LIMIT.** The owner of such building shall repair or alter it so as to make it safe within **ninety (90) days** from the time the notice is served upon him in the manner provided by law.

25-4-3 **NOTIFICATION.** The Director, with the approval of the County Board, shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows:

"This building has been found to be a dangerous and unsafe building by the County officials. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

25-4-4 **DANGEROUS AND UNSAFE BUILDING DEFINED.** All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe buildings".

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the County.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this County.

(J) Those buildings existing in violation of any provision of the Building Code of this County, or any provision of the Fire Prevention Code, or any other ordinances of the County.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

(M) If a property owner is notified that said property is in violation of the County Code and does not correct violation within **ninety (90) days**, the property owner will be fined **One Thousand Dollars ($1,000.00)** and turned over to the state's attorney's office. **(Ord. No. 2017-17; 05-15-17)**

25-4-5 **STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Director in ordering repair, vacation, or demolition:

(A) If the "dangerous and unsafe building" is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a "dangerous and unsafe building" if **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a "dangerous and unsafe building" is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the County, or statute of the State of Illinois, it shall be demolished. **(See "Non-Conforming Uses" of the Zoning Code)**

25-4-6 **DANGEROUS AND UNSAFE BUILDINGS - NUISANCES.** **All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore or hereinafter provided.**

25-4-7 **DUTIES OF THE STATE'S ATTORNEY.** The State's Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Director.

25-4-8 **LIENS.** The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within **sixty (60) days** after said cost and expense is incurred, the County or person performing the service by authority of the County, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

(A) A description of the real estate sufficient for identification therefor;

(B) The amount of money representing the cost and expense incurred or payable for the service; and

(C) The date or dates when said cost and expense was incurred by the County.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the County or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

[See Section 1-1-20 for General Penalty Provisions]

COUNTY OF CLINTON

NUISANCE VIOLATION

TO: _____
_____
_____

You are hereby notified that the County Health Department Director or his representative has determined that the property owned by you (and/or occupied by you, as the case may be) located at _____ located within the County contains an unlawful nuisance(s) as defined by **Section 25-1-1** of the Revised Code of Ordinances as follows:

_____
_____
_____

You are required pursuant to **Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this notice as follows:

_____
_____
_____

If you wish to appeal this notice, then the appeal shall be made to the County Health Department by: _____.

If the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this County will abate the nuisance and assess the costs against the property and/or impose a fine as provided by the **County Code, Chapter 25; Article I and Chapter 1.**

Dated this _____ day of _____, _____.

_____
DIRECTOR

NOTE: The penalty for failure to abate said nuisance(s) may be as high as $1,000.00 per violation plus the cost of the clean-up.

COUNTY OF CLINTON

N O T I C E

UNLAWFUL WEED GROWTH

TO: _____

_____

_____

You are hereby notified that the County Zoning Administrator has determined that property owned by you (and/or occupied by you, as the case may be) at _____, located within the Village Limits contains unlawful weed growth as defined by **Chapter 25, Article II**, of the Revised Code of Ordinances.

You are required to remove all growth within **five (5) days** from the date of this Notice.

If you refuse or neglect to remove such growth, the authorities of the County may provide for the removal thereof. The cost of such growth removal shall be paid by you.

_____
ZONING ADMINISTRATOR

Dated this _____ day of _____, _____.

NOTE: The penalty for failure to abate said nuisance(s) may be as high as $1,000.00 per violation plus the cost of the clean-up.

COUNTY OF CLINTON

N O T I C E

UNLAWFUL GARBAGE AND/OR DEBRIS

TO: _____
_____
_____

You are hereby notified that the Director of the County Health Department has determined that property owned by you (and/or occupied by you, as the case may be) located at _____, located within the County Limits contains garbage and/or debris as defined by **Chapter 25, Article III**, of the County Code.

You are required to remove all such material within **five (5) days** from the date of this Notice.

If you refuse or neglect to remove such garbage and/or debris, the authorities of the County may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

_____
DIRECTOR

Dated this _____ day of _____, _____.

NOTE: **The penalty for failure to abate said nuisance(s) may be as high as $1,000.00 per violation plus the cost of the clean-up.**

COUNTY OF CLINTON

LETTER OF NOTICE

DANGEROUS AND UNSAFE BUILDING

TO: _____
_____
_____

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned **County of Clinton Health Department** that said property has upon it a building which is:

[ ] Dangerous and/or unsafe

[ ] Uncompleted and/or abandoned

The lawful property shall be described as _____
_____
_____
(legal description)

located at _____
(address)

Unless such building is put into safe condition or demolished within **ninety (90) days** of the receipt of this notice, the County shall apply to the Circuit Court for an order authorizing such action to be taken by the **County of Clinton** with respect to the above described building. Any costs incurred by the County to restore the building to a safe condition or to demolish the building shall be recovered from the owner(s) of the above described property.

_____

Dated at _____, this _____ day of _____, _____.

_____
DIRECTOR OF THE
COUNTY HEALTH DEPARTMENT

(SEAL)

NOTE: **The penalty for failure to abate said nuisance(s) may be as high as $1,000.00 per violation plus the cost of the clean-up.**

OFFENSES

ARTICLE			***TITLE***	***PAGE***
I	***ANTI-LITTER***			
	Section 27-1-1	-	*Definitions*	*27-1*
	Section 27-1-2	-	*Littering Prohibited*	*27-2*
	Section 27-1-3	-	*Prevention of Scattering*	*27-2*
	Section 27-1-4	-	*Receptacles - Upsetting or Tampering*	*27-2*
	Section 27-1-5	-	*Sidewalks and Alleys Free From Litter*	*27-2*
	Section 27-1-6	-	*Owner to Maintain Private Premises*	*27-2*
	Section 27-1-7	-	*Littering from Vehicles*	*27-2*
	Section 27-1-8	-	*Littering from Aircraft*	*27-2*
	Section 27-1-9	-	*Litter in Parks*	*27-2*
	Section 27-1-10	-	*Handbills*	*27-3*
	Section 27-1-11	-	*Posting Notices Prohibited*	*27-3*
	Section 27-1-12	-	*Construction Sites*	*27-3*
	Section 27-1-13	-	*Loading and Unloading Docks*	*27-3*
	Section 27-1-14	-	*Parking Lots*	*27-4*
	Section 27-1-15	-	*Clearing of Litter From Open Private Property*	*27-4*
II	***OPEN BURNING***			
	Section 27-2-1	-	*Definitions*	*27-5*
	Section 27-2-2	-	*Burning Prohibited*	*27-5*
	Section 27-2-3	-	*Restrictions on Burning of Landscape Waste*	*27-5*
	Section 27-2-4	-	*Penalty*	*27-5*
III	***GENERALLY***			
	Section 27-3-1	-	*Throwing Rocks*	*27-6*
	Section 27-3-2	-	*Destruction of Public Property*	*27-6*
	Section 27-3-3	-	*Fortune Telling*	*27-6*
	Section 27-3-4	-	*Abandoned Refrigerators or Iceboxes*	*27-6*
	Section 27-3-5	-	*Criminal Housing Management*	*27-6*
	Section 27-3-6	-	*Unlawful Conduct on a Public Way*	*27-6*
	Section 27-3-7	-	*Renting Premises for Unlawful Purposes*	*27-7*
	Section 27-3-8	-	*Discharge of Firearms or Bow and Arrow*	*27-7*
	Section 27-3-9	-	*Criminal Damage to Fire-Fighting Apparatus, Hydrants or Equipment*	*27-7*
	Section 27-3-10	-	*Injury to Utility Wires and Poles*	*27-7*
	Section 27-3-11	-	*Damage to Street Signs*	*27-7*
	Section 27-3-12	-	*Games in Street*	*27-7*
	Section 27-3-13	-	*Posting Bills*	*27-7*
	Section 27-3-14	-	*Barbed Wire and Electric Fences*	*27-7*
	Section 27-3-15	-	*Theft of Recyclables Unlawful*	*27-8*
	Section 27-3-16	-	*Sale of Cigarettes or Tobacco to Minors*	*27-8*
	Section 27-3-17	-	*Painting and Marking*	*27-8*

ARTICLE		***TITLE***		***PAGE***
IV	***ADULT USES REGULATED***			
	Section 27-4-1	-	*Purpose and Additional Findings*	*27-9*
	Section 27-4-2	-	*Definitions*	*27-10*
	Section 27-4-3	-	*Prohibition*	*27-11*
	Section 27-4-4	-	*Limitation*	*27-11*
V	***TRUANCY AND CURFEW CODE***			
	Section 27-5-1	-	*Definitions*	*27-12*
	Section 27-5-2	-	*Curfew Restrictions*	*27-13*
	Section 27-5-3	-	*Truancy Restrictions*	*27-13*
	Section 27-5-4	-	*Establishment Restrictions*	*27-14*
	Section 27-5-5	-	*Enforcement Restrictions*	*27-14*
	Section 27-5-6	-	*Penalty*	*27-15*
	Section 27-5-7	-	*Civil Liability*	*27-15*
VI	***PROHIBITION OF CANNABIS BUSINESS ESTABLISHMENTS***			
	Section 27-6-1	-	*Definitions*	*27-16*
	Section 27-6-2	-	*Cannabis Business Establishment Prohibited*	*27-17*
	Section 27-6-3	-	*Public Nuisance Declared*	*27-17*
	Section 27-6-4	-	*Violations; Penalties*	*27-17*

CHAPTER 27

OFFENSES

ARTICLE I – ANTI-LITTER

27-1-1 DEFINITIONS. For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

(A) advertise for sale any merchandise, product, commodity or thing; or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, roads, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the County.

"VEHICLE" is every device in, upon, or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-1-2 **LITTERING PROHIBITED.** No person shall deposit any litter within the County except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-1-3 **PREVENTION OF SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-1-4 **RECEPTACLES - UPSETTING OR TAMPERING WITH.** No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-1-5 **SIDEWALKS AND ALLEYS FREE FROM LITTER.** Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-1-6 **OWNER TO MAINTAIN PRIVATE PREMISES.**

(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.

(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-1-7 **LITTERING FROM VEHICLES.**

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the County unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the County, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-1-8 **LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the County.

27-1-9 **LITTER IN PARKS.** No person shall deposit litter in any park within the County except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place

or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-1-10 HANDBILLS.

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-1-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-1-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-1-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of

litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-1-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-1-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Sheriff or his designated representative shall be responsible for the implementation of this enforcement program.

ARTICLE II - OPEN BURNING

27-2-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products, including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-2-2 **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash, garbage, vehicle tires, shingles and all other items prohibited by the Illinois Environmental Protection Agency.

27-2-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

No open burning of landscape waste shall be permitted on any streets or roadways; and no open burning shall occur during periods of time when the local Fire Chief or the Sheriff have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

27-2-4PENALTY. If a property owner/violator is notified of a violation of open burning and notified to cease from further open burning, any repeat violations shall carry an automatic fine as noted below.

(A) First repeat violation - $250

(B) Second repeat violation - $500

(C) Third and fourth repeat violations - $1,000

(D) Fifth repeat violation - $1,000 and turned over to the State's Attorney's office.

(Ord. No. 2017-16; 05-15-17)

ARTICLE III - GENERALLY

27-3-1 **THROWING ROCKS.** No person in the County shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-3-2 **DESTRUCTION OF PUBLIC PROPERTY.** No person in the County shall deface, destroy, or in any way, injure any public property, or any other apparatus of the County.

27-3-3 **FORTUNE TELLING.** No person in the County shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-3-4 **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(720 ILCS 505/1)**

27-3-5 **CRIMINAL HOUSING MANAGEMENT.** It shall be unlawful for any person in the County to commit the offense of criminal housing management. A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner, or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered.

27-3-6 **UNLAWFUL CONDUCT ON A PUBLIC WAY.**

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

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

(C) It shall be unlawful to urinate on public ways.

(D) It shall be unlawful to urinate on private property when such conduct could be seen from a public way or from private property open to the public.

(E) It shall be unlawful to throw or deposit any glass, cans, paper objects, bottles, tacks, nails or other refuse material on the streets or roads of the County public ways or on the property abutting said streets or public ways.

27-3-7 **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-3-8 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the County in a zoned residential, commercial or industrial district. This Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his personal property.

27-3-9 **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(720 ILCS 5/21-1.1)**

27-3-10 **INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-11 **DAMAGE TO STREET SIGNS.** It shall be unlawful for any person or persons, in any manner or form, to deface, disfigure, damage or molest any of the street signs or parts thereof located in the County.

27-3-12 **GAMES IN STREET.** No person shall, upon any road, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-3-13 **POSTING BILLS.** It shall be unlawful for any person to paste, mark, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, County road, guardrail, or any other portion or part of any sidewalk, street, or upon any tree on any public right-of-way unless authorized by the County Board.

27-3-14 **BARBED WIRE AND ELECTRIC FENCES.** It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below **eight (8) feet** in height and no electrically charged fence shall be erected or maintained, except in an agricultural or conservation zone district.

27-3-15 **<u>THEFT OF RECYCLABLES UNLAWFUL.</u>** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the County or from any specified recycling center within the County unless said person is acting as an agent for the County or acting as an agent for a waste hauler licensed by the County.

27-3-16 **<u>SALE OF CIGARETTES OR TOBACCO TO MINORS.</u>** No minor under **eighteen (18)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. 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 **eighteen (18) years of age.**

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing. **(720 ILCS 675/1)**

27-3-17 **<u>PAINTING AND MARKING.</u>** It shall be unlawful for any person or persons, in any manner or form, to paint or place marks on any streets, roads or guardrails located in the County.

ARTICLE IV – ADULT USES REGULATED

27-4-1 PURPOSE AND ADDITIONAL FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The County Board finds:

(1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.

(2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.

(3) Allowing public nudity creates unhealthy conditions.

(4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.

(5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.

(7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.

(11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.

(12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(13) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this Article.

27-4-2 **DEFINITIONS.** As used in this Article:

(A) ***"Adult Oriented Business"*** means an establishment as defined in **Chapter 7**.

(B) ***"Entity"*** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) ***"Nude"*** means the showing of:

(1) Human male or female genitals or pubic area with less than a fully opaque covering; or

(2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

(3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) ***"Person"*** mean any live human being aged **ten (10) years** of age or older.

(E) ***"Place Provided or Set Apart for Nudity"*** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) ***"Public Place"*** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-4-3 **PROHIBITION.** It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-4-4 **LIMITATION.** This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

ARTICLE V – TRUANCY AND CURFEW CODE

27-5-1 **DEFINITIONS.** As used in this Article unless the context requires otherwise the following words and phrases shall mean:

"COUNTY CURFEW HOURS" means the period of time specified in **Section 27-2-31** of the Chapter.

"COURT" means the 4th Judicial Circuit; Clinton County, Illinois.

"CUSTODIAN" means:

(A) a person who under court order is the custodian of the person of a minor or

(B) a public or private agency with which the court has placed a minor or

(C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

(A) parent or

(B) a person who under court order is the guardian of the person of a minor; or

(C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **eighteen (18) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agency which provides service to improve education performance and/or attendance.

27-5-2 CURFEW RESTRICTIONS.

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(C) It is a defense to prosecution under **Section 27-5-2(A) and (B)** or **Section 27-5-4** (hereinafter) that the minor was:

(1) accompanied by the minor's parent, guardian, custodian or responsible adult;
(2) on an errand at the direction of the minor's parent, guardian, custodian or responsible adult; without any detour or stop;
(3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
(4) engaged in, going to or returning home from an employment activity without any detour or stop;
(5) involved in an emergency;
(6) on the sidewalk abutting the minor's residence;
(7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
(8) exercising First Amendment rights protected by the United States Constitution; or
(9) emancipated pursuant to law.

27-5-3 TRUANCY RESTRICTIONS.

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the County during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during truancy curfew hours.

(C) It is a defense to prosecution under this Section or **Section 27-5-4** that the minor was:

(1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
(2) involved in an emergency;
(3) going to or returning from a medical appointment without any detour or stop;
(4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
(5) in possession of valid proof that the minor is a student who has permission to leave the school campus;
(6) a bona fide participant in an alternative education or home schooling program;
(7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-5-4 **ESTABLISHMENT RESTRICTIONS.** It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-5-2** or **27-5-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-5-2** or **27-5-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-5-5 **ENFORCEMENT RESTRICTIONS.** Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars ($25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(C) A citation issued hereunder this shall be in writing and shall:

(1) state the name of the person being cited and the person's address if known;

(2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;

(3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-5-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-5-6PENALTY.

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined as provided in **Section 1-1-20** of this Code. **(See also Section 1-1-20)**

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, custodian, guardian or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, custodian, guardian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-5-7** hereinafter.

27-5-7CIVIL LIABILITY. If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, custodian, guardian or other adult having legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-8-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the County in collecting.

(65 ILCS 5/11-5-9)

[See Section 1-1-20 for General Penalty Provisions]

ARTICLE VI – PROHIBITION OF CANNABIS BUSINESS ESTABLISHMENTS

27-6-1 **DEFINITIONS.** The following words and phrases shall, for the purposes of this Article have the meanings respectively ascribed to them by this Section, as follows:

(A) **Adult-Use Cannabis Business Establishment.** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(H) **Person.** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

27-6-2 **CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.** The following Adult-Use Cannabis Business Establishments are prohibited in the County. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of any of the following:

(A) Adult-Use Cannabis Craft Grower
(B) Adult-Use Cannabis Cultivation Center
(C) Adult-Use Cannabis Dispensing Organization
(D) Adult-Use Cannabis Infuser Organization or Infuser
(E) Adult-Use Cannabis Processing Organization or Processor
(F) Adult-Use Cannabis Transporting Organization or Transporter
(G) Cannabis "Lounge", "Club" or a similar facility, either open to the public or a private club, where cannabis may be smoked, or cannabis infused materials may be used.

Cannabis Business Establishments do not include Medical Cannabis Cultivation Centers or Medical Cannabis Dispensing Organizations authorized to operate by law.

27-6-3 **PUBLIC NUISANCE DECLARED.** Operation of any prohibited Cannabis Business Establishment or cannabis lounge within the County in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies. Prosecution of any violation under this Article shall not be deemed to preclude prosecution of a violation of this Article as an ordinance violation, in addition to filing actions to abate the violation as a public nuisance.

27-6-4 **VIOLATIONS; PENALTIES.** Violations of this Article shall be punishable in accordance with the provisions of Chapter 1, Article I, of the Revised Code of Ordinances for Clinton County, Illinois. Each day that the violation continues unabated shall be deemed a separate offense under this Article. Violations of this Article may also be enforced by the County instituting the appropriate proceeding at law, in equity, or via administrative proceedings, to restrain, correct, or abate such violations, or to enforce any provision of this Article, or any order issued pursuant thereto, to require the removal or termination of the unlawful use, and to seek the assessment of a fine and court costs as authorized by this Article. The imposition of penalties herein described shall not preclude such legal or administrative proceedings.

(This was relocated from Chapter 7)

(Ord. No. 2019-48; 12-16-19)

PERSONNEL POLICY

ARTICLE		TITLE	PAGE
I	INTRODUCTION		
	Section 28-1-1	- History of Clinton County, Illinois	28-1
	Section 28-1-2	- Introduction - Purpose	28-1
	Section 28-1-3	- County Offices and Departments	28-1
II	EMPLOYMENT		
	Section 28-2-1	- Employee Relations	28-3
	Section 28-2-2	- Equal Opportunity Employer	28-3
	Section 28-2-3	- Nepotism	28-3
	Section 28-2-4	- Employee Hiring and Essential Function Testing Policy and Procedure	28-3
	Section 28-2-5	- Outside Employment	28-5
	Section 28-2-6	- Personal Services	28-5
III	EMPLOYMENT STATUS AND RECORDS		
	Section 28-3-1	- Employment Categories	28-6
	Section 28-3-2	- Access to Personnel Rules	28-7
	Section 28-3-3	- Personnel Data Changes	28-7
	Section 28-3-4	- Performance Evaluations	28-7
	Section 28-3-5	- Vacancy Posting	28-7
IV	EMPLOYEE BENEFIT PROGRAMS		
	Section 28-4-1	- Employee Benefits	28-8
	Section 28-4-2	- Paid Holidays	28-8
	Section 28-4-3	- Vacation	28-9
	Section 28-4-4	- Bereavement Leave	28-9
	Section 28-4-5	- Jury Duty and Witness Leave	28-9
	Section 28-4-6	- Family and Medical Leave Act and Military Leave (FMLA)	28-10
	Section 28-4-7	- Unpaid Leave for Employees Due to Domestic and Sexual Violence (VESSA)	28-13
V	TIME KEEPING/PAYROLL		
	Section 28-5-1	- Time Keeping	28-17
	Section 28-5-2	- Work Schedules	28-17
	Section 28-5-3	- Overtime	28-17
	Section 28-5-4	- Paydays	28-17
	Section 28-5-5	- Termination of Employment	28-18
VI	WORK CONDITIONS AND HOURS		
	Section 28-6-1	- Safety in the Workplace	28-19
	Section 28-6-2	- Accident Reporting and Investigation Policy and Procedures	28-19

ARTICLE		***TITLE***		***PAGE***
VI	***WORK CONDITIONS AND HOURS (CONTINUED)***			
	Section 28-6-3	-	*Employee Work-Related Injury Medical Program*	*28-20*
	Section 28-6-4	-	*Workers' Compensation Modified Duty Policy*	*28-21*
	Section 28-6-5	-	*Internet/E-Mail Policy*	*28-24*
	Section 28-6-6	-	*Social Media and Social Networking Policy and Guidelines*	*28-27*
	Section 28-6-7	-	*Use of County Equipment*	*28-28*
	Section 28-6-8	-	*Authorized Drivers and Motor Vehicle Record (MVR) Check Policy and Procedure*	*28-28*
	Section 28-6-9	-	*Smoking Policy*	*28-30*
	Section 28-6-10	-	*Business Travel Expenses*	*28-31*
	Section 28-6-11	-	*Visitors in the Workplace*	*28-31*
	Section 28-6-12	-	*Emergency Closings*	*28-31*
VII	***EMPLOYEE CONDUCT AND DISCIPLINARY ACTION***			
	Section 28-7-1	-	*Employee Conduct and Work Rules*	*28-32*
	Section 28-7-2	-	*Drug and Alcohol Use/Abuse Policy*	*28-32*
	Section 28-7-3	-	*Discrimination and Harassment Policy*	*28-37*
	Section 28-7-4	-	*Personal Appearance*	*28-41*
	Section 28-7-5	-	*Solicitation*	*28-42*
	Section 28-7-6	-	*Progressive Discipline*	*28-42*

CHAPTER 28

PERSONNEL POLICY

ARTICLE I – INTRODUCTION

28-1-1 **HISTORY OF CLINTON COUNTY, ILLINOIS.** In 1805, prior to the establishment of the county, the territorial government established a post road from its capital (Vincennes, Indiana) to St. Louis, Missouri, passing through the county. In 1808 a wagon road was laid out through what is now Clinton County. The road extended from the Goshen Settlement to the Ohio salt works and crossed the Kaskaskia River at Carlyle.

Clinton County was organized in 1824 out of Washington, Fayette, and Bond Counties. It was named in honor of the seventh Governor of New York, DeWitt Clinton, who helped build the Erie Canal.

Clinton County leads the state in dairy farming and pork, wheat and egg production, plus boasts the largest man-make lake in Illinois. Country roads wind past acres of farmland, across the Kaskaskia River and through villages and towns established in the 1800s. **(101)**

28-1-2 **INTRODUCTION - PURPOSE.** The purpose of this Personnel Policy is to provide an outline of the basic personnel policies, practices and procedures which apply to Clinton County employees. The County recognizes that the recruitment and retention of competent, dependable employees and the maintenance of high standards of employee conduct are essential to efficient, effective county government. This Personnel Policy contains general statements and goals and is not intended to contain fine details or be all inclusive. **This Personnel Policy is not intended to be nor should it be read as forming an express or implied contract.** The Clinton County Board may alter, revoke, modify or add to the policies, practices and procedures in this Personnel Policy from time to time. Every effort will be made to keep this Personnel Policy current but there may be times when policies, procedures or practices have changed before this Personnel Policy can be revised. Clinton County will follow all applicable Federal and State laws.

This policy does not apply to Employees of other agencies related to the County, including but not limited to Regional Office of Education. **(102)**

28-1-3 **COUNTY OFFICES AND DEPARTMENTS.** The policies, practices and procedures contained in this Personnel Policy shall be considered the core or basic set of policies applicable to all agencies, offices and departments of this County. County agencies, office or departments may supplement this Personnel Policy by adopting rules, regulations, policies and/or procedures to address the special circumstances or needs of that agency, department or office which are in addition to the policies contained in this Personnel Policy. Such supplemental policies shall be approved by the Clinton County Board.

Certain County offices or departments have some of their rules and procedures determined by other entities, i.e. the Supreme Court or the Judges of the Eleventh Judicial Circuit. In the event of a conflict with the policies of this Personnel Policy, the rules and regulations of such other entities shall govern.

Further, the County recognizes the authority of elected officials to appoint their employees and to control the internal operations of their offices. The elected officials will be

requested annually to affirm their acceptance and approval of this Personnel Policy at the time the annual budget is approved. Any elected official that chooses not to accept and approve this Personnel Policy must provide a copy of their personnel policy to the County Board at the time the annual budget is approved.

For those agencies, offices and/or departments with collective bargaining agreements, such agreements will prevail to the extent permitted by law and only to the extent said agreements contain provisions which are in conflict with the policies set forth herein.

Employees are encouraged to familiarize themselves with the contents of this Personnel Policy, for it will answer many common questions concerning employment within Clinton County Government. **(103)**

ARTICLE II – EMPLOYMENT

28-2-1 **EMPLOYEE RELATIONS.** The Officials of Clinton County strive to ensure that work conditions, wages and benefits offered to employees are competitive with those offered by other employers in the area. If an employee has concerns about work conditions or compensation they should be voiced openly and directly to the Elected/Appointed Official of the relevant Department. It's believed that the Elected/Appointed Officials and County Board members amply demonstrate commitment to employees by responding effectively to employee concerns. **(201)**

28-2-2 **EQUAL OPPORTUNITY EMPLOYER.** Clinton County does not discriminate with respect to the terms and conditions of employment because of an individual's race, color, creed, ancestry, religion, sex, sexual orientation, national origin, mental or physical disability, age, military status, arrest record, marital status, unfavorable discharge from military service, order of protection status or any other status protected by law. It is our policy to employ, promote and transfer those individuals who possess the required skills, education, experience and qualifications for each position. Any employees with any concerns about any type of discrimination in the workplace are encouraged to bring these issues to the appropriate department head. **(See Chapter 22) (202)**

28-2-3 **NEPOTISM.** The County permits the employment of qualified relatives of employees of the employee's household or immediate family as long as such employment does not, in the opinion of the Employer, create actual conflicts of interest. For purposes of this policy, "immediate family" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" relation or any member of the employee's household. The Employer will use sound judgment in the placement of related employees in accordance with the following guidelines:

(A) Individuals who are related by blood, marriage, or reside in the same household are permitted to work in the same County department, provided no direct reporting or supervisor to subordinate relationship exists. That is, no employee is permitted to work within "the chain of command" when one relative's work responsibilities, salary, hours, career progress, benefits or other terms and conditions of employment could be influenced by the other relative.

(B) Related employees may have no influence over the wages, hours, benefits, career progress and other terms and conditions of the other related staff members.

(C) Employees who marry while employed, or become part of the same household are treated in accordance with these guidelines. That is, if in the opinion of the Employer, a conflict arises as a result of the relationship, one of the employees may be transferred at the earliest practicable time.

(D) Any exceptions to this policy must be approved by the Employer.

(203)

28-2-4 **EMPLOYEE HIRING AND ESSENTIAL FUNCTION TESTING POLICY AND PROCEDURE.** The purpose of this policy is to ensure that employees are able to safely perform the essential functions of their job without posing a direct threat to themselves or

others. All medical/background screenings will be completed only after a conditional job offer is made. Fitness for Duty/Essential Function Testing will be required upon hire.

(A) **Procedure.**

(1) All job applicants must complete a written application and sign a release of information for prior employers and job references.

(2) Job applicants who appear to meet the relevant qualifications for the position will be contacted to schedule a personal interview. During the interview, job applicants should be shown a copy of the relevant job description and asked whether they can perform the functions with or without an accommodation.

(3) Following successful completion of the interview process, the employer should contact references as well as prior employers identified by the job applicant.

(4) Qualified applicants who have successfully completed the interview and reference check will receive a Conditional Job Offer (CJO) where appropriate. The job offer will be contingent upon the results of a Fitness for Duty/Essential Functions Test by a healthcare professional. The healthcare professional should be given a copy of the relevant job description including maximum lifting requirements and other physical demands of the position.

(5) If the employee successfully completes the physical examination, an employment start date will be given.

(6) Where the physical examination reveals a medical condition that the healthcare professional believes would impair the job applicant's ability to perform the essential functions of the position, the job applicant must then meet with the employer to discuss whether the employer can reasonably accommodate the job applicant's disability. During this interactive process, the job applicant should be prepared to identify potential reasonable accommodations that the job applicant believes would allow him or her to successfully perform the essential functions of the position without posing a significant risk of harm to himself or others.

(7) In the event that there is no reasonable accommodation that would allow the job applicant to perform the essential functions of the job or the requested accommodation would pose an undue hardship on the employer, the conditional job offer may be rescinded.

(8) If the job applicant and employer are able to agree on a reasonable accommodation for the identified disability that will allow the job applicant to perform the essential functions of the position, the job applicant will be given a start date.

(9) The employer further reserves the right to rescind a conditional job offer or terminate employment if the job applicant/employee provided false or misleading information at any time during the application process, including during the physical examination.

28-2-5 **OUTSIDE EMPLOYMENT.** An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the County. All employees will be judged by the same performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

If the Elected/Appointed Official determines that an employee's outside work interferes with performance or the ability to meet the requirements of the department as modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the department. **(205)**

28-2-6 **PERSONAL SERVICES.** No employee may be required to perform personal services for any fellow employee, Elected/Appointed Official. No employee may voluntarily perform such services during any compensated work hours, excluding holidays and vacations. Personal services are defined as activity having any value or for which compensation is normally paid between unrelated parties, other than as contained in an employee's job description or directly related to the operation of County business. **(206)**

ARTICLE III – EMPLOYMENT STATUS AND RECORDS

28-3-1 **EMPLOYMENT CATEGORIES.** This Section is to clarify the definitions of employment classifications so that employees understand employment status and benefit eligibility. These classifications do not guarantee employment for any specified period. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the County employer.

Each employee is designated as Non-Exempt or Exempt from federal and state wage and hour laws. Non-Exempt employees are entitled to receive overtime pay under the specific provisions of federal and state laws. Exempt employees are excluded from specific provisions of Federal and State wage and hour laws. An employee's Exempt or Non-Exempt status classification may be changed only upon written notification of the County Board or the Board's designated agent.

(A) **Nonexempt Employees.** Employees who are required to be paid overtime at the rate of time and one-half (i.e., one and one-half times) their regular rate of pay for all hours worked beyond **forty (40) paid hours** in a workweek, in accordance with applicable federal wage and hour laws.

(B) **Exempt Employees.** Employees who are not required to be paid overtime, in accordance with applicable federal wage and hour laws, for work performed beyond **forty (40) hours** in a workweek. Elected/Appointed Official, managers, professional employees and certain employees in administrative positions are typically exempt.

(C) In addition to having Exempt or Non-Exempt status, each employee will belong to one of the following categories:

(1) **Full-Time.** An employee who has completed a **ninety (90) day** probationary period and who regularly works a minimum of **forty (40) hours** on a continuing basis is considered a full time employee. Temporary or per diem employees are not considered full time employees.

(2) **Part-Time.** An employee who works less than **forty (40) hours** per week on a continuing basis is considered a regular part-time employee. Temporary and Per Diem employees are not considered regular part-time employees.

(3) **Temporary/Seasonal Employee.** Those who are hired as interim replacements to assist in a specific project or to temporarily supplement the regular work force are temporary/ seasonal employees. Employment assignments in this category are of limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While temporary employees receive all legally mandated benefits (such as workers compensation and social security), they are ineligible for all of the County's other benefit programs unless otherwise mandated.

(4) **Per Diem Employee.** Employee that adds to or substitutes for career and limited appointments on a pre-scheduled basis or as needed on a day-to-day. Employees who are considered Per Diem Employees may be scheduled or not scheduled or called off from a pre-established schedule. Additionally, a Per Diem employee's eligibility for scheduling may be discontinued at any

time without notice and without cause at the sole discretion of the Elected/Appointed Official without recourse. Per Diem employees are not eligible for any benefit programs except those mandated by law.

(301)

28-3-2 **ACCESS TO PERSONNEL RULES.** Each Elected/Appointed Official maintains a personnel file on each employee employed in his or her office. The personnel file includes such information as: the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, and other employment records.

Personnel files are the property of the County and access to the information they contain is restricted. Generally, only persons who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own personnel file should contact the Elected/ Appointed Official of their department. The County provides employee's with access to their personnel files in accordance with the Personnel Record Review Act.

The personnel file should not be confused with the payroll file maintained by the payroll clerk. The payroll file should include only such items as pertain directly to payroll.

(302)

28-3-3 **PERSONNEL DATA CHANGES.** It is the responsibility of each employee to promptly notify his/her Elected/Appointed Official and the County Clerk of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. **(303)**

28-3-4 **PERFORMANCE EVALUATIONS.** Elected/Appointed Officials and Employees are strongly encouraged to discuss job performance and goals on an informal, regular basis. Formal performance evaluations are conducted after an employee has completed **ninety (90) days** of employment in any new position. This period allows the Elected/ Appointed Official and the employee to discuss the job responsibilities, standards and performance requirements of the new position. Additional performance evaluations are conducted to provide both management and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive purposeful approaches for meeting goals.

Formal performance evaluations are generally performed on an annual basis, on or near the employee's hire date. These evaluations are to be placed in the employee personnel file maintained by the Elected/Appointed Official. **(304)**

28-3-5 **VACANCY POSTING.** The Elected/Appointed Official shall post new or vacant positions in a central location at the appropriate worksites and on the appropriate websites. **(305)**

ARTICLE IV – EMPLOYEE BENEFIT PROGRAMS

28-4-1 **EMPLOYEE BENEFITS.** The employee benefits set forth in Sections 28-4-1 through 28-4-4 shall only apply eligible employees. Eligible employees are those employees who are not covered by a Collective Bargaining Agreement or are not members of a union. Furthermore, eligible employees shall not include elected and appointed officials. A number of programs are legally mandated and are provided for every employee (such as Social Security, workers compensation, state disability, and unemployment insurance) and cover all employees in the manner prescribed by law.

Employees who regularly work a minimum of **thirty (30) hours** per week on a continuing basis are eligible for all County benefits. Single and family plan Health and Life insurance is available at an employer/employee shared expense.

Benefit eligibility is dependent upon many factors, including employee classification. Consult the County Clerk for a list of benefit programs currently offered. **(401)**

28-4-2 **PAID HOLIDAYS.** The County Holiday schedule will always be based on the most recent Circuit Court Holiday Schedule and may change annually.

Holidays currently are:

New Year's Day (observed)	Martin Luther King, Jr. Day
Lincoln's Birthday	President's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Day following Thanksgiving	Christmas Eve
Christmas Day	

Holidays falling on Saturday and/or Sunday will be observed on Friday and/or Monday. When Christmas Eve and Christmas Day falls on Friday and Saturday we will also have Thursday off. When Christmas Eve and Christmas Day falls on Sunday and Monday we will also have Tuesday off.

Employees eligible for benefits shall be paid a regular day's pay for each Holiday based on the employee's regular rate of pay (as of the date of the holiday) times the number of hours the employee would otherwise have worked that day.

If a recognized holiday falls during an eligible employee's paid absence, (such as vacation or sick leave), holiday pay will be provided instead of paid time off benefit that would otherwise have applied.

If eligible non-exempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times the regular rate for the hours worked on the holiday.

When a full-time employee is called in from his regular day off on the actual day of a holiday, he shall be paid at his overtime rate for all hours worked in addition to his holiday pay.

Paid time off for holidays will not be counted as hours worked for the purposes of calculating overtime.

In case of emergency and when required by the Elected/Appointed Official, employees shall work on holidays and shall be paid at the overtime rate if applicable. Employees that are called into work on Saturdays, Sundays, and holidays will be paid a minimum of **four (4) hours** at the overtime rate if applicable.

(402)

28-4-3 **VACATION.** All eligible employees shall receive the following vacation leave:

For all eligible employees hired before December 1, 2012, vacation shall be accrued as follows:

After one (1) year	11 working days
After six (6) years	12 working days
After seven (7) years	13 working days
After eight (8) years	14 working days
After nine (9) years	15 working days
After ten (10) years	16 working days
After eleven (11) years	17 working days
After twelve (12) years	18 working days
After thirteen (13) years	19 working days
After fourteen (14) years	20 working days
After fifteen (15) years	21 working days

For all eligible employees hired on or after December 1, 2012, vacation shall be accrued as follows:

After one (1) year	5 working days
After five (5) years	7 working days
After ten (10) years	10 working days
After twenty (20) years	20working days

(403)

28-4-4 **BEREAVEMENT LEAVE.** The Employer agrees to provide to eligible employees eligible for benefits leave without loss of pay as a result of death in the immediate family, not to exceed **three (3) consecutive days**. For purposes of this policy a member of the immediate family shall be defined to be any employee's mother, father, spouse, daughter, or son (including step or adopted), sister or brother (including half or step), father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents and grandchildren. Full-time eligible employees are allowed **one (1) day** paid leave for uncles and aunts, nephews and neices. **(404)**

28-4-5 **JURY DUTY AND WITNESS LEAVE.** An employee called to serve on a jury shall be granted leave, with pay, to perform that duty. Also, if an employee is served a subpoena by any judicial, legislative or administrative tribunal, or by the office of any such tribunal, the employee shall be granted leave with pay to serve as a witness. Any employee who is summoned to appear as a jurist or subpoenaed as a witness should contact their immediate supervisor, department head or elected official upon request of such notice so arrangements can be made to accommodate such leave time.

Any payment received by an employee of the County for service on a jury or as a witness as outlined above, shall be turned over to the County Treasurer, except that the employee may keep any portion of the payment which specifically covers mileage

reimbursement. The employee may keep any portion of such pay earned while he/she performs this service during his/her designated weekend, while using accumulated compensatory time, or while using earned PTO. **(405)**

28-4-6 **FAMILY AND MEDICAL LEAVE ACT AND MILITARY LEAVE (FMLA) POLICY.** This policy document supersedes any other existing policy or policy document governing the handling of leave taken pursuant to the Family and Medical Leave Act of 1993 ("FMLA"). It is intended to conform with Clinton County's obligations under 29 C.F.R. §825.300.

(A) **Eligibility.** To be eligible for FMLA benefits, an employee **must**:

(1) have worked for Clinton County for a total of **twelve (12) months**; and

(2) have worked at least **one thousand two hundred fifty (1,250) hours** over the previous **twelve (12) months**.

(B) **Leave Entitlement.** A covered employee is entitled to up to a total of **twelve (12) workweeks** of unpaid leave in a **twelve (12) month** period for one or more of the following reasons:

(1) for the birth of a son or daughter, and to care for the newborn child;

(2) for the placement with the employee of a son or daughter for adoption or foster care;

(3) to care for the employee's spouse, son or daughter or parent (but not parent-in-law) who has a serious health condition;

(4) when the employee is unable to perform the functions of the employee's job because of a serious health condition, or because of incapacity due to pregnancy, prenatal medical care or child birth.

Leave to care for a newborn child or for a newly placed child must conclude within **twelve (12) months** after the birth or placement.

Spouses employed by the same employer may be limited to a ***combined*** total of **twelve (12) workweeks** of family leave for the following reasons:

(1) birth and care of a child;

(2) for the placement of a child for adoption or foster care, and to care for the newly placed child; and,

(3) to care for an employee's parent who has a serious health condition.

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their **twelve (12) week** leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending counseling sessions, and attending post-deployment reintegration briefings.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty, is entitled to up to **twenty-six (26) weeks** of unpaid leave in a single **twelve (12) month** period to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is

undergoing medical treatment, recuperation, or therapy; or is on the temporary disability retired list. An eligible employee is entitled to a combined total of **twenty-six (26) workweeks** of leave for any FMLA-qualifying reason during the single **twelve (12) month** period, but is entitled to no more than **twelve (12) weeks** of leave for:

(1) the birth of a son or daughter of the employee and in order to care for such son or daughter;
(2) because of the placement of a son or daughter with the employee for adoption or foster care;
(3) in order to care for the spouse, son, daughter or parent with a serious health condition;
(4) because of the employee's own serious health condition;
(5) or because of a qualifying exigency.

Under some circumstances, employees may take FMLA leave intermittently – which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

If FMLA leave is for birth and care or placement for adoption or foster care of a son or daughter, use of intermittent leave is subject to the employer's approval.

FMLA leave may be taken intermittently whenever **medically necessary** to care for a seriously ill family member or seriously ill or injured service member, or because the employee is seriously ill and unable to work.

The terms "son or daughter" are defined as biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age or **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability. An employee stands in loco parentis to a child when the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial support.

(C) **Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than **three (3)** consecutive calendar days combined with at least **two (2)** visits to a health care provider or **one (1)** visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

(D) **Leave Availability Calculation.** Clinton County has adopted the "rolling **twelve (12) month** period" of calculating available FMLA leave for all types of leave with the exception of leave to care for a seriously ill or injured service member. Under the rolling **twelve (12) month** period, in order to determine the amount of available FMLA leave, the calculation is made each time an employee commences an FMLA leave. From that date, the preceding **twelve (12) month** period is examined. Any FMLA leave used during that preceding **twelve (12) months** is deducted from the **twelve (12) weeks** annual leave granted by the FMLA. The employee is entitled to take no more than the remaining balance of FMLA leave.

For FMLA leave requests made to care for a covered service member with a serious injury of illness, the single **twelve (12) month** period begins on the first day the eligible employee takes FMLA leave.

(E) **Substitution of Paid Leave.** Any employee taking FMLA leave is required to substitute and use any remaining paid "leave" benefits which are available or become available during the FMLA leave. This includes vacation, personal, and sick days. Such paid leave is substituted for the unpaid FMLA leave, and is not in addition to such FMLA leave.

All other FMLA leave is unpaid.

(F) **Medical Insurance Benefits While on FMLA Leave.** During FMLA leave, Clinton County will maintain the employee's health coverage under any group health plan, under the same terms as if the employee had continued to work. If the employee was required to pay a portion of the premiums for coverage, that obligation continues while on leave. Payment is expected to be made in the same amounts, and at the same time (i.e. each payroll date) as was made while working. If any payment is more than **thirty (30) days** late, medical coverage may be canceled pursuant to the FMLA Rules and Regulations.

An employee can elect not to continue medical coverage while on leave. If this election is made, Clinton County will immediately place the coverage into COBRA.

If the coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, Clinton County will bill the employee for the amount of premiums paid by Clinton County during the leave period unless the employee does not return to work due to a reason exempted from this provision by FMLA Rules and Regulations.

No other employment benefits provided by Clinton County to employees are continued during FMLA leave. All such benefits are instead held in abeyance until the employee returns to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

(G) **Procedure for Requesting FMLA Leave.** An employee must provide Clinton County with at least **thirty (30) days** advance notice before FMLA leave is to begin if the need for the leave is foreseeable. If **thirty (30) days**' notice is not possible, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable.

Employees must provide sufficient information for Clinton County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform Clinton County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will also be required to provide certification as specified below, and may be required to provide periodic recertification supporting the need for leave.

Any employee taking leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position must be supported by a certification issued by the health care provider of the employee or the employee's family member on the form attached to this policy. An employee taking leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness must also be supported by a certification in the form attached to this policy except that an employee taking leave to care for a covered service member may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of certification for the leave taken through the expiration of the ITO or ITA. Additional copies of the certification forms can be obtained from your supervisor. Employees are required to furnish the above-referenced certifications at the time the employee gives notice of the need for leave or within **five (5) business days** thereafter. In the case of unforeseen leave, certification must be provided

within **five (5) business days** after the leave commences. FMLA leave may be denied in accordance with the FMLA Rules and Regulations if appropriate certification is not provided.

(H) **Consequences of Taking FMLA Leave.** Any FMLA leave taken will be counted against the available leave allowed by statute. Any employee seeking to return to work after leave taken because of the employee's own "serious health condition" must submit a medical certification of fitness to return to duty, signed by the attending health care provider, before the employee will be allowed to return to work. Failure to comply with this requirement does not extend the leave.

On return from FMLA leave, the employee will be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Clinton County reserves the right to deny restoration to "key employees" as defined by the FMLA regulations where restoration will cause "substantial and grievous economic injury" to the operations of Clinton County.

If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The employee may, however, fall under the Americans with Disabilities Act (ADA).

(I) **Employer Responsibilities.** Clinton County must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, Clinton County will provide a reason for the ineligibility.

Clinton County must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If Clinton County determines that the leave is not FMLA-protected, the employer must notify the employee.

(J) **Unlawful Acts by Employers.** The FMLA makes it unlawful for any employer to:

(1) Interfere with, restrain, or deny the exercise of any right provided under FMLA;

(2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

(K) **Enforcement.** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement with provides greater family or medical leave rights.

(L) **Reference to FMLA Notice Poster.** Clinton County has posted in each department, a notice setting forth the relevant provisions of the FMLA. The terms of the notice are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of the notice concerning all applicable employee rights and obligations under the FMLA.

(406)

28-4-7 UNPAID LEAVE FOR EMPLOYEES DUE TO DOMESTIC AND SEXUAL VIOLENCE (VESSA). The County will provide up to **twelve (12) weeks of unpaid leave** from work to an employee who is a victim of domestic or sexual violence (or who has a

family or household member who is a victim of domestic or sexual violence) to address domestic or sexual violence if the employee is:

(A) **seeking medical attention** for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

(B) **obtaining services from a victim services organization** for the employee or the employee's family or household member;

(C) **obtaining psychological or other counseling** for the employee or the employee's family or household member;

(D) **participating in safety planning, temporarily or permanently relocating**, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or

(E) **seeking legal assistance or remedies** to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

"Family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age, or is **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability.

Period of Leave. Employee shall be entitled to a total of **twelve (12) workweeks** (**note that employers with less than fifty (50) employees can provide eight (8) weeks instead of twelve (12)**) of unpaid leave during any **twelve (12) month** period. (This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by, the federal Family and Medical Leave Act.) Leave may be taken intermittently or on a reduced work schedule.

Existing Leave. The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

Employee Notice Requirements. The employee shall provide the County with **at least forty-eight (48) hours' advance notice** of the employee's intention to take the leave, unless providing such notice is not practicable.

When an unscheduled absence occurs, the County will not take any action against the employee if the employee, **within a reasonable period after the absence** (generally defined herein as **fifteen (15) days**) provides certification as shown under the next section.

Employee Certification. The County may require the employee to provide certification to the County that:

(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

(B) the leave is for one of the purposes enumerated in the above "Basis" paragraph.

The employee shall provide such certification to the County within a reasonable period after the County requests certification.

An employee may satisfy the above certification requirement by providing to the County a **signed and dated statement** of the employee, and upon obtaining such documents the employee shall provide:

(A) **documentation** from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

(B) a **police or court record**; or

(C) other corroborating evidence.

Confidentiality. All information provided to the County, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be **retained in the strictest confidence by the County**, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

Restoration to Position. In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

(A) to be restored by the County to the position of employment held by the employee when the leave commenced; or

(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

Loss of Benefits. The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee may elect to substitute available paid leave any period of leave under this policy. An employee will not be required to substitute available paid for the leave provided under this policy.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

However, the employee is not entitled to:

(A) the accrual of any seniority or employment benefits during any period of leave; or

(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

Reporting to the County. The County may require an employee on leave under this policy to **report periodically to the County** on the status and intention of the employee to return to work.

Maintenance of Health Benefits. Except as provided under "Loss of Benefits," during any period that an employee takes leave under this policy, the County shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

<u>Failure to Return From Leave.</u> The County may recover the premium that the County paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

(A) the employee **fails to return** from leave under this policy after the period of leave to which the employee is entitled has expired; and

(B) the employee **fails to return** to work for a reason other than:

(1) the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave; or

(2) other circumstances beyond the control of the employee.

The County may require an employee who claims that the employee is unable to return to work because of a reason described in (1) or (2) above to provide, within a reasonable period after making the claim, certification to the County that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement above by providing to the County:

- a sworn statement of the employee;
- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;
- a police or court record; or
- other corroborating evidence.

The County will not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

<u>Leave Availability Calculation.</u> The County has adopted a "rolling **twelve (12) month** period" method of calculating available leave. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding **twelve (12) month** period is examined. Any leave used during that preceding **twelve (12) months** is deducted from the **twelve (12) weeks** annual leave provided by law under this policy. An employee is entitled to take no more than the remaining balance of leave.

<u>Reference to Required Posting.</u> The County has posted in each department, a poster setting forth the relevant provisions of the Victims' Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable employee rights and obligations under the Act.

(407)

ARTICLE V – TIME KEEPING/PAYROLL

28-5-1 **TIME KEEPING.** Accurately recording time worked is the responsibility of every employee. Federal and State laws require employers to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

Employees should accurately record the time they begin and end the work day, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. The Elected/ Appointed Official must always approve overtime work before it is performed.

Altering, falsifying, tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of the employee.

Employees are not to begin work before their scheduled start time, and are expected to finish working at their scheduled end time. Any departures from the normal schedule must be authorized by the Elected/Appointed Official. It is the employees' responsibility to sign the time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Elected/Appointed Official must verify the accuracy of the change by initialing the time record. **(501)**

28-5-2 **WORK SCHEDULES.** The normal work schedule for non-exempt Courthouse employees will be from **8:00 A.M.** to **4:30 P.M.** Monday through Friday with an unpaid **thirty (30) minute** lunch period, unless otherwise specified by the Elected/Appointed Officials.

The Highway Department and the Sheriff's Department work schedules are to be determined by the Department Heads and any applicable union agreements. **(502)**

28-5-3 **OVERTIME.** When operating requirements or other needs cannot be met during regular working hours, employees may be given the opportunity for overtime work. All overtime work must be approved in advance by the Elected/Appointed Official prior to the time the work is performed.

Overtime compensation is paid to all nonexempt employees in accordance with Federal and State wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on holiday pay, sick leave, vacation leave, or any leave of absence will not be considered as hours worked for purposes of performing overtime calculations.

Overtime must be compensated at the rate of time and a half. It shall be the Elected/ Appointed Official option to choose compensatory time or financial reimbursement for nonexempt employee overtime. **(503)**

28-5-4PAYDAYS. All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Employees should turn in their time sheets to their Elected/Appointed Official no later than **4:30 P.M.**, on the Friday of the week proceeding the Friday payday. The payroll claims are to be submitted to the County Clerk's Office by noon on the Tuesday before the Friday payday.

In the event that a regularly scheduled payday falls on a holiday, employees will receive their paycheck on the last day of work before the regularly scheduled payday.

Direct Deposit is allowed for all employees. The employee must provide banking information to the payroll department on the date of hire. If a current employee changes banking information, the payroll department must be notified immediately. Failure to report banking changes to the payroll department may result in a delay of receiving pay. **(504)**

28-5-5 **TERMINATION OF EMPLOYMENT.** It is the policy of the County that employment may be terminated by an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a reduction in the work force.

The following are some of the most common circumstances under which employment is terminated:

(A) **Honorable Resignation.** Employees are requested to give a minimum of **two (2) weeks** written notice of their intent to resign.

(B) **Automatic Resignation.** An employee will be considered to have resigned after failing to report to work for **three (3) consecutive workdays** without notification to the Elected/Appointed Official.

(C) **Discharge.** Involuntary employment termination initiated by the Elected/Appointed Official.

(D) **Layoff.** Involuntary employment termination initiated by the County for non-disciplinary reasons. There shall be no seniority within County employment, departments or offices and no ability to transfer between departments or offices. Individuals to be laid off in each department will be determined by the Elected/Appointed Official of the department.

(E) **Retirement.** Voluntary employment termination initiated by the employee, meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with the County is based on mutual consent, both the employee and Clinton County Elected/Appointed Officials have the right to terminate employment at will, with or without cause, at any time. Employee benefits will be affected by employment termination. All accrued vested benefits that are due and payable at termination will be paid on the payday for that pay period. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that will be paid and the benefits that may be continued and of the terms, conditions, and limitations of such continuance. **(505)**

ARTICLE VI – WORK CONDITIONS AND HOURS

28-6-1 **SAFETY IN THE WORKPLACE.** To assist in providing a safe and healthy work environment for employees, customers, and visitors, Clinton County has established a workplace safety program. This program is a top priority for the County. The Safety Committee has the responsibility for implementing, administering, monitoring and evaluating the Safety program. Its success depends on the alertness and personal commitment of all.

The County provides information to employees about workplace safety and health issues through regular internal communication channels such as internal meetings in each department, bulletin board postings, memos or other written communications. A safety advisory group has been established to assist in these activities and to facilitate effective communications between employees and management about workplace safety and health issues.

Elected/Appointed Officials and employees receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns or suggestions for improved safety are encouraged to raise them with their Department Heads.

Each employee is expected to obey all safety rules and to exercise due caution in all work activities. Employees must immediately report any unsafe condition to the appropriate Department Head. Employees who violate safety standards, employees who cause hazardous or dangerous situations, may be subject to disciplinary action up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, all employees should immediately report the incident to the appropriate Elected/ Appointed Official. Such reports are necessary to comply with laws and initiate insurance and workers compensation benefit procedures. **(601)**

28-6-2 **ACCIDENT REPORTING AND INVESTIGATION POLICY AND PROCEDURES.**

(A) **Purpose.**

(1) To delegate the responsibility for the reporting and investigating of accidents and incidents throughout the organization.

(2) To identify the items to be included in an accident investigation.

(3) To discuss recordkeeping requirements under OSHA.

(B) **Accident Reporting Procedure.** The employee is responsible for reporting to their direct supervisor the following: any work-related injury or illness; motor vehicle accident involving a company vehicle or their own personal vehicle while operating it on official business; any damage to any property; or injury or property damage to someone other than an employee while on property or arising from a County operation. These accidents and incidents are to be reported immediately to their Department Head/Supervisor.

The Department Head/Supervisor, after being so informed of the accident or incident, will then complete all relevant and required documents. Once completed, these documents will then be forwarded to the County Risk Manager so that they can be reviewed and then sent to either the insurance agent or directly to IPMG within **seventy-two (72) hours** of the occurrence.

Failure to comply with these reporting timeframes will be subject to the departments' progressive discipline policy.

(C) **Accident Investigation.** The purpose of the accident investigation is to find out the facts in order to determine the cause of the accident so that steps can be taken to prevent reoccurrence. With this in mind, it is the Department Head/Supervisor's responsibility to investigate the accident using the guidelines provided below.

The investigation should document who, what, when, where, how and why. These last two items merit special attention. As to how the accident occurred, the following should be investigated:

(1) What was the employee doing when the accident occurred? Provide as much detail on this as is necessary to determine the cause;

(2) What was the sequence of events that led up to the occurrence? What materials, equipment, and tools were involved?

(3) Speak to witnesses if necessary to gain information on how the accident occurred.

(602)

28-6-3 EMPLOYEE WORK-RELATED INJURY MEDICAL PROGRAM.

(A) **Policy Statement.** This policy exists to ensure a safe working environment in the event an employee must work with restrictions administered by a medical doctor. This policy is only applicable for an employee who has sustained a work-related injury. The goal of this program is to rehabilitate the injured worker through modified duties and to return the injured worker to gainful employment.

If no modified duties are available, or should any modified duties become unavailable in the future, the eligible employee will be so informed and may be returned to disability leave status, as outlined under the Illinois Workers' Compensation Act.

Availability, assignment and continuation of modified duty will always be at the discretion of the employer, in accordance with the guidelines set forth in this policy.

(B) **Designated Medical Provider.** Clinton County has designated a primary care facility for work-related injuries and illnesses. This facility is set up for emergency and extended care and is well-staffed and equipped to provide Clinton County employees with superior medical services. Hospital emergency services shall be used only in life-threatening medical situations. Should life-threatening medical emergencies occur, call 911. After-hours injuries requiring medical treatment should also be referred to the designated primary care facility.

If an employee is injured during normal business hours and non-emergency medical treatment is required, the following procedure is to be followed:

(1) Report injury to their Department Head

(2) Complete Employee Injury Report, Supervisor/Employer Report, W/C Witness Report, W/C Injury Medical Authorization Seek medical attention at designated medical provider.

(C) **Medical Provider Documents.** When seeking medical treatment, the Department Head/Supervisor will provide the employee with a packet of information to present to the Occupational Health Provider, including:

(1) Any necessary medical and/or authorization forms.

(2) A cover letter to convey our ability to return injured workers to their jobs with modified duty until the employee can be released to full duty.

(3) A copy of the employee's job description.

(4) The Modified Duty Work Restriction form.

If Modified Duty has been indicated by the Medical Provider, the employee will return the completed Modified Duty Work Restriction form to their Department Head/Supervisor.

(D) **Modified Duty.** If it is determined by the Medical Provider that, as the result of a work-related injury or illness, an employee is not able to perform his/her normal duties, but is able to perform other meaningful tasks, the Department Head/Supervisor will assess their ability to provide an appropriate modified-duty assignment to the employee. The following procedure will be used in the identification of suitable modified duty and the assignment of the employee to the same. Clinton County has identified various tasks within its operations which may be utilized for modified duty purposes. Upon return of the Modified-Duty Work Restriction Form by the employee, the Department Head/Supervisor will determine if modified duty within physician restrictions is available.

(E) **Modified-Duty Job Description.** Once a Modified Duty position has been located, the Department Head/Supervisor will meet with the employee to discuss the specific duties, restrictions and appropriate monitoring for the employee's safety in the form of a Modified-Duty Job Description.

The work restrictions will be followed with strict adherence with no exceptions. Failure to adhere to the restrictions will result in disciplinary action set forth by this policy.

(1) The first violation will result in a verbal warning with a discussion of why the restrictions were not followed. Corrective action plans will be immediately implemented.

(2) The second violation will result in a dialogue between the Department Head/Supervisor, Union Representative (if applicable) and the employee. The Department Head/Supervisor will document the discussion, sign and date it for inclusion in the employee's personnel file. This is a formal written warning.

(3) The third incident will result in an employee suspension, without pay, and notification of the attending physician regarding failure to adhere to the physician's restrictions.

In the event an employee refuses an accommodation or reassignment of duties (outside the employee's FMLA benefit eligibility period), which are within the employee's restrictions and ability to perform, Clinton County is not obligated to provide alternatives. In such a case, Clinton County will notify IPMG, which may result in termination of the employee's workers compensation benefits.

(F) **Follow-Up Appointments.** Full-time employees will be paid for visits to designated providers. Those employees seeking treatment from providers other than those designated by Clinton County will not be paid for treatment during work hours; however, they may use sick time for this purpose. Part-time and temporary employees must use sick time, if available, for all follow-up visits to medical providers during working hours.

(603)

28-6-4 WORKERS' COMPENSATION MODIFIED DUTY POLICY.

(A) **Purpose.** The purpose of establishing a modified-duty policy is to provide temporary duty for employees who are temporarily disabled, as a result of a work-

related injury or illness and cannot be assigned to regularly duty, but maintains the ability to perform another form of productive duty. The duties to be performed by the employee on modified-duty status will always be bona fide, productive work and medically approval is obtained. Modified duty will be limited in duration and intended for employees who are expected to return to full duty in the near future, but no longer than **three (3) months**, with an option to extend the status upon review.

(B) **Eligibility.** Eligible candidates for modified duty must be currently employed by Clinton County and be temporarily disabled due to a work related injury or illness. Temporary disability is defined as the lack of ability to perform all aspects of the essential functions of the employee's regular position for a period of time.

The employee will keep in constant contact with the Department Head in regard to his/her medical condition and the projected commencement date for the modified-duty assignment. Employees must accept modified-duty assignments which meet their limitations/ restrictions, as specified by a medical doctor. An employee's failure to report for his/her regular work in a timely manner, once released to do so by a medical doctor, may result in disciplinary action up to and including immediate termination. An employee's refusal or failure to fully cooperate with and/or to participate in modified duty may place their workers' compensation benefits in jeopardy.

Employees who are restricted from regular duty due to a work-related injury or illnesses at the time of the approval of this policy are eligible for modified duty.

(C) **Physician's Role.** An eligible employee must be released to return to modified duty by a medical doctor. The eligible employee must bring a letter to the Department Head/Supervisor from a medical doctor that details the following:

(1) The length of time that the employee is expected to remain on modified duty.
(2) The exact nature of the work (including duties and limitations/restrictions that the employee can and cannot perform).
(3) The date of the next scheduled re-examination to determine any change in the employee's physical status.
(4) A medical opinion as to whether the employee's current disability is permanent or temporary in nature.

The employee must provide the above-mentioned information in writing, prior to modified-duty assignment and after each medical re-examination, while on modified duty.

Modified duty may not exceed **one (1) month** without an evaluation. If, at the end of **one (1) month**, the employee is still unable to return to regular duty, Clinton County will confer on a job change for the employee, or a **one (1) month** extension of the modified-duty assignment. If, at the end of **three (3) months**, the employee has not been placed in another position and is unable to return to his/her original position, the employee and his/her position will be evaluated further. Each situation will be decided on its own merits.

Modified duty is not a guarantee of permanent, continued employment. If the employee has attained maximum medical improvement or is unable to return to his/her regular duties within **one (1) year** of their disability, no further reasonable accommodations can be made to allow the employee to perform the essential functions of his/her position and no other position is available for which the employee is qualified, the employer may terminate the person's employment. Termination of employment does not preclude provisions of workers' compensation benefits as provided by state statutes.

(D) **Types of Duty/Work.** Projects or tasks assigned to an eligible employee for modified duty must be legitimate, ongoing and productive work, which does not

consist of "manufactured" or "busy" work. Any modified duties shall not be construed as creating a new or permanent position. An eligible employee who is released by a medical doctor to modified duty shall be directed by his/her immediate supervisor as to their job duties and responsibilities under this modified duty policy. These modified duties must be within any and all limitations/restrictions enumerated by a medical doctor.

Modified duty can involve, but is not limited to, work assignments to areas other than the eligible employee's regular duty station or department. The eligible employee may be assigned to an entirely different division within the department or another department. Coordination of placement of eligible employees into modified duty will be completed by the Department Head/Supervisor.

(E) **Scheduling.** Eligible employees assigned to modified duty will be scheduled by the Department Head/Supervisor. Modified-duty schedule may vary from the employee's regular work schedule or hours. Modified duty may consist of an **eight (8) hour** day and a **forty (40) hour** work week.

Eligible employees assigned to modified duty will attempt to schedule their medical treatment and/or care for off-duty times. Employees are not permitted to leave their modified-duty assignment to attend medical appointment(s) without prior approval from the Department Head/Supervisor.

(F) **Administrative Review.** An employee assigned to modified duty will be subject to an Administrative Review at the end of every **thirty (30) calendar days**. Included in this meeting will be the employee, the Department Head/Supervisor, and Union Representative (if applicable). This review will consist of an evaluation of the employee's physical status to determine the employee's ability to perform the modified duty and the availability of legitimate work. If it is determined that the modified-duty assignment is not meeting the limitations/restrictions detailed by the employee's medical doctor, the modified-duty assignment will be terminated and the employee returned to workers' compensation disability status.

(G) **Criteria for Modified Duty Assignments.** Below are requirements for a medical doctor to follow when determining the return to work on modified duty status of the employee:

(1) **Sedentary Work.** Lifting **ten (10) pounds** maximum and occasionally lifting and/or carrying such articles as documents, books, ledgers and small tools. Although a sedentary job is defined as one that involves sitting, a certain amount of walking and standing is necessary in carrying out job duties. Employee must be able to stand, walk and/or move him/herself, using physical supports such as canes, crutches, walkers or wheelchairs.

(2) **Light Work.** Lifting **twenty (20) pounds** maximum, with frequent lifting and/or carrying of objects up to **ten (10) pounds**. Even though the weight lifting may be only a negligible amount, a job is in this category when it requires walking or standing to a significant degree of pushing and pulling of the arm/leg controls.

(3) **Medium Work.** Lifting **fifty (50) pounds** maximum, with frequent lifting and/or carrying of objects weighing up to **twenty-five (25) pounds**.

(4) **Heavy Work.** Lifting **seventy-five (75) pounds** maximum, with frequent lifting and/or carrying of objects weighing up to **fifty (50) pounds**.

(5) **Very Heavy Work.** Lifting objects in excess of **seventy-five (75) pounds**, with frequent lifting and/or carrying of objects weighing **fifty (50) pounds** or more.

(H) **Procedures for Implementation of Workers' Compensation Modified-Duty Program.**

(1) During new hire orientation, new employees will be informed of the Modified-Duty Policy and its procedures.

(2) Each Department is to make the Workers' Compensation Modified-Duty Policy available for employees to review.

(3) At the initial visit and any subsequent visits to a medical doctor, the injured employee shall get modified-duty limitations/ restrictions or an off-work slip. The employee's off-work slip must be kept current. If it is not, the employee will be expected to return to full duty on their next assigned duty/work shift/day.

(4) After a Medical doctor has completed modified-duty limitations/ restrictions, the employee is to return the documentation to Department Head/Supervisor immediately.

(5) The department then assigns the employee a modified-duty assignment, in accordance with the medical doctor's limitations/ restrictions. The employee remains on modified-duty status until a medical doctor authorizes the employee to return to full duty or until the **one (1) month** evaluation.

(6) The Department shall coordinate with the Medical Provider to review medical limitations/restrictions of the employee, monitor on-going medical status and any work adjustments which are necessary.

(7) The original release of the employee to full-duty status by a medical doctor should be forwarded to the Department Head/ Supervisor to be placed in the employee's workers' compensation file.

(604)

28-6-5 **INTERNET/E-MAIL POLICY.** Clinton County has e-mail and internet access systems in place for business purposes. We also have software and systems in place that can monitor and record all internet usage. The e-mail and internet access systems in place are the sole property of Clinton County. The technology is in place for business related to Clinton County. Employees may use the technology for limited personal purposes as long as that use does not interfere with the employee's work, or jeopardized the integrity of the computer system, e-mail system or internet access. The technology may also not be used for any purpose which would violate Clinton County policies or state or federal law. If an employee is found to be abusing the technology, his or her access may be limited or eliminated altogether. An employee is also subject to discipline, up to and including termination. Nothing on the internet system or any property of Clinton County, including phones or voice mail, is or can become the private property of any employee.

THERE CAN BE NO EXPECTATION OF PRIVACY OR ASSURANCE OF CONFIDENTIALITY FOR ANY MESSAGES OR FOR ANY USE OR PATTERN OF USAGE OF THE INTERNET, PHONES OR ANY OTHER PROPERTY.

(A) **Management and Administration of the Internet and Phone System.** We want you to be aware that our security systems are capable of recording for each and every user each World Wide Web site visit, each chat, and each newsgroup or e-mail message accessed on each computer station within Clinton County. The system is also capable of recording each file transfer into and out of our internal networks. We reserve at all times the right to monitor such activity. No employee should have any expectation of privacy as to any internet usage or telephone system. The management of Clinton County may review internet activity, voice mail messages, and analyze usage patterns in an effort to maintain the highest levels of productivity. We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this policy.

The system must never be used to create or access offensive or disruptive messages. The display or access of any kind of sexually explicit image or document on any Clinton County system is a violation of both this internet policy and Clinton County's nondiscrimination and harassment policy. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources. Clinton County may use independently-supplied software and data to identify inappropriate or sexually-explicit internet sites. We may block access from within our networks to all such sites. If you find yourself inadvertently connected to a site that contains sexually explicit or offensive material, you must immediately disconnect from that site, regardless of whether that site has been previously deemed acceptable by any monitoring, screening or rating program. Clinton County's internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, county, province or other local jurisdiction in any material way. Use of any Clinton County resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement agency in the investigation of such activity.

Any software or files downloaded via the internet into Clinton County network become the property of Clinton County. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.

No employee may use Clinton County facilities knowingly to download or distribute pirated software or data. No employee may use the County's internet facilities to deliberately propagate any virus, worm, "Trojan horse," or trap-door program code. No employee may use the County's internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

Each employee using the internet facilities of the County shall identify himself or herself honestly, accurately and completely, including the County affiliation and function, when participating in County related chat groups, newsgroups, message boards, or discussion lists, or when setting up accounts on outside computer systems on behalf of the County. Employees may not represent their statements as official County policy or practice without proper authorization. Participating in non-County-related chat groups, newsgroups, message boards or discussion lists by use of the County hardware is prohibited.

Any material posted to any forum, newsgroup, chat group, or internet site in the course of an employee's duties, remains the property of the County.

Employees are reminded that chat groups and newsgroups are public forums where it is inappropriate to reveal confidential County information, personal data, trade secrets, and any other material covered by existing County confidentiality policies and procedures. Employees releasing protected information via any internet facility, whether intentional or inadvertent, may be subject to disciplinary actions, including termination.

Use of County internet facilities to commit infractions such as misuse of County assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property are also prohibited by general County policy, and will be subject to discipline, including termination.

Since what material may be deemed offensive can vary between colleagues, customers, employees or suppliers, it is a violation of the County policy to store, view, print or redistribute any document or graphic file that is not directly related to the user's job or the County's business activities.

Employees may from time to time use the County internet facilities for non-business research outside of work hours provided they request permission from their supervisor before engaging in such use, and provided all other usage policies are observed. Clinton County will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on any individual employee's internet activities.

Employees must take care to understand federal and state copyright, trademark, libel, slander and public speech control laws so that our use of the internet does not violate any laws which might be enforced against us.

Employees with internet access may download only software with direct business use, and must arrange to have such software properly licensed and registered. Downloaded software must be used only under the terms of its license.

Employees may not use the County internet facilities to download entertainment software or games, or to play games over the internet, including games against opponents.

Employees with internet access may not use County internet facilities to download images or videos unless there is an explicit business-related use for the material.

Employees with internet access may not download any software licensed to Clinton County or data owned or licensed by Clinton County without explicit authorization from the supervisor responsible for the software or data.

(B) **Technical.** No employee may create or implement any password other than the password issued by Clinton County for voice mail, network or internet access, without permission of the employee's department head.

(C) **Security.** Clinton County has installed a variety of firewalls, proxies, address screening programs and other security systems to assure the safety and security of the County's networks.

Any employee who attempts to disable, defeat or circumvent any County security facility will be subject to discipline, including immediate termination.

Computers that use their own modems to create independent data connections sidestep our network security mechanisms. An individual computer's private connection to any outside computer can be used by an attacker to compromise any County network to which that computer is attached. That is why any computer used for independent dial-up or leased-line connections to any outside computer or network must be physically isolated from the County's internal networks. Only those internet services and functions with documented business purposes for the County will be enabled at the internet firewall.

EMPLOYEES WHO MISUSE CLINTON COUNTY INTERNET/EMAIL SYSTEM MAY BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION. REMEMBER THAT YOU HAVE NO EXPECTATION OF PRIVACY IN ANY OF THE COUNTY EQUIPMENT OR PROPERTY, INCLUDING BUT NOT LIMITED TO DESKS, COMPUTERS, INTERNET ACCESS, VOICE MAIL, OR E-MAIL.

(605)

28-6-6 <u>SOCIAL MEDIA AND SOCIAL NETWORKING POLICY AND GUIDELINES.</u> Social media, including networking sites and blogs, are increasing in popularity and activity. The County understands the benefits that social media presents to enhance communications with its citizens, but also recognized the risks posed by inappropriate use, and seeks through this policy to establish rules for use regarding County-related online posts. This policy applies to anything that you may post in association with your work as a County employee. In other words, when it comes to all County-related online and internet activities, this policy is mandatory. This policy does not apply to your personal use of social media. You may, however, find that this policy contains helpful information for your own social media practices.

Online activity may be deemed County-related if a post (1) contains the name of the County, contains County contact information, a County email suffix, links to the County's website, or any County online account, or contains images of persons while they are working at the County or at County-sponsored functions or (2) is created or maintained at the County or while using County computers or other equipment.

County employees are not to create social media accounts or post any comments or content on social media websites on behalf of the County or using a County email address unless they have received prior written approval of their department head or the County Board.

The County considers any employee personally responsible for his or her online activity that is linked or may be traced to the County. This includes any use of the County's name, internet domain, or property, including computers. By associating yourself with the County in any of these ways, or possibly others, you may be giving the impression that you are acting on behalf of the County.

When posting in any online forum an employee is potentially impacting his or her own personal image and potentially impacting the County. If your online profile indicates that you work for Clinton County, then your activity may be associated with Clinton County. The guidelines below are mandatory regarding any online content posted on behalf of the County. You may also find these guidelines helpful to guide your personal online use.

The sites covered in this document include any electronic form of communication, including social networking sites such as Facebook, MySpace, Instagram, Snapchat; professional networking sites such as LinkedIn; and live blogging tools like Twitter, as well as any blogs and those sites hosted by other organizations where you either author or post comments.

Follow these guidelines when creating and/or publishing content online:

- **Maintain confidentiality.** Never divulge confidential information about the County, our employees, our clients, or our citizens.
- **Represent yourself accurately.** Make certain that when you are posting approved content on behalf of the County, you properly identify yourself, and your position.
- **Be accurate.** When posting content, your overall goal should be providing value through accurate information. You may not post anything that is knowingly false.
- **Be respectful.** All rules relating to conduct in the workplace also apply to any work-related online activity.

Please also follow these guidelines:

- Follow the rules regarding the use of County email and internet outlined in the Personnel Policy. Users are responsible for complying with all applicable federal, state and local laws, regulations and policies, including but not limited to intellectual property and copyright laws.
- Please remember to use common sense and follow the County's policies prohibiting discrimination, harassment, threats and intimidation.

- Clinton County is not interested in limiting your ability to participate in personal social networks with a personal email address outside of the workplace. However, what you publish on these sites should never be attributed to the County. Please make it clear that you are speaking for yourself. Furthermore, even if you do not mention Clinton County, your association with the County may be readily ascertainable and could reflect poorly upon you and the County. Please use common sense when making online comments, even if you intend for them only to be personal in nature.
- Be aware of your association with Clinton County in online social networks. If you identify yourself as a Clinton County employee, ensure your profile, photographs and related content is consistent with how you wish to present yourself to colleagues and clients.
- Social media sites are within the public domain and Clinton County reserves the right to monitor social media sites and blogs.
- Nothing in this policy, or any other Clinton County policy, should be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. Section 6 provides in relevant part that "employees of… any political subdivision of the State… are protected in the exercise of, the right of self-organization, and may form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, not excluded by Section 4 of this Act, and to engage in other concerted activities not otherwise prohibited by law for the purposes of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion…" The County has and always will comply fully with its obligations under the Illinois Public Labor Relations Act.
- Nothing in this policy should be interpreted as a restriction on an employee's rights under the First Amendment.
- Any violators of these guidelines may be subject to disciplinary action, up to and including termination.

(606)

28-6-7 USE OF COUNTY EQUIPMENT. When using any County property, employees are expected to exercise due care, perform required maintenance and follow all operating instructions, safety standards and guidelines. County equipment of any kind can only be used for County business.

Please notify the Elected/Appointed Official if any equipment, machines, tools, vehicles, buildings or other County owned property appear to be defective, damaged or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of the equipment, eliminate warranty matters, and possible causes of injury to employees or the general public. See your Elected/Appointed Official with any questions regarding County Equipment. **(607)**

28-6-8 AUTHORIZED DRIVERS AND MOTOR VEHICLE RECORD (MVR) CHECK POLICY AND PROCEDURE.

(A) **Introduction.** The purpose of this policy is to ensure the safety of those individuals who drive County vehicles and personal vehicles on County business and their passengers.

(B) **Policy Statements.**

(1) All drivers must be authorized to drive for work purposes.

(2) Clinton County vehicles are not to be used for personal or non-work related purposes unless otherwise authorized.

(3) Clinton County reserves the right to review both the Driver's License and MVR of all authorized drivers at any time.

(4) MVR reviews will be run for authorized drivers a minimum of annually.

(5) For positions which require driving as an essential function, applicants will receive a conditional offer of employment, contingent upon the results of the MVR review.

(C) **Requirements to Become an Authorized Driver.**

(1) Must be a current employee or contracted individual.

(2) Must complete the Employee Authorization for MVR Review (attached).

(3) Must present and maintain a favorable MVR (see attached for guidelines).

(4) Must provide a current copy of a valid Driver's License for the type of vehicle to be driven.

(D) **Driver Responsibilities.**

(1) It is the driver's responsibility to operate the vehicle in a safe manner to prevent injuries ad property damage.

(2) Drivers must have a valid driver's license for the type of vehicle to be operated, and keep the license(s) with them at all times while driving. All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion on medical, drug, and alcohol evaluations.

(3) All drivers and passengers must wear seat belts.

(4) Employees must report all accidents, regardless of severity, by the end of the employee's work shift to the police and to their Department Head or immediate Supervisor. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, including termination.

(5) Authorized drivers are prohibited from text messaging and emailing while driving. Phone use is also prohibited, unless a hands free device is used.

(6) It is the responsibility of all authorized drivers to report the loss, bond issuance, suspension and/or revocation of his/her Driver's License immediately to their Department Head or immediate Supervisor.

(7) All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the authorized driver.

(8) Driving for work purposes while under the influence of intoxicants or other illicit drugs is forbidden and is sufficient cause for discipline, including termination.

(9) Authorized drivers must inform their Department Head if taking any medications that may affect their ability to safely operate an automobile.

(10) Drivers are responsible for the security of vehicles being used by them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended unless doing so would inhibit the employee's ability to perform their job functions. If the vehicle is left with a parking attendant, only the ignition key is to be left.

(E) **Questionable MVR's.** The following is a non-exhaustive list of MVR violations that could result in disciplinary action up to and including rescinding an offer of employment or termination:

(1) One serious violation during the past **three (3) years**. Serious violations are:
- (a) Reckless or negligent driving
- (b) Driving while impaired by or under the influence of alcohol or drugs
- (c) Homicide, negligent homicide, or involuntary manslaughter by vehicle
- (d) Fleeing or attempting to elude police officers
- (e) Driving without a license or while license is suspended or revoked
- (f) Hit and run or failure to stop after an accident
- (g) Using a motor vehicle for the commission of a felony
- (h) Operating a motor vehicle without the owner's authority (theft)

(2) Two of the following occurrences during the past **three (3) years**:
- (a) Major speeding (20 or more MPH over limit)
- (b) "At fault" accident

(3) Three of the following occurrences during the past **three (3) years**:
- (a) Speeding (less than 20 MPH over limit)
- (b) Any moving violation
- (c) Not "at fault" accident

Any questionable MVR will be reviewed by the Department Head and may result in suspension or termination of driving privileges.

(F) **Unacceptable MVR's.** An employee's MVR may be considered unacceptable based on the number and severity of violations.

If an unacceptable MVR is received it will be reviewed by the Department Head. Appropriate actions may be taken, up to and including rescinding the offer of employment, or termination of current employment.

Please review and sign the "Employee Authorization for MVR Review" form at the end of this Personnel Policy.

(608)

28-6-9 **SMOKING POLICY.** In keeping with the County's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace and on County property.

This policy applies to all employees, customers and visitors.

(609)

28-6-10 **BUSINESS TRAVEL EXPENSES.** Employees will be reimbursed for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel and expense must be approved in advance by the appropriate Elected/Appointed Official.

The use of personal vehicles will be reimbursed at the mileage rate set forth by the IRS.

When approved, the actual reasonable costs of travel, lodging, meals and other reasonable expenses directly related to accomplishing business travel objectives will be reimbursed. Employees are expected to limit expenses to reasonable amounts. Expenses attributed to non-employees or to any alcoholic beverages will not be reimbursed.

When travel is completed, employees should submit their expenses to the Elected/ Appointed Official. All claims must be accompanied by original itemized receipts for individual expenses and must be submitted to the Elected/Appointed Official before the first Tuesday of each month. The Elected/Appointed Official will then review, authorize and submit for payment.

Abuse of business travel expenses policy, including falsifying expense reports to reflect costs not actually incurred by employee, will be grounds for disciplinary action, up to and including termination of employment. In some instances, legal action may be instituted.

(610)

28-6-11 **VISITORS IN THE WORKPLACE.** For the safety and security of all employees and the facilities of Clinton County, only authorized visitors are allowed in work areas. Restricting visitors helps to maintain safety standards, protects confidential information, safeguards employee welfare and avoids potential distractions and disturbances.

If any individual is observed engaging in questionable behavior on any County premises, employees should immediately notify an Elected/Appointed Official.

Follow the Sheriff's policy on usage of key card.

(611)

28-6-12 **EMERGENCY CLOSINGS.** At times, emergencies such as severe weather, fires, power failures, or earthquakes may disrupt County operations. In extreme cases, these circumstances may require the closing of a County facility. In the event that this occurs during non-business hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When operations are officially closed, the time off from scheduled work will be paid.

Provisions of this Section are applicable only to the Court House and are not applicable to the Highway Department and the Sheriff's Department. The decision to close the Courthouse is the responsibility of the Sheriff. The decision to close the Courts is the responsibility of the Chief Judge of the 11th Circuit.

(612)

ARTICLE VII – EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

28-7-1 **EMPLOYEE CONDUCT AND WORK RULES.** To ensure orderly operations and provide the best possible work environment, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. Please notice surveillance cameras are used throughout the courthouse. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. See your department head if you are unsure of what constitutes professional and acceptable conduct.

(A) Employees should use discretion when using County telephones while making personal calls. Incurring long distance charges for personal calls while using a County telephone is not permitted.

(B) To ensure effective communications, employees should always answer the telephone (within **three (3) rings** is possible) in a courteous and professional manner and use the greeting approved for that office.

(C) The use of County paid postage for personal correspondence is forbidden.

(D) Theft or inappropriate removal or possession of County property is forbidden.

(E) Fighting or threatening violence in the workplace.

(F) Negligence or improper conduct leading to damage of employer-owned or customer-owned property.

(G) Insubordination or other disrespectful conduct.

(H) Violation of safety or health rules.

(I) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.

(J) Excessive absenteeism, tardiness or absence without notice.

(K) Unauthorized absence from workstation during the workday.

(L) Unauthorized disclosure of confidential information.

(M) Violation of personnel policies.

(N) Unsatisfactory job performance or personal conduct.

(O) Sleeping while on the job.

(P) False or misleading information on employment application form.

(Q) Violating any state or federal statute.

(701)

28-7-2 **DRUG AND ALCOHOL USE/ABUSE POLICY.**

(A) **Intent.** The County is concerned about the ultimate effects of the use of illegal drugs and the use of alcohol upon the health and safety of its employees and the public. We recognize that studies show that alcohol abuse and the illegal use of drugs leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, the County and the public. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover adversely affect achievement of the County's mission and goals.

No part of this policy, nor any of the procedures thereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way the County's rights to manage its workplace or discipline employees.

(B) **Definitions.** For purposes of this policy, the following terms shall have the following meanings:

(1) "Premises" shall include all work sites, work areas, property owned or leased by the County, or vehicles owned, operated, leased, or under the control of the County. Privately-owned vehicles parked or operated on property owned, leased or managed by the County is also included under the definition.

(2) "County time" shall include all times during which an employee is on County premises, meal and break times on or off the County premises, or performing work off the premises for the benefit of the County, as a representative of the County.

(3) "Legal drug" means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed and over-the-counter drugs.

(4) "Illegal drug" means any controlled substance the possession or sale of which is prohibited by law.

(5) "Under the influence" means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to substances. This also means the detectable presence of substances within the body, regardless of when or where they may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for other substances. With respect to employees subject to the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, under the influence is defined in accordance with FMCSA regulation as having an alcohol concentration of 0.02 or greater.

(6) "Substance" means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclinidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).

(7) "Traceable in the employee's system" means that the results of a laboratory's analysis of the employee's urine or blood specimen is positive for the tested substance.

(8) "Reasonable suspicion" means suspicion based upon: specific personal observations that the County's representatives can

describe concerning the employee's appearance, movements, behavior, speech, breath; detection of a prohibited substance in the area where an employee has/had been working; an unexplained decline in work performance or attendance; a workplace accident or safety violation

(9) "Work related cause" means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on County premises or during County time; caused damage to any County owned or leased property; or commits repeated and/or flagrant violations of safety standards.

(C) **Applicability.**

(1) This policy applies to all employees and may apply to volunteers of the County as well as candidates for employment with the County who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.

(2) The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

(D) **Policy.**

(1) **Alcohol or Illegal Drugs or Substances.** The possession, sale, purchase, use or transfer of alcohol or an illegal drug or substance while on the County's premises or while on County's time is prohibited. In addition, employees may not report to work or be on County premises or County time under the influence of alcohol or with any traceable illegal drug or substance in their system. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

(2) **Legal Drugs.** The County does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription and/or over-the-counter drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.

(3) **Pre-Employment Substance Testing.** Upon receipt of a contingent offer of employment, candidates may be subject to pre-employment substance testing. Individuals to whom a contingent offer is made whose pre-employment substance test returns positive (except with respect to prescription drugs and over-the-counter medications) will be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.

(4) **Random Selection Testing.** The County is a drug-free workplace and reserves the right to conduct random testing on all employees. All employees are subject to random testing for substances. Where random testing is prohibited or restricted by

applicable federal, state or local statute or regulation, or other legally-binding agreement, the County will conform to all applicable laws, regulations, and agreements notwithstanding the provisions of this policy.

(5) **Post-Accident Testing.** If the County has reasonable cause to believe that an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident substance test. Employees who operate vehicles owned by the County are subject to random, no-notice substance testing.

(6) **Fitness for Duty.** Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of substances may be subject to substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to a fitness for duty substance test before being permitted to return to work.

(7) Per FMCSA regulation, a driver subject to DOT regulations who is found to have an alcohol concentration of 0.01 or greater but less than 0.02 shall not perform, nor be permitted to perform, safety-sensitive functions for at least **twenty-four (24) hours**.

(8) **Disciplinary Action.**

(a) Any employee who possesses, sells, purchases, uses or transfers alcohol or an illegal substance on County premises may be subject to immediate discharge.

(b) Any employee who reports to work under the influence of alcohol or with an illegal drug or substance traceable in his/her system may be subject to immediate disciplinary action up to and including discharge.

(c) An employee who refuses to sign a consent form or cooperate in providing a specimen for testing when required under this policy may be subject to immediate disciplinary action up to and including discharge.

(d) Any employee who refuses to participate in rehabilitation/ treatment as recommended as a result of a positive test and evaluation by a substance abuse counselor may be subject to immediate discharge.

(E) **Testing Procedures.**

(1) **Testing.** The County may require an employee or candidate to provide a urine specimen, submit to a blood test, provide hair or saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by the County, immediately upon the request of authorized County representatives or agents in accordance with this policy.

(a) Where the County has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. The County should

call the emergency contact indicated by the employee, or if unavailable, arrange for the employee to be transported home following the test.

(b) Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to the County as permitted by law.

(c) At the discretion of the County, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the employee will be reimbursed for any salary lost during administrative leave.

(d) Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and may be grounds for immediate termination of employment or ineligibility for hire.

(e) Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of the County. The candidate or employee will have the option of re-testing within **twenty-four (24) hours** at the County's expense.

(f) If the second test is also positive, the candidate or employee will have the opportunity to explain the results. The County retains the discretion to determine the appropriate disciplinary action following two positive drug tests.

(g) An employee who has been removed from the work area or barred from working as a result of violating this policy, may be subject to immediate discharge, and may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services.

(2) **Consent.** The employee must sign a consent form authorizing the medical clinic or other location as designated by the County to perform the aforementioned tests and release the results of the testing to the County.

(3) **Chain of Custody Procedures.** At the time specimens are taken, standard "chain of custody" or "chain of possession"

procedures will be followed and the employee shall be given a copy of these specimen collection procedures.

(4) **Confidentiality.** The results of any testing shall be kept strictly confidential among the employee, the clinic/other designated location, any outside laboratory used for analysis, and the County. However, the County may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.

(5) **Treatment.** An employee who voluntarily informs the County that he/she has a drug or alcohol abuse problem and desires rehabilitation assistance may be granted a leave of absence, in accordance with the County's Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

(6) **Searches.** Authorized County representatives or agents may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, County property or property of other employees, consumers, etc. Items discovered through such searches may be turned over to law enforcement authorities.

(7) Employees must notify the County within **five (5) days** of any criminal drug statute conviction.

(8) The County, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.

The following are hotline and helpline numbers made available as a reference only.

Focus on Recovery
Helpline for Drug & Alcohol Abuse
(800) 234-0286, (800) 234-0246 or (800) 234-0420

The Center for Substance Abuse
Treatment Information, Treatment & Referral Hotline
(800) 662-HELP (4357)

(702)

28-7-3 DISCRIMINATION AND HARASSMENT POLICY.

(A) **Statement of Policy.** It is the County's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, gender, sexual orientation, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, or any other classification prohibited under federal or state law. The County will neither tolerate nor condone harassment of employees by

managers, supervisors, elected officials, co-workers, or non-employees with whom County employees have a business, service, or professional relationship. Retaliation against an employee who complains or reports any act of harassment in violation of this policy is prohibited. The County is committed to ensuring and providing a work place free of harassment. The County will take disciplinary action, up to and including termination, against an employee who violates this policy.

Sexual harassment is also prohibited by the County. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

(1) submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
(2) submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
(3) the harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

(1) The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
(2) The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
(3) The employee does not have to be the person harassed but could be anyone affected by the offensive conduct.
(4) Unlawful sexual harassment may occur without economic injury to or discharge of the employee.
(5) The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the County deems inappropriate and in violation of our policy:

(1) Unwanted sexual advances.
(2) Offering employment benefits in exchange for sexual favors.
(3) Making or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
(4) Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
(5) Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
(6) Written communications (via hard copy, computer, or cell phone) of a sexual nature or containing statements which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or disabled individuals.

(7) Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

(B) **Responsibilities.**

(1) **Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

(a) Monitoring the workplace environment for signs of discrimination or harassment:

(b) Stopping any observed acts of harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;

(c) Reporting any complaint of harassment or discrimination to the state's attorney; and

(d) Taking immediate action to limit the work contact between employees when there has been a complaint of harassment, pending investigation.

(2) **Employees.** Each employee is responsible for assisting in the prevention of discrimination and harassment through the following acts:

(a) Refrain from participation in, or encouragement of, actions that could be perceived as harassment;

(b) Reporting acts of harassment to a supervisor; and

(c) Encouraging any employee who confides that he/she is being harassed to report these acts to a supervisor.

Failure to take action to stop known harassment may be grounds for discipline.

There is a clear line most cases between mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment.

Employees are free for form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions by a co-worker should inform the harasser that such behavior is offensive and tell the harasser to stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome.

If you are advised by another employee that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

(C) **Applicable Procedures.** The County takes allegations of discrimination and harassment very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the harasser that the conduct is unwelcome and must stop. The employee should use the county's complaint procedure to advise the County of any perceived discrimination or harassment.

(1) **Bringing a Complaint.** Any employee of Clinton County, or an employee of a County official, who believes that there has been a violation of this policy may bring the matter to the attention of the County in one of the following ways:

(a) Advising his or her supervisor; or

(b) Advising the employee's supervisor, County State's Attorney, or the County Clerk in the event that the alleged harasser is the State's Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the State's Attorney.

The complaint should be presented as promptly as possible after the alleged discrimination or harassment occurs.

(2) **Resolution of a Complaint.** Promptly after a complaint is submitted, the County will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedures in resolving any complaints can (but will not necessarily) include any of the following items:

(a) A meeting between the employee making the complaint and an individual designated by the County to investigate such complaints. Important data to be provided by the complaining employee includes the following:

(i) A description of the specific offensive conduct;

(ii) Identification of all person(s) who engaged in the conduct;

(iii) The location where the conduct occurred;

(iv) The time when the conduct occurred;

(v) Whether there were any witnesses to the conduct;

(vi) Whether conduct of a similar nature has occurred on prior occasions;

(vii) Whether there are any documents which would support the complaining employee's allegations;

(viii) What impact the conduct had on the complaining employee.

(b) While not required, the County encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.

(c) After a written statement of complaint is submitted by the employee, the alleged offending employee should be contacted by a designated representative of the County. The alleged offending employee should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee. The alleged offending employee should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

(d) After the alleged offending employee is interviewed, any witnesses identified by either the complaining employee or the alleged offending employee may be interviewed individually.

(e) Once this investigation is completed, the County will take such action as is appropriate based upon the information obtained in the investigation. In the event that the County finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:

(i) Verbal or written reprimand;

(ii) Placing the offending employee on probation for a period of time to be identified;

(iii) Delay in pay increases or promotions;

(iv) Suspending the offending employee from work without pay;

(v) Demotion;

(vi) Immediate termination.

(f) Upon completion of the investigation, the County will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending employee.

When investigating allegations of discrimination or harassment, the County looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

(3) **Non-Retaliation.** Under no circumstances will there be any retaliation against any employee making a complaint of discrimination or harassment. Any act of retaliation by any party directed against either a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct charge and will be similarly investigated. Complaints of retaliation should be addressed to the State's Attorney or County Clerk.

If you have any questions concerning the County's policies on this matter, please see the State's Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000.

(703)

28-7-4 **PERSONAL APPEARANCE.** It is the policy of Clinton County that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

The appearance of office workers and any employees who have regular contact with the public is to be governed by the following standards:

(A) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. The wearing of suggestive attire is not permitted as it does not present a businesslike appearance.

(B) Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length.

(C) Sideburns, mustaches, and beards should be neatly trimmed.

The personal appearance of employees who do not regularly meet the public is to be governed by the requirements of safety and comfort, but should still be as neat and business-like as working conditions permit.

Certain employees may be required to meet special dress, grooming, and/or hygiene standards depending on the nature of their job.

Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Any work time missed because of failure to comply with this policy will not be compensated, and repeated violations of this policy will be cause for disciplinary action.

(704)

28-7-5 **SOLICITATION.** In an effort to assure a productive and harmonious work environment, persons not employed by the County may not solicit or distribute literature in the workplace.

Bulletin Boards – The posting of written solicitations on County Bulletin Boards is restricted. These bulletin boards display important information and employees should consult them frequently.

(705)

28-7-6 **PROGRESSIVE DISCIPLINE.** The following are recommended procedures for employee discipline consistent with good personnel management. The disciplinary steps would be dependent on the severity of the violation and other relevant considerations. The County reserves the right to bypass any or all steps in this policy depending on the circumstances of the conduct at issue. These steps may be utilized in the absence of a procedure provided by statute.

(A) **Verbal Warning.** This may be given prior to initiation of disciplinary action, and should be noted in the employee's personnel file as to the time and date of the infraction and the nature of the infraction. The employee shall be advised that there will be a notation in their personnel file.

(B) **Written Warning.** A written warning may be given to the employee if he/she continues to have difficulties in the same area. However, the department head may give a written warning to an employee after an oral warning, even if the problem area is different. Finally, the department head may issue a written warning if the violation or infraction is a serious nature, but does not justify dismissal. A copy of this warning should be included in the employee's personnel file, and each employee should sign and date a statement that he received the warning.

(C) **Suspension.** The department head may, as a disciplinary action, suspend an employee with or without pay. Upon evidence or reasonable suspicion of a serious offense against the county, another employee, a client or the public; and after consultation with the employee, the department head may order an employee absent from duties with or without pay for a period not to exceed **five (5) working days**. The department head shall, within

forty-eight (48) hours of such action, prepare a written report stating the grounds for such action and submit it to the suspended employee. An employee may appeal his/her suspension to the Chairman of the County Board, provided that the request for review is filed with the County Clerk within **ten (10) working days** of the receipt of the written report stating the reasons and duration of the suspension.

(D) **Dismissal.** Certain conduct, may result in discharge of the employee by the department head. The Elected/Appointed Official must prepare a written report of the grounds and the specific reasons for the dismissal, and must provide the same to the employee. **(706)**

Conflict Repeal. Any and all policies, procedures or regulations previously adopted by the County or any agency, office or department which are inconsistent with the provisions of this Personnel Policy shall be hereby repealed to the extent they are inconsistent with the provisions of this Personnel Policy. In the event of conflict with the provisions of this Personnel Policy and any policy, procedure, rule or regulation previously adopted by this County or any agency, office or department thereof, the provisions of this Personnel Policy shall prevail. However, all specific provisions of a Collective Bargaining Agreement and/or an Employment Agreement which are directly contrary to a policy or procedure set forth herein shall control.
(707)

(Ord. No. 16-09; 11-21-16)

[See Section 1-1-20 for General Penalty Provisions]

EMPLOYEE ACKNOWLEDGEMENT FORM

I, _____, hereby acknowledge receipt of my Employee Personnel Policy. I understand that the Personnel Policy has been developed for the general guidance of Clinton County (hereafter known as Employer) employees and that it is my responsibility to read and acquire an understanding of the information contained in the Personnel Policy. I have advised that my Department Head is available to answer any questions I may have concerning the Personnel Policy. Furthermore, I understand that neither the Personnel Policy nor any of its individual terms constitutes or represents binding contractual commitments on the part of the Employer, and that the policies, benefits and rules described in the Personnel Policy can be unilaterally changed or discontinued by the Employer at any time without prior notice. I recognize that I am an employee at will and may resign at any time or be discharged at any time for any reason with or without cause.

I acknowledge that because the information, policies and benefits described here are necessarily subject to change, that revisions to the Personnel Policy may occur, except to the Employer's policy of employment – at-will. As new policies are enacted or current policies are revised, I acknowledge that I may receive additional policies or revised information that may supersede, modify or eliminate existing policies to include in my Personnel Policy. I will update my Personnel Policy as new pages are issued to ensure that my copy will remain an accurate resource on the Employer's policies. Only the Employer has the ability to adopt any revisions to the policies in the Personnel Policy.

I understand that the Employee Personnel Policy, although assigned to me, is considered property of the Employer and I will be expected to return it upon separation from the Employer.

I, _____, acknowledge that I have been assigned Employee Personnel Policy number _____, issued _____/_____/_____. I certify that I have read the Personnel Policy and understand the policies contained in it.

_____ _____

Date Signature of Employee

PUBLIC SAFETY

ARTICLE		***TITLE***		***PAGE***
I	***EMERGENCY MANAGEMENT AGENCY (EMA)***			
	Section 30-1-1	-	*Establishment; Purposes; Membership; Statutory Authority*	*30-1*
	Section 30-1-2	-	*Limitations*	*30-1*
	Section 30-1-3	-	*Definitions*	*30-1*
	Section 30-1-4	-	*Functions Statutory Responsibilities*	*30-2*
	Section 30-1-5	-	*EMA Director; Office*	*30-3*
	Section 30-1-6	-	*Compensation; State Reimbursement*	*30-4*
	Section 30-1-7	-	*Local Disaster Declarations*	*30-4*
	Section 30-1-8	-	*Testing of Disaster Warning Devices*	*30-5*
	Section 30-1-9	-	*Mutual Aid Between Political Subdivisions*	*30-5*
	Section 30-1-10	-	*Immunity*	*30-5*
	Section 30-1-11	-	*Authority to Accept Services, Gifts, Grants or Loans*	*30-5*
	Section 30-1-12	-	*Orders, Rules and Regulations*	*30-6*
	Section 30-1-13	-	*Utilization of Existing Agency, Facilities and Personnel*	*30-6*
	Section 30-1-14	-	*Oath*	*30-6*
	Section 30-1-15	-	*No Private Liability*	*30-6*
	Section 30-1-16	-	*Prohibition of Political Activity*	*30-7*
II	***9-1-1 EMERGENCY TELEPHONE SYSTEM***			
	Section 30-2-1	-	*Established*	*30-8*
	Section 30-2-2	-	*Composition*	*30-8*
	Section 30-2-3	-	*Term of Office*	*30-8*
	Section 30-2-4	-	*Powers and Duties*	*30-8*
	Section 30-2-5	-	*Meetings*	*30-9*
	Section 30-2-6	-	*Removal of a Member of the Board*	*30-9*
	Section 30-2-7	-	*Confidentiality*	*30-9*
	Section 30-2-8	-	*Annual Budget and Report*	*30-9*
	Section 30-2-9	-	*Addressing Official*	*30-9*
	Section 30-2-10	-	*Address Numbers and Road and Street Names*	*30-10*
III	***MUTUAL AID BOX ALARM SYSTEM***			
	Section 30-3-1	-	*Purpose*	*30-12*
	Section 30-3-2	-	*Definitions*	*30-12*
	Section 30-3-3	-	*Authority and Action to Effect Mutual Aid*	*30-12*
	Section 30-3-4	-	*Jurisdiction Over Personnel and Equipment*	*30-13*
	Section 30-3-5	-	*Compensation for Aid*	*30-13*
	Section 30-3-6	-	*Insurance*	*30-13*
	Section 30-3-7	-	*Indemnification*	*30-13*
	Section 30-3-8	-	*Non-Liability for Failure to Render Aid*	*30-14*
	Section 30-3-9	-	*Term*	*30-14*
	Section 30-3-10	-	*Effectiveness*	*30-14*
	Section 30-3-11	-	*Binding Effect*	*30-14*
	Section 30-3-12	-	*Validity*	*30-14*

ARTICLE		***TITLE***		***PAGE***
III	***MUTUAL AID BOX ALARM SYSTEM (CONTINUED)***			
	Section 30-3-13	-	*Notices*	*30-14*
	Section 30-3-14	-	*Governing Law*	*30-14*
	Section 30-3-15	-	*Execution in Counterparts*	*30-14*
	Section 30-3-16	-	*Executive Board of MABAS*	*30-15*
	Section 30-3-17	-	*Duties of the Executive Board*	*30-15*
	Section 30-3-18	-	*Rules and Procedures*	*30-15*
	Section 30-3-19	-	*Amendments*	*30-15*
IV	***ILLINOIS EMERGENCY MANAGEMENT MUTUAL AID SYSTEM***			
	Section 30-4-1	-	*Purpose*	*30-16*
	Section 30-4-2	-	*Definitions*	*30-16*
	Section 30-4-3	-	*Authority and Action to Effect Mutual Aid*	*30-16*
	Section 30-4-4	-	*Incident Management System*	*30-17*
	Section 30-4-5	-	*Compensation for Aid*	*30-17*
	Section 30-4-6	-	*Insurance*	*30-17*
	Section 30-4-7	-	*Indemnification*	*30-17*
	Section 30-4-8	-	*Non-Liability for Failure to Render Aid*	*30-18*
	Section 30-4-9	-	*Term*	*30-18*
	Section 30-4-10	-	*Effectiveness*	*30-18*
	Section 30-4-11	-	*Binding Effect*	*30-18*
	Section 30-4-12	-	*Validity*	*30-18*
	Section 30-4-13	-	*Notices*	*30-18*
	Section 30-4-14	-	*Governing Law*	*30-18*
	Section 30-4-15	-	*Execution in Counterparts*	*30-18*
	Section 30-4-16	-	*Executive Board of IEMMAS*	*30-19*
	Section 30-4-17	-	*Duties of the Executive Board*	*30-19*
	Section 30-4-18	-	*Rules and Procedures*	*30-19*
	Section 30-4-19	-	*Amendments*	*30-19*

CHAPTER 30

PUBLIC SAFETY

ARTICLE I – EMERGENCY MANAGEMENT AGENCY (EMA)

30-1-1 <u>ESTABLISHMENT; PURPOSES; MEMBERSHIP; STATUTORY AUTHORITY.</u>

(A) There is hereby created within the County governmental organization an entity to be known as the Clinton County Emergency Management Agency (CCEMA), hereinafter referred to as the EMA. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, and the State and federal government in accordance with the provisions of the Illinois Emergency Management Agency Act **(20 ILCS Sec. 3305)**, hereinafter "the Act".

(B) The purpose of the EMA shall be the coordination of emergency services functions which may be necessary for or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes.

(C) The EMA shall consist of the Director and such additional members as may be selected by the Director and such approved by the County Board.

(D) All emergency services functions of the EMA shall at all times be in accordance with the provisions of the Act and all rules and regulations promulgated thereunder.

30-1-2 <u>LIMITATIONS.</u>

(A) Nothing in this Code shall be construed to interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety.

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster.

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but State and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management.

(D) Limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act; limit any home rule unit; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution.

30-1-3 <u>DEFINITIONS.</u>

(A) **<u>Emergency Management</u>** means the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster prevention, preparedness, response and recovery.

(B) **<u>Emergency Management Agency</u>** means the agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments.

(C) **<u>Emergency Operations Plan</u>** means the written plan of the State and political subdivisions describing the organization, mission and functions of the government and supporting services for responding to and recovering from disasters.

(D) **Emergency Services** means the coordination of such functions by the State and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from natural or technological causes. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken and threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(E) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action.

(F) **Mobile Support Team** means the utilization of personnel to be dispatched by the Governor, or, if he/she so authorized the Illinois Emergency Management Agency (IEMA) Director, by the IEMA Director, to supplement local political subdivisions for emergency management programs in response to a disaster.

(G) **Coordinator** means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

(H) **Political Subdivision** means any county, city, village, incorporated town or township in a county having a population of more than **two million (2,000,000)**.

(I) **Principal Executive Officer** means chairman of the county board, supervisor of a township if the township is in a county having a population of more than **two million (2,000,000),** mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established pursuant to Section 7 of the Emergency Interim Executive Succession Act.

(J) **Disaster Training Exercise** means a planned event designed specifically to simulate an actual disaster which will provide emergency operations training for emergency response personnel. Actual response by EMA employee(s) and/or volunteers to local emergency situations not qualifying as disasters, as defined in this Section, is considered a disaster training exercise. Provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a disaster training exercise.

(K) **Illinois Emergency Management Agency or IEMA** means the agency established by the Act within the executive branch of State Government responsible for coordination of the overall emergency management program of the State and with private organizations, political subdivisions and the federal government.

(L) **Municipality** means any city, village or incorporated town.

30-1-4 FUNCTIONS STATUTORY RESPONSIBILITIES.

(A) The EMA shall not have jurisdiction within a political subdivision that has its own emergency services and disaster agency or that there like, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within their borders.

(B) The County EMA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency services and disaster agency or that there like in order to facilitate the cooperation and protection of that municipality with the EMA in which it is located in the work of disaster prevention, mitigation, preparedness, response and recovery.

(C) The Principal Executive Officer of the County shall notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency

management, identify the executive head of the EMA and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.

(D) The EMA shall prepare and keep current an emergency operations plan for its geographic boundaries. It shall be submitted to the IEMA for review and approval, in accordance with the Act.

(E) The EMA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(F) The EMA shall coordinate emergency management functions within the territorial limits of the subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency and in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into the Act.

(G) The County upon advice from the EMA may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, the County may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

(H) The EMA personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purpose of benefits under the Workers' Compensation Act or Workers' Occupational Diseased Act only, be deemed to be employees of the State, if:

(1) the claimant is duly qualified and enrolled (sworn in) as a volunteer for the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and;

(2) if the claimant was participating in an actual disaster as defined in paragraph (E) of Section 4 of the Act or the exercise participated in was specifically and expressly approved by the Illinois Emergency Management Agency.

Illinois Emergency Management Agency shall use the same criteria for approving an exercise and utilizing State volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

(I) Prior to conducting a disaster training exercise, the Principal Executive Officer of the County or his designee shall provide area media with written notification of the disaster training exercise. Such notification shall indicate that information relating to the disaster training exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the disaster training exercise, all messages, two-way radio communications, briefings, status reports, news released, and other oral or written communications shall begin and end with the following statement; "This is an exercise message".

30-1-5 <u>EMA DIRECTOR; OFFICE.</u>

(A) The EMA shall have a Director who shall be appointed by the Principal Executive Officer of the County in the same manner as are the heads of regular governmental departments.

(B) The EMA Director shall have direct responsibilities for the organization, administration, training and operation of the EMA, subject to the direction and control of that Principal Executive Officer.

(C) The EMA shall have an office and the County is authorized to designate space in a County building, or elsewhere, as may be provided for the EMA.

(D) The EMA Director shall prepare and present emergency/disaster related training programs for schools, law enforcement agencies, fire departments, emergency medical service agencies, businesses, civic organizations and groups.

(E) The EMA Director shall provide training and exercises for government officials to prepare and guide their decisions/actions in emergency situations.

(F) The EMA Director shall prepare and monitor budgets, apply for Federal and State financial/grant assistance.

(G) The EMA Director shall maintain the County's accreditation level according to the Act.

(H) The EMA Director can enact any emergency powers, rules and/or regulations permitted by the Governor under the authority of the Act with the advice of the Principal Executive Officer of the County. Such emergency powers, rules and/or regulations can include but are not limited to: curfew, closing of all retail liquor stores including taverns, bars and private clubs, discontinue the sale of alcoholic liquor by any wholesaler or retailer, discontinue the selling, distribution, or giving away of gasoline, diesel fuel or any other flammable liquid or combustible products, and issue such orders as are imminently necessary for the protection of life and property.

(I) The EMA Director or any EMA personnel may be called upon to by the Governor, IEMA Director or Regional Coordinator assist on an Incident Management Assistance Team (IMAT). Any member of an IMAT that is a county employee or officer while serving on call to duty by the Governor, IEMA Director or Regional Coordinator shall receive the compensation and have the powers, duties, right and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the County, while serving, shall receive from the state a reasonable compensation as provided by law.

(J) The EMA Director or his/her designee shall issue no burn orders due to drought conditions. This order will be made at the request of the fire department chiefs, city mayors, village presidents or Principal Executive Officer of the County. Such orders shall prohibit all open burning but shall not prohibit a cooking fire in a closed device.

30-1-6 <u>COMPENSATION; STATE REIMBURSEMENT.</u>

(A) EMA members who are paid employees or officers of the County, if called for training by the State Director, shall receive for the time spent in such training the same rate of pay as is attached to the position held; member who are not such County employees or officers shall receive for such training such compensation as may be established by the County Board.

(B) The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the County for expenses incident to training members of the EMA prescribed by the State Director, compensation for services and expenses of members of a Mobile Support Team while serving outside the County in a response to a call by the Governor or State Director, as provided by law, and any other reimbursement made by the State incident to EMA activities as provided by law.

30-1-7 <u>LOCAL DISASTER DECLARATIONS.</u>

(A) A local disaster may be declared only by the Principal Executive Officer of the County, or his interim emergency successor, as provided in Section 7 of the Emergency Interim Executive Succession Act (5 ILCS Sec. 275/1 et seq.). It shall not be continued or renewed for a period in excess of **seven (7) days** except by or with the consent of the governing board of the County. Any order or

proclamation declaring, continuing or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

(B) The effect of a declaration of a local disaster is to activate the emergency operations plan of the County and to authorize the furnishing of aid and assistance thereunder.

30-1-8 TESTING OF DISASTER WARNING DEVICES.

(A) The EMA shall be allowed to test disaster warning devices including outdoor warning sirens on the first Tuesday of each month at **10 o'clock** in the morning.

(B) The EMA may also test disaster warning devices including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by the Illinois Emergency Management Agency.

30-1-9 MUTUAL AID BETWEEN POLITICAL SUBDIVISIONS.

(A) The EMA Director may, in collaboration with other public agencies within his/her immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this State for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the State Emergency Operations Plan and State emergency management program, and in the event of such a disaster as described in Section 4 of the Act, it shall be the duty of the EMA to render assistance in accordance with the provisions of such mutual aid arrangements.

(B) The EMA Director may, subject to the approval of the Director of the Illinois Emergency Management Agency, assist in the negotiation of mutual aid agreements between this and other states.

30-1-10 IMMUNITY.

(A) Neither the State, any political subdivision of the State, nor, except in cases of negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with the Act or any rule or regulations promulgated pursuant to the Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity.

This Section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency services and disaster agencies that are not in compliance with Section 10 of the Act, notwithstanding provisions of any other laws. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this Act under the Workers' Compensation Act or the Workers' Occupational Diseased Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-1-11 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.

(A) Whenever the federal government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the County, services, equipment, supplies, materials, or funds by way of gift or grant, for purposes of emergency managements, the County, acting through the Principal Executive Officer, may accept such offer and upon such acceptance, may authorize an officer of the County to receive such services, equipment, supplies, materials or funds on behalf of the County.

(B) The County, acting through the Principal Executive Officer, shall have the authority to establish a special fund if needed to accept such gifts, grants or loans. The establishment of

such a special fund shall be in accordance with all County ordinances relating to this subject matter and the laws of the State of Illinois. All services, gifts, grants or loans accepted pursuant to the Section shall be subject to County auditing procedures.

30-1-12 ORDERS, RULES AND REGULATIONS.

(A) The County Board shall have the authority to promulgate orders, rules and regulations upon the advice of the EMA Director for the purpose of emergency management and in times of disaster.

(B) The EMA shall execute and enforce such orders, rules and regulations as may be made by the Governor under the authority of the Act. The EMA shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor's authority and which have been provided by the Illinois Emergency Management Agency.

30-1-13 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL. The EMA acting through its Principal Executive Officer may utilize the services, equipment, supplies and facilities of existing departments, offices and agencies within its jurisdiction, to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as may be needed. Such employees of the County shall receive their current pay from their original office.

30-1-14 OATH. Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon his/her duties, subscribe to the following oath, which shall be filed with the EMA Director:

> "I, _____ do solemnly swear or affirm that I will support, defend, and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear or affirm that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Clinton County Emergency Management Agency I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

30-1-15 NO PRIVATE LIABILITY.

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of the County under the provisions of the Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the County under the Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

30-1-16 **PROHIBITION OF POLITICAL ACTIVITY.** The EMA established by this Code shall not be employed directly or indirectly by any person for political purposes.

ARTICLE II - 9-1-1 EMERGENCY TELEPHONE SYSTEM

30-2-1 **ESTABLISHED.** An Emergency Telephone System Board (ETSB) is hereby established in accordance with Illinois statute and shall be known as the Clinton County Emergency Telephone System Board, hereinafter referred to as the **"Board"**.

30-2-2 **COMPOSITION.** The Board shall consist of **five (5) members** appointed by the Chairman of the County Board, with the advice and consent of the County Board. **One (1) member** shall be a member of the County Board, **one (1) member** representing the general public, and the remainder shall be representative of emergency services including law enforcement, emergency medical, and fire/rescue services. Appointments shall be based on their ability or experience and shall be representative of both the rural and urban areas within Clinton County.

30-2-3 **TERM OF OFFICE.** Members of the Board shall be appointed for a term of **four (4) years**, with terms staggered on a **two (2) year** bases. All terms shall be measured from the **first (1st) day of February** of the year of appointment. Vacancies shall be filled for the unexpired term in a similar manner as original appointments.

30-2-4 **POWERS AND DUTIES.** The powers and duties of the Board shall include but not be limited to the following:

(A) Planning of a 9-1-1 System;

(B) Coordinating and supervising the implementation, upgrading, or maintenance of the System, including the establishment of equipment specifications and coding systems;

(C) Receiving monies from the surcharge imposed under **Section 36-11-3**, and from any other source, for deposit into the Emergency Telephone System Fund;

(D) Authorizing all disbursements from the fund;

(E) Hiring or appointing any staff necessary for the implementation or upgrade of the system;

(F) All moneys received by a board pursuant to a surcharge imposed under **Section 36-11-7** shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The Treasurer of Clinton County shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the Board by resolution passed by a majority of all members of the Board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(2) The coding of an initial Master Street Address Guide database, and update and maintenance thereof.

(3) The repayment of any monies advanced for the implementation of the system.

(4) The charges for Automatic Number Identification and Automatic Location Identification equipment.

(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.

(6) The acquisition and installation, or the reimbursement of costs thereof to other governmental bodies that have incurred those costs, of road or street signs of Clinton County and township road districts in Clinton County, specifically excluding any cities, villages, or other units of government, that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the

responsibility of the jurisdiction charged with maintaining road and street signs.

(7) Other products and services necessary for the implementation, upgrade, and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

30-2-5 **MEETINGS.** The Board shall prescribe the time and place of the regularly scheduled Board meetings and the manner of which special Board meetings may be called. It shall sit with open doors and shall keep a journal of its own proceedings which shall be made available for public inspection.

30-2-6 **REMOVAL OF A MEMBER OF THE BOARD.** A member of the Board may be removed by the Chairman of the Clinton County Board, with the advice and consent of the Clinton County Board, for neglect of duty, for not attending a Board meeting on at least **two (2) occasions** in any **one (1) calendar year** without an excused absence, for misconduct and misfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon.

30-2-7 **CONFIDENTIALITY.** Any information or data contained in documents furnished by telecommunication carriers to the Board shall be held completely confidential by members of said Board, its agents, and its employees.

30-2-8 **ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the Chairman of the County Board and the full County Board:

(A) An Annual Budget, as part of the County Board Appropriation, showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to the article during the fiscal year just preceding the date the annual report is submitted, which date must be within **thirty (30) days** of the close of the fiscal year.

(C) The annual report must be published within **thirty (30) days** from date of submitted and the budget and the report shall be made available for public inspection and be posted to the County website.

(D) All revenues and expenditures of the Board shall be made a part of the County's Financial System.

33-2-9 **ADDRESSING OFFICIAL.** The Board shall have the authority to appoint an Addressing Official who shall be the agent for assigning addresses within the unincorporated parts of Clinton County and working with incorporated municipalities to assign addresses.

30-2-10 **ADDRESS NUMBERS AND ROAD AND STREET NAMES.**

(A) **Designation and Assignment of Address Numbers.**

(1) Address numbers for residential and commercial property along public streets, roadways and highways and private roadways shall be designated and assigned by the Addressing Official in accordance with directions or procedures adopted or implemented by the Board.

(2) The Addressing Official shall keep a record of all address numbers assigned pursuant hereto.

(B) **Posting of Designated Street Addresses.**

(1) The owner of residential or commercial property situated within the County of Clinton shall post, print, paint or otherwise affix the address or street number of said property on at least **one (1)** building or major structure located thereon. Said address or street number is to be posted, printed, painted or affixed in such a way as to be clearly visible from the street, road or highway facing or adjacent to the front of said building or structure.

(2) The owner of residential or commercial property shall display on their structure the number assigned to that home or structure by the Addressing Official. Numbers posted on a structure shall be a minimum of **three (3) inches** in height and contrast with the background and be clearly visible. The structures numbers shall be posted and maintained within **three (3) feet** of the front entrance. Where the structure is over **fifty (50) feet** from the edge of the street, road, or right of way and the USPS mailbox is not located at the entrance of the driveway the assigned number shall be displayed on a post **four (4) feet** in height within **twenty (20) feet** of the public roadway or on a mailbox. Numbers must be of durable material, block style lettering, reflective and a minimum of **three (3) inches** in height. Numbers on a mailbox must be posted on both sides and comply with all USPS rules and regulations.

(3) When addressing multiple occupancies, including duplexes, apartments, trailer parks, shopping developments, etc. each individual unit must have an individual numeric addresses (Example: Cannot use 1057A and 1057B, or 1021 Lot 1, Lot 2, etc.).

(C) **Subdivisions.** Address numbers shall be assigned to each proposed lot or tract by the Addressing Official prior to the approval of any proposed final plat of subdivision.

(D) **Road and Street Names.**

(1) Road and street names shall not be duplicated, shall be readily distinguishable from one another, shall not constitute different spellings of like, similar or same names, shall not constitute names which although spelled differently are sounded with similar pronunciations, and shall not be solely distinguishable on the use of a different suffix. (Examples: Main and Maine would be prohibited, as would the use of Oak Lane if Oak Road already existed.)

(2) All roads, streets, and highways, whether public or private, shall be named if three or more homes, duplexes, apartment buildings, mobile homes, clubhouses, businesses, storage buildings and/or other residential and/or commercial structures are located adjacent thereto or accessible therefrom.

(3) When a location has already been addressed, the address shall not be changed by reason of its subsequent incorporation into a municipality. In a subdivision, the address schema for the subdivision should follow that in use in the surrounding area.

(4) A road name should be continuous and without changes or gaps.

(5) The Clinton County Board shall approve all new or changed road names not less than biannually.

(E) **Penalties and Enforcement.** In the event that the owner of any property or structure subject hereto fails or refuses to comply with the provisions set forth herein by failing to display or affix the assigned address number in accordance herewith within **thirty (30) days** of notice of the assignment of said number or otherwise violates the provisions hereof, each such violation shall be punishable and subject to such penalties as provided for in the Clinton County Code, in addition to such other legal actions or proceedings as may be provided for herein or as may be available to the County of Clinton, State of Illinois, at law or in equity. **(See Section 1-1-20 for penalties.)**

ARTICLE III – MUTUAL AID BOX ALARM SYSTEM

30-3-1 **PURPOSE.** It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophies, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

30-3-2 **DEFINITIONS.** For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

(A) ***"Mutual Aid Box Alarm System (hereinafter referred to as "MABAS")".*** A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time.

(B) ***"Member Unit".*** A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.

(C) ***"Stricken Unit".*** A Member Unit which requests aid in the event of an emergency.

(D) ***"Aiding Unit".*** A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit.

(E) ***"Emergency".*** An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.

(F) ***"Division".*** The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.

(G) ***"Training".*** The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.

(H) ***"Executive Board".*** The governing body of MABAS comprised of Division representatives.

30-3-3 **AUTHORITY AND ACTION TO EFFECT MUTUAL AID.**

(A) The Member Units hereby authorize and direct their respective Fire Chief or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Fire Chief, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

(B) Whenever an emergency occurs and conditions are such that the Fire Chief, or his designee of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

(C) The Fire Chief, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

(1) Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS.

(2) Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit.

(3) Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Stricken Unit in accordance with the procedures of MABAS.

(4) Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

30-3-4 **JURISDICTION OVER PERSONNEL AND EQUIPMENT.** Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or Senior Officer of the Stricken Unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or Senior Officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

30-3-5 **COMPENSATION FOR AID.** Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

30-3-6 **INSURANCE.** Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of **One Million Dollars ($1,000,000.00)** auto and **One Million Dollars ($1,000,000.00)** combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

30-3-7 **INDEMNIFICATION.** Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sold and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

30-3-8 **NON-LIABILITY FOR FAILURE TO RENDER AID.** The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

30-3-9 **TERM.** This Agreement shall be in effect for a term of **one (1) year** from the date of signature hereof and shall automatically renew for successive **one (1) year** terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least **ninety (90) calendar days** prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

30-3-10 **EFFECTIVENESS.** This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

30-3-11 **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

30-3-12 **VALIDITY.** The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

30-3-13 **NOTICES.** All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

30-3-14 **GOVERNING LAW.** This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

30-3-15 **EXECUTION IN COUNTERPARTS.** This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

30-3-16 **EXECUTIVE BOARD OF MABAS.** An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective division and shall have all rights and privileges attendant to a representative of the Member Unit.

A President and Vice-President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by-laws shall coordinate the activities of the MABAS.

30-3-17 **DUTIES OF THE EXECUTIVE BOARD.** The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by-laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

30-3-18 **RULES AND PROCEDURES.** Rules, procedures and by-laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS.

30-3-19 **AMENDMENTS.** This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by-laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this MUTUAL AID BOX ALARM SYSTEM Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

(50 ILCS 750/15.4)

(Ord. No. 07-03-01; 07-21-03)

ARTICLE IV – ILLINOIS EMERGENCY MANAGEMENT MUTUAL AID SYSTEM

30-4-1 **PURPOSE.** It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Illinois Emergency Management Mutual Aid System is desirable for the effective and efficient provision of mutual aid.

30-4-2 **DEFINITIONS.** For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

(A) ***"Illinois Emergency Management Mutual Aid System (hereinafter referred to as "IEMMAS")".*** A definite and prearranged plan whereby response and assistance is provided to an Affected/Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the IEMMAS Member Units and amended from time to time.

(B) ***"Member Unit".*** A unit of local government including but not limited to a city county having an Emergency Management Program accredited/certified by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the IEMMAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of IEMMAS.

(C) ***"Affected/Stricken Unit".*** A Member Unit which requests aid through the Illinois Emergency Management Agency in the event of an emergency.

(D) ***"Aiding Unit".*** A Member Unit furnishing equipment, personnel, and/or services to an Affected/Stricken Unit.

(E) ***"Emergency/Disaster".*** An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Affected/Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.

(F) ***"IEMA Regions".*** The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.

(G) ***"Training".*** The regular scheduled practice of emergency procedures during non-emergency drills/exercise to implement the necessary joint operations of IEMMAS.

(H) ***"Executive Board".*** The governing body of IEMMAS is comprised of the IEMMAS Team Leaders and Assistant Team Leaders, of whom are members of the Illinois Emergency Management Association.

30-4-3 **AUTHORITY AND ACTION TO EFFECT MUTUAL AID.**

(A) The Member Units hereby authorize and direct their respective Emergency Manager/Coordinator or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the IEMMAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

(B) Whenever an emergency/disaster occurs and conditions are such that the Emergency Manager/Coordinator, or his designee, of the Affected/Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the IEMA of the nature and location of the emergency and personnel and/or services requested from the IEMMAS.

(C) The Emergency Manager/Coordinator, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

(1) Establish the incident command system at the site of the emergency.
(2) Determine what equipment, personnel and/or services is requested according to the system maintained by IEMMAS.
(3) Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Affected/Stricken Unit.
(4) Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Affected/Stricken Unit in accordance with the procedures of IEMMAS.
(5) Notify the Affected/Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

30-4-4 **INCIDENT MANAGEMENT SYSTEM.** The National Incident Management System shall be the standard under which this Agreement shall function. The purpose of the incident management system shall be to provide structure and coordination to the management of emergency incident operations in order to provide for the safety and health of emergency service organization personnel and other persons involved in those activities. Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the State Incident Commander at the Forward Command Post. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Emergency Manager/Coordinator or his designee; provided, however, that the party withdrawing such aid shall notify the State Incident Commander at the Forward Command Post of the withdrawal of such aid and the extent of such withdrawal.

30-4-5 **COMPENSATION FOR AID.** Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

30-4-6 **INSURANCE.** Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: personal injury, property damage. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The State of Illinois shall provide workman's compensation and comprehensive liability insurance. Upon request, Member Units shall provide such evidence as herein provided to the IEMMAS members.

30-4-7 **INDEMNIFICATION.** Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

30-4-8 **NON-LIABILITY FOR FAILURE TO RENDER AID.** The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Affected/Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Affected/Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

30-4-9 **TERM.** This Agreement shall be in effect for a term of **one (1) year** from the date of signature hereof and shall automatically renew for successive **one (1) year** terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the IEMMAS specifying the date of terminations, such notice to be given at least **ninety (90) calendar days** prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

30-4-10 **EFFECTIVENESS.** This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

30-4-11 **BINDING EFFECT.** This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by IEMMAS without prior written consent of the parties hereto.

30-4-12 **VALIDITY.** The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

30-4-13 **NOTICES.** All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the IEMMAS mailing lists or, to other such addresses as shall be agreed upon.

30-4-14 **GOVERNING LAW.** This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

30-4-15 **EXECUTION IN COUNTERPARTS.** This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

30-4-16 **EXECUTIVE BOARD OF IEMMAS.** The Executive Board of IESMA is hereby identified as the authority to consider, adopt and amend from time to time, as needed, rules, procedures, by-laws and any other matters deemed necessary. The Executive Board shall consist of **three (3) members** appointed from within each IEMMAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective region and shall have all rights and privileges attendant to a representative of that region. The IESMA Executive Board as provided for in the by-laws shall coordinate the activities of the IEMMAS.

30-4-17 **DUTIES OF THE EXECUTIVE BOARD.** The Executive Board shall meet regularly to conduct business and to consider and publish the rules and procedures of the IEMMAS.

30-4-18 **RULES AND PROCEDURES.** Rules, procedures of the IEMMAS shall be established by the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the IEMMAS.

30-4-19 **AMENDMENTS.** This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures of the IEMMAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this MUTUAL AID SYSTEM Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

(Ord. No. 01-07-03; 01-16-07)

[See Section 1-1-20 for General Penalty Provisions]

STREET REGULATIONS

ARTICLE		TITLE	PAGE
I	EXCAVATIONS		
	Section 33-1-1	- Permit	33-1
	Section 33-1-2	- Traffic Control	33-1
II	ENCROACHMENT		
	Section 33-2-1	- Defined	33-1
	Section 33-2-2	- Unlawful	33-1
	Section 33-2-3	- Continuous	33-1
III	TREES AND CULVERTS		
	Section 33-3-1	- Planting	33-2
	Section 33-3-2	- Culverts	33-2
	Section 33-3-3	- Permit	33-2
IV	REGULATIONS		
	Section 33-4-1	- Undermining	33-2
	Section 33-4-2	- Open Doors	33-2
	Section 33-4-3	- Closing Street	33-2
	Section 33-4-4	- Signs Across Street	33-2
	Section 33-4-5	- Obstructing	33-3
	Section 33-4-6	- Signs on Poles	33-3
V	OBSTRUCTION OF CROSSINGS		
	Section 33-5-1	- Obstruction of Emergency Vehicles	33-3
	Section 33-5-2	- Obstruction of Highway at Grade Crossing Prohibited	33-3
	Section 33-5-3	- Punishment for Obstruction of Grade Crossing	33-3
VI	NON-COMMERCIAL ENTRANCES		
	Section 33-6-1	- Requirements for Entrances	33-4
	Section 33-6-2	- Standard Specifications Adopted	33-4
	Section 33-6-3	- Maintenance of Entrance	33-4
	Section 33-6-4	- Entrance Width; Slope; Radii	33-4
	Section 33-6-5	- Culvert Installation	33-4
	Section 33-6-6	- Culvert Specifications	33-4
	Section 33-6-7	- Location Restrictions	33-4
	Section 33-6-8	- Nonconforming Entrances of Culverts	33-4
	Section 33-6-9	- Effective Date of Regulations	33-4
VII	COMMERCIAL ENTRANCES		
	Section 33-7-1	- Entrance Requirements	33-5
	Section 33-7-2	- Standard Specifications Adopted	33-5

ARTICLE	TITLE			PAGE
VII	COMMERCIAL ENTRANCES (CONTINUED)			
	Section 33-7-3	-	Maintenance of Entrances	33-5
	Section 33-7-4	-	Culverts are Public Property	33-5
	Section 33-7-5	-	Tapered Culverts - Sizing	33-5
	Section 33-7-6	-	Radii of Culverts in Rural Areas	33-5
	Section 33-7-7	-	Maximum Surface Width	33-5
	Section 33-7-8	-	Performance Guarantees	33-5
	Section 33-7-9	-	Location Restrictions	33-6
	Section 33-7-10	-	Nonconforming Entrances	33-6
	Section 33-7-11	-	Effective Date of Regulations	33-6
VIII	MAILBOXES ON COUNTY HIGHWAYS			
	Section 33-8-1	-	Mailbox Regulations	33-6
	Section 33-8-2	-	Approval of Locations	33-6
IX	ADDRESS NUMBERS			
	Section 33-9-1	-	Address Numbers Required	33-6
	Section 33-9-2	-	Penalty	33-6
X	CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHT-OF-WAY			
	Section 33-10-1	-	Purpose and Scope	33-7
	Section 33-10-2	-	Definitions	33-8
	Section 33-10-3	-	Annual Registration Required	33-11
	Section 33-10-4	-	Permit Required; Applications and Fees	33-11
	Section 33-10-5	-	Action on Permit Applications	33-12
	Section 33-10-6	-	Effect of Permit	33-13
	Section 33-10-7	-	Revised Permit Drawings	33-14
	Section 33-10-8	-	Insurance	33-14
	Section 33-10-9	-	Indemnification	33-15
	Section 33-10-10	-	Security	33-15
	Section 33-10-11	-	Permit Suspension and Revocation	33-17
	Section 33-10-12	-	Change of Ownership or Owner's Identity or Legal Status	33-17
	Section 33-10-13	-	General Construction Standards	33-18
	Section 33-10-14	-	Traffic Control	33-18
	Section 33-10-15	-	Location of Facilities	33-18
	Section 33-10-16	-	Construction Methods and Materials	33-21
	Section 33-10-17	-	Vegetation Control	33-26
	Section 33-10-18	-	Removal, Relocation, or Modification of Utility Facilities	33-26
	Section 33-10-19	-	Cleanup and Restoration	33-27
	Section 33-10-20	-	Maintenance and Emergency Maintenance	33-27
	Section 33-10-21	-	Variances	33-28
	Section 33-10-22	-	Penalties	33-28
	Section 33-10-23	-	Enforcement	33-28

ARTICLE		***TITLE***		***PAGE***
XI	***FATAL CRASH OR ACCIDENT ROADSIDE MEMORIAL PROGRAM***			
	Section 33-11-1	-	*Intent*	*33-29*
	Section 33-11-2	-	*Definitions*	*33-29*
	Section 33-11-3	-	*Participation in Roadside Memorial Program*	*33-29*
	Section 33-11-4	-	*Configuration and Description of Memorial Marker*	*33-29*
	Section 33-11-5	-	*Multiple Persons Memorialized*	*33-30*
	Section 33-11-6	-	*Placement and Relocation of Memorial Marker*	*33-30*
	Section 33-11-7	-	*Municipal Consent*	*33-30*
	Section 33-11-8	-	*Fee*	*33-30*
	Section 33-11-9	-	*Ownership and Maintenance of Memorial Marker*	*33-30*
	Section 33-11-10	-	*Enforcement and Penalty*	*33-30*

CHAPTER 33

STREETS

ARTICLE I - EXCAVATIONS

33-1-1 **PERMIT.** No person shall suspend, lay, erect, cause or place any obstruction or any other thing whatsoever, on or across any street, alley or sidewalk, obstructing, interfering or making hazardous with the free passage of the same, or shall ditch, dig or excavate in, on, or across any street, alley or road, maintained by the Clinton County Highway Department, unless he shall have first obtained a permit for such obstruction, ditch, excavation or hazardous condition from the County Engineer. **(See Appendix "A")**

33-1-2 **TRAFFIC CONTROL.** No person shall leave any obstruction, ditch, excavation, underground opening, or hazardous condition on or across any highway maintained by the County Highway Department during the day or night unless such area is protected with the use of signs, barricades, lights, flagmen, or signals in accordance with the latest editions of the Illinois Department of Transportation traffic control standards, the Manual on Uniform Traffic Control Devices, so as to not endanger the safety of persons traveling on said County highways.

ARTICLE II - ENCROACHMENT

33-2-1 **DEFINED.**

(A) **Roadway Right-of-Way** is defined as those areas existing or acquired by dedication or by fee simply for highway purposes.

(B) **Encroachment** is defined as any building, fence, sign or any other structure or object of any kind (with exception of utilities and public road signs) which is placed, located, or maintained in, on, under, or over any portion of the roadway right-of-way.

33-2-2 **UNLAWFUL.** It shall be unlawful for any person, firm, or corporation to erect, or cause to be erected, any encroachment as hereinabove defined, within the limits of the roadway right-of-way.

33-2-3 **CONTINUOUS.** This Chapter is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.

ARTICLE III - TREES AND CULVERTS

33-3-1 **PLANTING.** It shall be unlawful to plant any tree, shrub or bush in any public road or highway right-of-way maintained by the County.

33-3-2 **CULVERTS.** It shall be unlawful for any person to place a culvert in any drainage ditch within the bounds of any highway outside the village or city limits and maintained by the County Highway Department without having obtained permission for the same from the County Engineer. The culvert so installed shall meet the current requirements of the County Highway Department for Commercial Entrances or Non-Commercial Entrances and shall be installed at the direction of an employee of the County Highway Department to insure that the culvert is installed to obtain the proper drainage from the ditch in which the culvert is placed.

33-3-3 **PERMIT.** No person shall hereafter construct, build, establish or maintain an entrance over, across or upon any portion of a highway maintained by the County Highway Department outside any and all village or city limits without first having obtained permission from the County Engineer. All work shall be done under the jurisdiction of the County Engineer and shall be subject to the latest requirements of the County Highway Department policy for Commercial Entrances or Non-Commercial Entrances.

ARTICLE IV - REGULATIONS

33-4-1 **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the County.

33-4-2 **OPEN DOORS.** No person shall open, or allow to remain open any door or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the County, for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-4-3 **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley, or public place requires it, the County Engineer may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the County Engineer. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley, or public place, or in any manner, destroy, deface, or remove any such sign.

33-4-4 **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street or road in the County, unless he has a permit from the Zoning Administrator and approval of the County Board.

33-4-5 **OBSTRUCTING.**

(A) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, or sidewalk under the jurisdiction of the County, any debris, materials, or obstruction, except as may be permitted by this Chapter.

(B) It shall be the duty of the Sheriff to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for same, to remove the offending matter at once.

33-4-6 **SIGNS ON POLES.** No person shall nail, tack, paste, paint, or fasten or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any cable television, telephone, telegraph, electric light, police and fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

ARTICLE V – OBSTRUCTION OF CROSSINGS

33-5-1 **OBSTRUCTION OF EMERGENCY VEHICLES.** Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction.

33-5-2 **OBSTRUCTION OF HIGHWAY AT GRADE CROSSING PROHIBITED.** It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of **ten (10) minutes**, except where such train, railroad or car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control. However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for such violations.

33-5-3 **PUNISHMENT FOR OBSTRUCTION OF GRADE CROSSING.** Any rail carrier violating this Article shall be guilty of a petty offense and fined not less than **Two Hundred Dollars ($200.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** if the duration of the obstruction is in excess of **ten (10) minutes**.

(Ord. No. 09-00-03)

ARTICLE VI – NON-COMMERCIAL ENTRANCES

33-6-1 **REQUIREMENTS FOR ENTRANCES.** Non-commercial entrances shall have a portland cement concrete, bituminous concrete, or aggregate surface. All entrances shall be surfaced from the edge of the County highway pavement to the right-of-way line. Field entrances may have an earth surface.

33-6-2 **STANDARD SPECIFICATIONS ADOPTED.** The materials and specifications used in constructing entrances shall meet the requirements of the latest edition of Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction", and "Handbook for the Policy on Permits for Access to State Highways". The County Highway Department may grant variances to these requirements for special conditions and circumstances.

33-6-3 **MAINTENANCE OF ENTRANCE.** Property owners having access to a County highway with an entrance are fully responsible for the maintenance of their entrance. This maintenance responsibility includes the removal of snow and ice and keeping the portion of the entrance within the highway right-of-way free of potholes and in a safe condition for the general public.

33-6-4 **ENTRANCE WIDTH; SLOPE; RADII.** All non-commercial entrances shall normally have a surface width between **twelve (12) feet** and **twenty-four (24) feet**. The width may be increased by permissible radii to allow for smooth ingress and egress at the highway connection. Where an entrance is to be used by large farm equipment, at least a **twenty (20) foot** surface width should be provided and entrances up to a **thirty (30) foot** surface width may be permitted. The entrance side slopes shall be no steeper than one vertical to three horizontal. Side slopes shall normally match the existing roadway slopes when they are flatter than the minimum. In rural locations, the radii should be between **ten (10)** and **forty (40) feet**, while in urban locations they should be between **five (5)** and **twenty-five (25) feet**. In special cases radii outside these ranges may be permitted.

33-6-5 **CULVERT INSTALLATION.** Culverts properly installed on the County highway right-of-way become public property in accordance with Article 9-105 of the Illinois Highway Code and are maintained by the County Highway Department. All culverts installed on County highway right-of-way shall be polymer, or bituminous coated metal, aluminized steel type 2, or reinforced concrete. All culverts shall meet or exceed IDOT specifications.

33-6-6 **CULVERT SPECIFICATIONS.** Pipe culverts for entrances shall be required to have end sections or the pipe shall be tapered to match the roadway slopes. The minimum slope shall be one vertical to three horizontal. Culvert installation must be approved by the County Highway Department. Pipe culverts shall be a size adequate to carry the anticipated flow in the ditch as approved by the County Highway Department. The normal minimum pipe culvert size shall be **fifteen (15) inches**, inside diameter, or equivalent.

33-6-7 **LOCATION RESTRICTIONS.** In the interest of public safety and convenience, the County Highway Department may restrict the placement of an entrance to a particular location along the owner's frontage. Proposed entrances near bridges and railroad crossings will be critically reviewed.

33-6-8 **NONCONFORMING ENTRANCES OF CULVERTS.** Any non-commercial entrance which was in place on **January 1, 1996** which does not conform to the rules, regulations and specifications adopted by the County may be made to conform to such rules, regulations and specifications by the County Highway Department at the expense of the County Highway Department.

33-6-9 **EFFECTIVE DATE OF REGULATIONS.** All entrances constructed after **January 1, 1996** shall conform to the rules, regulations and specifications established by the County Highway Department.

ARTICLE VII – COMMERCIAL ENTRANCES

33-7-1 **ENTRANCE REQUIREMENTS.** Commercial entrances shall have a portland cement concrete or bituminous concrete surface on an approved base material. All entrances shall be surfaced from the edge of the County highway pavement to the right-of-way line.

33-7-2 **STANDARD SPECIFICATIONS ADOPTED.** The materials and specifications used in constructing entrances shall meet the requirements of the latest edition of Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction", and "Handbook for the Policy on Permits for Access to State Highways". The County Highway Department may grant variances to these requirements for special conditions and circumstances.

33-7-3 **MAINTENANCE OF ENTRANCES.** Property owners having access to a County highway with an entrance are fully responsible for the maintenance of their entrance. This maintenance responsibility includes the removal of snow and ice and keeping the portion of the entrance within the highway right-of-way free of potholes and in a safe condition for the general public.

33-7-4 **CULVERTS ARE PUBLIC PROPERTY.** Culverts properly installed on the County highway right-of-way become public property in accordance with Article 9-105 of the Illinois Highway Code and are maintained by the County Highway Department. All culverts installed on County highway right-of-way shall be polymer or bituminous coated metal, aluminized steel type 2, or reinforced concrete. All culverts shall meet or exceed IDOT specifications.

33-7-5 **TAPERED CULVERTS - SIZING.** Pipe culverts for entrances shall be required to have end sections or the pipe shall be tapered to match the roadway slopes. The minimum slope shall be one vertical to three horizontal. Culvert installation must be approved by the County Highway Department. Pipe culverts shall be a size adequate to carry the anticipated flow in the ditch as approved by the County Highway Department. The normal minimum pipe culvert size shall be **fifteen (15) inches**, inside diameter, or equivalent.

33-7-6 **RADII OF CULVERTS IN RURAL AREAS.** In rural locations, the radii should be between **twenty (20)** and **fifty (50) feet**, while in urban locations they should be between **fifteen (15)** and **forty (40) feet**. In special cases radii outside these ranges may be permitted.

33-7-7 **MAXIMUM SURFACE WIDTH.** Commercial entrances shall be limited to a maximum surface width of **thirty-five (35) feet** at the right-of-way line and at the end of radii curves.

33-7-8 **PERFORMANCE GUARANTEES.** To protect the County against the cost of completing or removing a partially constructed entrance or correcting deficiencies, a performance guarantee in an amount and for a period specified by the County Engineer shall be posted with the County Highway Department. Normally the performance guarantee will be for an amount equal to the estimated cost of the entire entrance and for a period of **six (6) months**.

33-7-9 **LOCATION RESTRICTIONS.** In the interest of public safety and convenience, the County Highway Department may restrict the placement of a commercial entrance to a particular location along the owner's frontage. Proposed entrances near bridges and railroad crossings will be critically reviewed.

33-7-10 **NONCONFORMING ENTRANCES.** Any commercial entrance which was in place on **January 1, 1996** which does not conform to the rules, regulations and specifications adopted by the County may be made to conform to such rules, regulations and specifications by the County Highway Department at the expense of the County Highway Department.

33-7-11 **EFFECTIVE DATE OF REGULATIONS.** All entrances constructed after **January 1, 1996** shall conform to the rules, regulations and specifications established by the County Highway Department.

ARTICLE VIII – MAILBOXES ON COUNTY HIGHWAYS

33-8-1 **MAILBOX REGULATIONS.** All mailboxes and mailbox supports installed or replaced on County highways shall meet the most up-to-date Illinois Department of Transportation and United States Postal Service guidelines which at the present time are nominal **four (4) inch** by **four (4) inch** or **four and one-half (4 ½) inch** diameter wood posts or **one and one-half (1 ½) inch** or **two (2) inch** diameter standard steel or aluminum pipe posts, embedded no more than **twenty-four (24) inches** into the ground.

33-8-2 **APPROVAL OF LOCATIONS.** The County Highway Department shall approve the location of all new mailboxes installed along County highways and all mailboxes installed along County highways shall be placed adjacent to the private entrances so that the entrance can be incorporated into the mailbox turnout unless the mailbox has to be installed on the opposite site of the road from the private entrance.

ARTICLE IX – ADDRESS NUMBERS

33-9-1 **ADDRESS NUMBERS REQUIRED.** The owners of residential or commercial property situated within the County of Clinton, be and they are hereby required to post, print, paint or otherwise affix the address or street number of said property on at least **one (1)** building or major structure located thereon. Said address or street number is to be posted, printed, painted or affixed in such a way as to be easily visible from the closest thoroughfare or roadway which may pass in what would be considered the front of said building or structure.

33-9-2 **PENALTY.** Any such owner who shall knowingly fail to post, print, paint or otherwise affix the address or street number of said property on at least **one (1)** building or major structure shall be subject to a fine of **Fifty Dollars ($50.00)**.

(Ord. No. 1-04-01)

ARTICLE X - CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

33-10-1 PURPOSE AND SCOPE.

(A) **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the County's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the County rights-of-way and the County as a whole.

(B) **Intent.** In enacting this Article, the County intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

(1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

(2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

(3) prevent interference with the facilities and operations of the municipal utilities and of other utilities lawfully located in rights-of-way or public property;

(4) protect against environmental damage, including damage to trees, from the installation of utility facilities;

(5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;

(6) preserve the character of the neighborhoods in which facilities are installed;

(7) preserve open space, particularly the tree-lined parkways that characterize the County's residential neighborhoods;

(8) prevent visual blight from the proliferation of facilities in the rights-of-way; and

(9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the County. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The County, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the County rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the County enter into such an agreement. In such an agreement, the County may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

(1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the County, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the County and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The County shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the County so determines. Nothing herein shall be construed to limit the ability of the County to regulate its rights-of-way for the protection of the public health, safety and welfare.

33-10-2 DEFINITIONS. As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

"AASHTO": American Association of State Highway and Transportation Officials.

"ANSI": American National Standards Institute.

"Applicant": A person applying for a permit under this Article.

"ASTM": American Society for Testing Materials.

"Backfill": The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That tern as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The County Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material, or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the County.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the County Engineer or Superintendent to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.

"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to **Sections 33-10-4** and **33-10-5** of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radically against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the County. If no time period is specified, the period shall be **thirty (30) days**.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the County has the right and authority to authorize, regulate or permit the location of facilities other than those of the County. "Right-of-way" or "rights-of-way" shall not include any real or personal County property that is not specifically described in the previous two sentences and shall not include County buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

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

"Security Fund": That amount of security required pursuant to **Section 33-10-10**.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Superintendent of Public Works": The Superintendent of Public Works or his or her designee, hereinafter referred to as "Superintendent".

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the County through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

33-10-3 **ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the County shall register on **January 1** of each year with the Superintendent, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-10-8** of this Article, in the form of a certificate of insurance.

33-10-4 **PERMIT REQUIRED; APPLICATIONS AND FEES.**

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any County right-of-way which:

(1) changes the location of the facility;
(2) adds a new facility;
(3) disrupts the right-of-way (as defined in this Article), or
(4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent and obtaining a permit from the County therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the County and shall be filed in such number of duplicate copies as the County may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

(1) The utility's name and address and telephone and telecopy numbers;
(2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
(3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
(4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
(5) Evidence that the utility has placed on file with the County:
    (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
    (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the County and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the County finds that additional information or assurances are needed;

(6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

(7) Evidence of insurance as required in **Section 33-10-8** of this Article;

(8) Evidence of posting of the security fund as required in **Section 33-10-10** of this Article;

(9) Any request for a variance from one or more provisions of this Article **(See Section 33-10-21)**; and

(10) Such additional information as may be reasonably required by the County.

(D) **Supplemental Application Requirements for Specific Types of Utilities.** In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

(1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

(2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

(3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

(4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or

(5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the County within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of $100.00. Additional application review costs will vary with the complexity of the project and will be determined on a case by case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

33-10-5 ACTION ON PERMIT APPLICATIONS.

(A) **County Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional County Review of Applications of Telecommunications Retailers.**

(1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the County that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the County not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.

(2) In the event that the Superintendent fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the County by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.

(3) Upon the provision of such specification by the County, where a permit is required for work pursuant to **Section 33-10-4** of this Article the telecommunications retailer shall submit to the County an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional County Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the County, unless otherwise acted upon by the County, provided the holder has complied with applicable County codes, ordinances, and regulations.

33-10-6 EFFECT OF PERMIT.

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the County authorizes a permittee to undertake only certain activities in accordance with this Article on County rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the County with such County representatives in attendance as the County deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the County does not excuse the permittee from complying with other requirements of the County and applicable statutes, laws, ordinances, rules, and regulations.

33-10-7 **REVISED PERMIT DRAWINGS.** In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the County within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 33-10-21** of this Article. If the County denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

33-10-8 **INSURANCE.**

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the County, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

(1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:

(a) **Five Million Dollars ($5,000,000.00)** for bodily injury or death to each person;

(b) **Five Million Dollars ($5,000,000.00)** for property damage resulting from any one accident; and

(c) **Five Million Dollars ($5,000,000.00)** for all other types of liability;

(2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars ($1,000,000.00)** for personal injury and property damage for each accident;

(3) Worker's compensation with statutory limits; and

(4) Employer's liability insurance with limits of not less than **One Million Dollars ($1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the County within **ten (10) days** following receipt of a written request therefor from the County.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

> "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the County, by registered mail or certified mail, return receipt requested, of a written notice addressed to the County Administrator of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the County of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the County evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the County evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the County and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

33-10-9 INDEMNIFICATION. By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the County and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the County, its officials, officers, employees, agents or representatives.

33-10-10 SECURITY.

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

(1) The faithful performance by the permittee of all the requirements of this Article;

(2) Any expenditure, damage, or loss incurred by the County occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the County issued pursuant to this Article; and

(3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the County may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the County must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the County from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the County in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the County, or an unconditional

letter of credit in a form acceptable to the County. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

(1) Provide that it will not be canceled without prior notice to the County and the permittee;

(2) Not require the consent of the permittee prior to the collection by the County of any amounts covered by it; and

(3) Shall provide a location convenient to the County and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent, and may also include reasonable, directly related costs that the County estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the County, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The County, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the County for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

(1) Fails to make any payment required to be made by the permittee hereunder;

(2) Fails to pay any liens relating to the facilities that are due and unpaid;

(3) Fails to reimburse the County for any damages, claims, costs or expenses which the County has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

(4) Fails to comply with any provision of this Article that the County determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the County that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the County, upon written request for said withdrawal to the County, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the County for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the County to the extent necessary to cover any reasonable costs, loss or damage incurred by the County as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the County with respect to the Security Fund are in addition to all other rights of the County, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the County may have. Notwithstanding the foregoing, the County shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

33-10-11 PERMIT SUSPENSION AND REVOCATION.

(A) **County Right to Revoke Permit.** The County may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

(1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

(2) Noncompliance with this Article;

(3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

(4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The County shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 33-10-11**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the County, the permittee shall have the following options:

(1) Immediately provide the County with evidence that no cause exists for the revocation or suspension;

(2) Immediately correct, to the satisfaction of the County, the deficiencies stated in the written notice, providing written proof of such correction to the County within **five (5) working days** after receipt of the written notice of revocation; or

(3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the County providing written proof of such removal to the County within **ten (10) days** after receipt of the written notice of revocation.

The County may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the County may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the County or its designee may, at the option of the County:

(1) correct the deficiencies;

(2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or

(3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the County. The permittee shall be liable in all events to the County for all costs of removal.

33-10-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the County no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and

conditions of the permit if the new owner uses the facility or allows it to remain on the County's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

33-10-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

(1) Standard Specifications for Road and Bridge Construction;
(2) Supplemental Specifications and Recurring Special Provisions;
(3) Highway Design Manual;
(4) Highway Standards Manual;
(5) Standard Specifications for Traffic Control Items;
(6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
(7) Flagger's Handbook; and
(8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

33-10-14 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The County's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 33-10-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the County.

33-10-15 LOCATION OF FACILITIES.

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

(1) **No Interference with County Facilities.** No utility facilities shall be placed in any location if the Superintendent determines that the proposed location will require the relocation or displacement of any of the County's utility facilities or will otherwise interfere with the operation or maintenance of any of the County's utility facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B) **Parallel Facilities Located Within Highways.**

(1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:

(a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

(b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;

(c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;

(d) No pole is located in the ditch line of a highway; and

(e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.

(2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:

(a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;

(b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

(c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C) **Facilities Crossing Highways.**

(1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of County highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.

(4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:

(a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);

(b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and

(c) Overhead crossings at major intersections are avoided.

(5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:

(a) The design materials and construction methods will provide maximum maintenance-free service life; and

(b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

(6) **Markers.** The County may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.** The County may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

(1) The County may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The County may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

(1) No other existing facilities in the area are located underground;

(2) New underground installation is not technically feasible; and

(3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) **Facility Attachments to Bridges or Roadway Structures.**

(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an

application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

(a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

(b) The type, length, value, and relative importance of the highway structure in the transportation system;

(c) The alternative routings available to the utility and their comparative practicability;

(d) The proposed method of attachment;

(e) The ability of the structure to bear the increased load of the proposed facility;

(f) The degree of interference with bridge maintenance and painting;

(g) The effect on the visual quality of the structure; and

(h) The public benefit expected from the utility service as compared to the risk involved.

(H) **Appearance Standards.**

(1) The County may prohibit the installation of facilities in particular locations in order to preserve visual quality.

(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-10-16 CONSTRUCTION METHODS AND MATERIALS.

(A) **Standards and Requirements for Particular Types of Construction Methods.**

(1) **Boring or Jacking.**

(a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

(b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.

(c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.

(d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the County to be preserved shall be bored under or around the root system.

(2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".

(a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent.

(b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

(c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the County to be preserved.

(3) **Backfilling.**

(a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent.

(4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent and only if that portion of the roadway is closed to traffic.

(a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent.

(b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the County.

(c) All saw cuts shall be full depth.

(d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen

before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) **Encasement.**

(a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the County.

(b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

(c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or County approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the County. Bell and spigot type pipe shall be encased regardless of installation method.

(d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.

(e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:

(i) extra heavy pipe is used that precludes future maintenance or repair and

(ii) cathodic protection of the pipe is provided;

(f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

(6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by County)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B) **Standards and Requirements for Particular Types of Facilities.**

(1) **Electric Power or Communication Lines.**

(a) **Code Compliance.** Electric power or communications facilities within County rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power

and Communications Lines", and the National Electrical Safety Code.

(b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

(c) **Underground Facilities.**

(i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:

a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or

b. the installation is by the open trench method which is only permitted prior to roadway construction.

(iii) Cable shall be grounded in accordance with the National Electrical Safety Code.

(iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the County. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.

(2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:

(a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;

(b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(d) tunneling with vented encasement, but only if installation is not possible by other means.

(3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a County approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction", and all other applicable laws, rules, and regulations.

(4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

(5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".

(6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) **Materials.**

(1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction", the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the County.

(3) **Hazardous Materials.** The plans submitted by the utility to the County shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) **Operational Restrictions.**

(1) Construction operations on rights-of-way may, at the discretion of the County, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the Superintendent when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the County, the hours of construction are from **6:00 A.M.** to **6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the County shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The County will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the County or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

33-10-17 VEGETATION CONTROL.

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the County as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

(1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The County will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The County may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) **Specimen Trees or Trees of Special Significance.** The County may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) **Chemical Use.**

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the County for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent that such spraying is the only practicable method of vegetation control.

33-10-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.

(A) **Notice.** Within **ninety (90) days** following written notice from the County, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any County improvement in or upon, or the operations of the County in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the County, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

(1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;

(2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;

(3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or

(4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The County retains the right and privilege to cut or move any facilities located within the rights-of-way of the County, as the County may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the County shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the County, the utility shall notify the County within **ninety (90) days**. Following receipt of such notice the County may direct the utility to remove all or any portion of the facility if the Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the County does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the County, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

33-10-19 CLEANUP AND RESTORATION. The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the County. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent for good cause shown.

33-10-20 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the County and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

(1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

(2) In an emergency, the utility shall, as soon as possible, notify the Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the County police shall be notified immediately.

(3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the County a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

33-10-21 VARIANCES.

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent may authorize a variance only if the utility requesting the variance has demonstrated that:

(1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

(2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent under the provisions of this Article shall have the right to appeal to the County Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the County Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The County Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The County Board shall timely decide the appeal.

33-10-22 PENALTIES. Any person 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 penalty provisions of this Code. There may be times when the County will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the County's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the County. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. **(See Section 1-1-20 for additional penalties.)**

33-10-23 ENFORCEMENT. Nothing in this Article shall be construed as limiting any additional or further remedies that the County may have for enforcement of this Article.

[See Section 1-1-20 for General Penalty Provisions]

ARTICLE XI – FATAL CRASH OR ACCIDENT ROADSIDE MEMORIAL PROGRAM

33-11-1 **INTENT.** The fatal crash or accident memorial marker program is intended to raise public awareness of careless or reckless driving or roadside activities by emphasizing the dangers while affording families an opportunity to remember the victims of crashes and accidents. Except as provided for in **Section 33-11-7**, below, this program does not apply to highways, roads, or rights-of-way that are under the jurisdiction of other units of government, such as but not by way of limitation interstate highways; highways, roads, and rights-of-way of the U.S. Army Corps of Engineers; and highways, roads, and rights-of-way under the jurisdiction of the State of Illinois Department of Transportation or any municipal, township, or other unit of government.

33-11-2 **DEFINITIONS.** As used in this Article:

(A) **Department** means the Clinton County Highway Department.

(B) **County Engineer** means the Highway Engineer for the Clinton County Highway Department.

(C) **Fatal crash or accident memorial marker** means a marker on or on a highway, road, or right-of-way under the jurisdiction of the Department commemorating one or more persons who died as a proximate result of an accident or crash occurring upon or along such a highway, road, or right-of-way.

(D) **Qualified relative** means an immediate relative of the deceased by marriage, blood, or adoption, such as his or her spouse, son, daughter, mother, father, sister, or brother; a stepmother, stepfather, stepbrother, or stepsister of the deceased; or a person with whom the deceased was in a domestic partnership or civil union as recognized by a State or local law or ordinance.

33-11-3 **PARTICIPATION IN ROADSIDE MEMORIAL PROGRAM.**

(A) A qualified relative of a person who died as a proximate result of an accident or crash occurring upon or along such a highway, road, or right-of-way may make a request for the installation of a memorial marker using an application developed by the County Engineer. The County Engineer shall have sole responsibility for determining whether a request for a memorial marker is rejected or accepted.

(B) An application for a memorial marker may be submitted by a qualified relative with regard to any crash or accident.

(C) If there is any opposition by any qualified relative of any decedent involved in the crash to the placement of a memorial marker, the County Engineer shall deny the request for the installation of a fatal crash or accident memorial marker.

(D) The County Engineer shall deny the request or, if a memorial marker has already been installed, may remove the marker, if the qualified relative has provided false or misleading information in the application.

(E) The qualified relative shall agree not to place or encourage the placement of flowers, pictures, or other items at the crash site.

(F) A memorial marker shall not be erected for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of State DUI law, unless the next of kin of any other victim or victims killed in the crash or accident consent in writing to the erection of the memorial marker.

33-11-4 **CONFIGURATION AND DESCRIPTION OF MEMORIAL MARKER.** A fatal crash or accident memorial marker shall be a standard size of **thirty-six (36) inches** wide by **twenty-four (24) inches** tall, bearing the message "In Memory of (victim's name)", followed by the date of the crash or accident that was the proximate cause of the loss of the deceased's life, shall be mounted below the primary panel. Said message shall be in white lettering on a reflectorized blue background and shall bear an identifying mark of the Department.

33-11-5 **MULTIPLE PERSONS MEMORIALIZED.** A fatal crash or accident memorial marker may memorialize more than one victim who died as a result of the same crash. If one or more additional deaths subsequently occur in close proximity to an existing fatal accident memorial marker, the Department may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional deceased persons.

33-11-6 **PLACEMENT AND RELOCATION OF MEMORIAL MARKER.** The Department has the right to install a marker at a location other than the location of the fatal crash or accident or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In these cases, the Department may select an alternate location.

33-11-7 **MUNICIPAL CONSENT.** The Department shall secure the consent of any municipality before placing a fatal accident memorial marker within the corporate limits of the municipality.

33-11-8 **FEE.** A fee in an amount to be determined by the County Engineer shall be charged to the qualified relative. The fee shall not exceed the costs associated with the fabrication and installation of the fatal accident memorial marker.

33-11-9 **OWNERSHIP AND MAINTENANCE OF MEMORIAL MARKER.**

(A) Any fatal crash or accident roadside memorial marker established pursuant hereto shall not be the property of the qualified relative applying for the same but, instead, shall be the sole property of the County of Clinton, a unit of local government in the State of Illinois. By submitting an application for such a memorial marker, the applicant does automatically relinquish any and all right, title or interest in or to said memorial marker and does transfer and vest same in and to the County of Clinton, the payment of any fee for same, if any, notwithstanding.

(B) Any fatal crash or accident memorial marker shall be maintained by the Department for at least **two (2) years** from the date the last person was memorialized on the marker. The County Engineer shall, thereafter, have the sole discretion to determine the duration for which the fatal crash or accident roadside memorial marker shall remain established.

(C) Any fatal crash or accident roadside memorial marker constructed, established, placed, and/or maintained by the Department pursuant hereto shall be "government supported" as defined in the Illinois Criminal Code **(720 ICLS 5/21-1.01)**, the same being property supported in whole or in part with State funds, funds of a unit of local government, or federal funds administered or granted through State agencies.

33-11-10 **ENFORCEMENT AND PENALTY.** Except with the written authorization of the County Engineer, it shall be unlawful for any person, firm, or corporation, to disturb, move, remove, cover, replace, obscure, obstruct, deface, obliterate, burn, damage, destroy or otherwise interfere with the condition, appearance or visibility of any fatal crash or accident memorial marker established pursuant hereto. In addition to any possible civil or criminal liability or prosecution as may be otherwise authorized by law, any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with the provisions of this Article shall be subject to such prosecutions, procedures and penalties as provided for in the Revised Code of Ordinances of Clinton County, Illinois, including but not by way of limitation **Section 1-1-20** thereof. Nothing in this Article shall be construed as limiting any additional or further remedies that the County of Clinton may have for the enforcement hereof.

(Ord. No. 2020-50; 07-20-20)

APPENDIX "A"

CLINTON COUNTY HIGHWAY DEPARTMENT
County Engineer
479 21st Street
Carlyle, IL 62231

HIGHWAY PERMIT

WHEREAS, a petition has been filed from _____
of _____
Requesting a permit be issued to do certain work herein described, in, upon, or along County Highway No. _____ known as _____ the County Engineer of Clinton County, Illinois, acting for and in behalf of the Clinton County Board issues this permit to do the work described below. Please attach plans, drawings, or sketches to further illustrate the proposed work.

Subject to the following conditions and restrictions: _____

1. It is expressly understood that in the event of Road Reconstruction or Maintenance operations it is necessary to move or alter the above mentioned installation said installation shall be moved or altered promptly after the Petitioner, his agent or assigns receives written notice and demand from the County Engineer that said installation shall be moved or altered. The Petitioner, his assigns or any other person who assumes responsibility for the care and maintenance of said installation, shall be responsible for all costs incurred in the moving or altering of the above stated installation.
2. The Petitioner shall furnish all material, do all work, pay all costs and shall in a reasonable length of time restore said highway to a condition similar or equal to that existing before the commencement of the described work. The County Engineer shall be the final and sole decision maker as to whether said highway has been restored to "a condition similar or equal to" that existing before the commencement of said work. It is understood that the work shall be completed within _____ after the date this permit is approved; otherwise this permit becomes null and void.
3. In granting this permit the petitioner agrees not to interfere with or obstruct traffic on said highway. Proper barricades, flagmen, flares, signs or other necessary precautions as specified by the County Engineer shall be provided to protect the traveling public at all times. All of the above mentioned items shall be furnished by the petitioner at his expense.
4. Petitioner shall remove all excess dirt and leave the shoulders, ditches and backslopes in the same presentable condition as before construction, including seeding, to the satisfaction of the County Engineer.
5. Petitioner shall replace and repair any pavement surface damaged during construction. All pipe crossings shall be made by tunneling underneath the pavement unless otherwise permitted by the County Engineer.
6. Petitioner shall refrain from using any tractor or other machinery equipped with lugs that would cause damage to pavement surface.
7. If specific permission, due to construction condition, is given to the petitioner to open cut across the pavement, the following procedures shall be used. The petitioner shall cut the pavemen6t so as to form a straight edge at least eight inches wider on each side of the widest portion of the trench.

   The petitioner shall remove all excavation and immediately backfill the trench with sand or flowable backfill. Settlement of the sand backfill shall be thoroughly compacted until the maximum settlement has been secured. Immediately after the backfilling, the top eight inches of the trench for the width of the pavement cut shall be filled with eight inches of High Early Strength Concrete (minimum of 7 bag per cu. yd.) and finished flush with the existing pavement and edged around the entire area between the new concrete and the existing pavement. The edge joined around the patch shall be sealed with a good quality bituminous joint sealer.

8. Trenches that are made along the shoulder or any aggregate surfaced area shall not be made nearer to the edge of the pavement than two feet. All of the excavated material shall be loaded and hauled off the limits of the right of way or as directed by the County Engineer. The excavated trench shall be backfilled as in Article #7 except the top eight inches shall be compacted road gravel or rock.
9. Trenches or excavations along the right of way and not on the portion of the road bed (shoulder point to shoulder point) may be excavated and the same excavated material may be used as backfill, however, the trench may not be closer to the centerline of the ditch than TWO FEET on either side of the ditch. The backfill shall be compacted.
10. For a period of 12 months after the work has been completed, the petitioner is responsible for any work necessary to restore any portion of the work area to a condition equal to that existing before the work was started by the petitioner to the satisfaction of the County Engineer.
11. No equipment, in the opinion of the County Engineer, that may be detrimental to the roadway or the road surface may be used.
12. In case it is necessary to remove any guardrail posts during construction, the petitioner shall replace posts to the alignment and grade established by the Clinton County Highway Department. Any posts damaged or broken during construction shall be replaced without cost to the County and to the satisfaction of the County Engineer.
13. The petitioner shall reimburse the County at contract rates for any repairs the County deems necessary to the existing highway on account of said petition in case of emergency or neglect by said petitioner.
14. All areas where existing vegetation has been disturbed during prosecution of the above work shall be reseeded and fertilized in accordance with the specifications of the State of Illinois, Dept. of Transportation, Division of Highways.
15. The Petitioner shall assume all risk and liability for accidents and damages that may accrue to persons or property on account of this work. The Petitioner further agrees to indemnify and hold harmless the County of Clinton, or any of its agents, employees or the like, against any and all damages to property, or injuries to or death of any person or persons, including employees or agents of the County of Clinton, and shall indemnify, and hold harmless the County of Clinton, or its agents, employees or the like, from any and all claims, of or by anyone whomsoever, and any resulting from or arising out of the operations in connection herewith, including operations of subcontractors, and acts or omissions of the Petitioner, his agents, employees or assigns.
16. The Petitioner shall not trim, cut or in any way disturb any trees or shrubbery along said highway without the approval of the County Engineer or his duly authorized representative.
17. If necessary to remove any highway signs, mailboxes, etc., the Petitioner shall reset them in their original position immediately after construction has been completed to the satisfaction of the County Engineer.
18. That this permit is effective in so far as the County has jurisdiction and does not presume to release said petitioner from fulfilling any existing statutes relating to the construction of such improvement.
19. In any case not covered by above conditions and restrictions the County Engineer is authorized to draw up reasonable conditions and restrictions suitable to the particular case.
20. This Agreement is binding not only on the Petitioner but also on the Petitioner's employer, successor, assigns, subcontractor or any other person who funds or assists in the funding of the proposed installation or assumes the responsibility for the care and maintenance of the proposed installation after its completion. The Petitioner agrees that he has mandatory duty to inform his employer, successor, assigns or any person who subsequently assumes responsibility for the care and maintenance of said completed installation of the existence of this Agreement.

This permit is hereby accepted and its provisions agreed to this _____ day of _____, 20____.

_____ _____

Petitioner Contractor

APPROVED: Clinton County Highway Department

By _____ Date _____

SUBDIVISIONS

ARTICLE		TITLE	PAGE
I	GENERAL PROVISIONS		
	Section 34-1-1	- Intent and Purpose	34-1
	Section 34-1-2	- Disclaimer of Liability	34-1
	Section 34-1-3	- Penalties	34-1
II	ENFORCEMENT AND FEES		
	Section 34-2-1	- Enforcement	34-2
	Section 34-2-2	- Fees	34-2
III	DEFINITIONS		
	Section 34-3-1	- Definitions	34-3
IV	GENERAL REQUIREMENTS		
	Section 34-4-1	- Developer Compliance to Requirements	34-5
V	PRELIMINARY PLATS		
	Section 34-5-1	- Required Information	34-6
VI	IMPROVEMENT PLANS		
	Section 34-6-1	- Improvement Plans	34-8
	Section 34-6-2	- Filing	34-8
VII	FINAL PLATS		
	Section 34-7-1	- Subdivision Committee Requirements	34-9
	Section 34-7-2	- Final Plat Requirements	34-9
	Section 34-7-3	- Plat Data	34-9
VIII	ASSURANCE OF COMPLETION		
	Section 34-8-1	- Final Plat Approval	34-11
	Section 34-8-2	- Performance Guarantee, Bond or Escrow Agreement	34-11
	Section 34-8-3	- Surety Release	34-11
IX	MINIMUM STANDARDS OF DESIGN		
	Section 34-9-1	- General Statement	34-13
	Section 34-9-2	- Street Planning	34-13
	Section 34-9-3	- Street Design Standards	34-14
	Section 34-9-4	- Easements	34-17

ARTICLE		TITLE	PAGE
X	***MINIMUM STANDARDS OF IMPROVEMENT***		
	Section 34-10-1	*- General Statement*	*34-18*
	Section 34-10-2	*- Reference Monuments*	*34-18*
	Section 34-10-3	*- Street Improvements*	*34-18*
	Section 34-10-4	*- Storm Sewers and Other Drainage Appurtenances*	*34-19*
	Section 34-10-5	*- Flow Lines*	*34-19*
	Section 34-10-6	*- Pipe Culverts*	*34-19*
	Section 34-10-7	*- Street Markers and Traffic Signs*	*34-19*
XI	***STANDARDS FOR UTILITIES***		
	Section 34-11-1	*- Utility Requirements*	*34-20*
	Section 34-11-2	*- Fire Hydrants*	*34-20*
	Section 34-11-3	*- Sanitary Sewers*	*34-20*
	Section 34-11-4	*- Provisions for Maintenance and Operation*	*34-20*
XII	***VARIANCES***		
	Section 34-12-1	*- Conditions of Variation*	*34-21*
	Section 34-12-2	*- Variance Procedures*	*34-21*
	Section 34-12-3	*- Filing*	*34-21*
XIII	***PLAT VACATIONS***		
	Section 34-13-1	*- Plat Vacation*	*34-22*
	Section 34-13-2	*- Submittal Documents – Plat Vacation*	*34-22*
	Section 34-13-3	*- Approvals Required*	*34-22*
	Section 34-13-4	*- Vacation Recorded*	*34-22*
XIV	***MISCELLANEOUS***		
	Section 34-14-1	*- Amendments*	*34-23*
	Section 34-14-2	*- Penalty for Prior Sale*	*34-23*

CHAPTER 34

SUBDIVISIONS

ARTICLE I – GENERAL PROVISIONS

34-1-1 **INTENT AND PURPOSE.** The intent and purpose of this Code is to prescribe procedures for the subdivision or resubdivision of land within the unincorporated areas of the County of Clinton, and comprise the procedures, requirements, standards and specifications with respect thereto.

34-1-2 **DISCLAIMER OF LIABILITY.** Except as may be provided by statute, no officer, board member, agent or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code.

34-1-3 **PENALTIES.**

(A) Any person, firm or corporation violating this Code shall, upon conviction, be fined not more than **One Thousand Dollars ($1,000.00)** for each offense; and a separate offense shall be deemed committed on each day during, on, or which a violation occurs or continues.

(B) It shall be illegal to sell or offer to sell, any lot, tract, or property which does not conform to the requirements and regulations of this Code and every such sale or attempt to sell, shall be subject to a fine of not less than **Fifty Dollars ($50.00)** for each lot or tract.

ARTICLE II – ENFORCEMENT AND FEES

34-2-1 <u>ENFORCEMENT.</u>

(A) No plat of any subdivision in unincorporated Clinton County shall be entitled to record in the office of the County Recorder of Clinton County, until it has been approved in the manner prescribed herein.

(B) It shall be unlawful for any person, or agent, having control of any land within the unincorporated area of the County of Clinton, Illinois, to subdivide land, except by a plat which is in accordance with the regulations contained herein. Divisions of land that are exempt from the Illinois Plat Act are excluded from this requirement.

(C) It shall be unlawful for the County Recorder to accept for recording, any plat of a subdivision within the unincorporated area of Clinton County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat.

(D) The County Board shall not permit any public improvements under its jurisdiction to be constructed or maintained within an area that has been subdivided after the adoption of this Code unless such subdivision has been approved in accordance with the requirements of the Code or any duly authorized variation thereof and properly recorded with the County Recorder of Deeds.

(E) After the adoption of this Code, no building permit shall be issued for any lot hereafter platted unless such lot has been platted in accordance with the requirements of this Code or any duly authorized variation thereof and properly recorded with the County Recorder of Deeds.

(F) Failure on the part of the developer to comply forthwith with any order made under the provisions of this Code will result in injunctive action, notwithstanding the penalty provisions of **Section 34-1-3**.

34-2-2 <u>FEES.</u>

(A) **<u>Final Plat.</u>** The review fee for the Final Plat shall be **Fifty Dollars ($50.00)** plus **Fifteen Dollars ($15.00)** per lot, sub-lot, or tract of land. The fee shall be collected by the Zoning Administrator after the last item of required information has been submitted by the applicant.

ARTICLE III - DEFINITIONS

34-3-1 DEFINITIONS.

Alley: A public access way, which affords a secondary means of vehicular access to the side or rear of properties abutting on a street.

Building Envelope: A building envelope is the maximum area on a lot within which a structure can be built as permitted by applicable building setback lines.

Building Line: A line on a plat between which line and the street right-of-way no building or structure may be placed.

Comprehensive Plan: A plan or any portion thereof adopted by a local governmental entity to guide and coordinate its physical and economic development.

Cul-de-Sac: A short street having one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

Dedicate: To transfer the ownership of a right-of-way, parcel of land or improvement to the County or other public entity without compensation.

Detention Basin: A facility, natural or artificial, that provides temporary storage for surface run-off accompanied by its controlled release.

Developer: Any person, firm, partnership, association, corporation, estate, or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

Easement: A right to use another person's property, but only for a specifically named purpose.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Improvements: The furnishing of all materials, equipment, work and services, including plans and engineering services, staking, supervision and inspection necessary to construct all the improvements required in **Article X** of this Code or any other improvements that may be provided by the developer. All of such materials, equipment and services shall be provided at the developer's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements and the improvements shall be subject to the final approval of the County Engineer.

Minor Subdivision: A division of land into **six (6) lots** or less, all of which front upon an existing street, and does not involve any new streets or roads.

Plans: All the drawings including general plans, cross-sections, profiles, working details and specifications which the developer prepares or has prepared to show the character, extent and details of the improvements required in this Code, and which plans shall conform to any requirements of the County Engineer for his consideration, approval or disapproval.

Plat: A map, drawing, or chart, plus all required supplemental material upon which the developer's plan is presented and which he submits for approval and intends in final form to record.

Plat, Final: A plat drawn in ink upon tracing cloth and conforming to the requirements of **Article VII**.

Plat, Preliminary: A plat drawn upon tracing paper or other materials from which reproductions can be made and conforming to the requirements of **Article V**.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the County (or other government entity) for public purposes.

Right-of-Way: A strip of land which the owner/developer has dedicated to the County or other government entity for streets, alleys or other public improvements.

Roadway: That portion of the right of way within the limits of construction.

Setback Line: A line that is usually parallel to the front, side and rear lot lines establishing the minimum space to be provided as the building envelope.

Specifications: The Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as adopted and amended by the Department, which are in effect at the time the subdivision is being constructed, and the related "Highway Standards". Any term in such specifications referring to State Departments or officials or to persons contracting with the State shall be deemed to refer to applicable departments, officials, or persons in the County of Clinton, and the term "contractor" shall specifically apply to the developer who is responsible for installing all of the

improvements required in **Article X** of this Code even though the developer may enter into agreements for such installing by other persons, firms, or corporations. "Engineer" shall be deemed to refer to the County Engineer.

Street, Arterial: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties, and on which geometric design and traffic control measures are used to expedite the safe movements of through traffic.

Street, Collector: A street which unilaterally carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

Street, Local: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Structures: Unless otherwise defined, structures shall comprise all objects constructed of materials other than earth, required to be built or to be removed, but not including surfacing, base course, curbs, gutters, sidewalk and pavement.

Subdivision Committee: The Subdivision Committee of the Clinton County Board.

Subdivision Coordinator: The County Zoning Administrator shall be the administrator for this code.

ARTICLE IV – GENERAL REQUIREMENTS

34-4-1 **<u>DEVELOPER COMPLIANCE TO REQUIREMENTS.</u>** Anyone desiring to subdivide land within the unincorporated portion of the County of Clinton which subdivision is subject to the requirements of these regulations shall adhere to the following procedures:

(A) Prepare a plat of the subdivision in accordance with the requirements of **Articles V and VII** of this Code.

(B) If the subdivision lies within **one and one-half (1 ½) miles** of the corporate limits of any municipalities that have adopted and are enforcing subdivision regulations and a comprehensive plan on file with the County, the developer shall submit the preliminary plat to the Municipal Clerk of such municipalities for action by the appropriate jurisdiction body(s) to determine if said plat conforms with or exceeds the subdivision regulations and with streets, alleys, and public ground requirements, or proposals of the comprehensive plan of such municipalities. The municipality must approve the preliminary plat before said plat can be presented to the county for review.

(C) After the Municipality has approved the preliminary plat, or if the subdivision is within an area which has no subdivision control code is exercised by the municipality, then the preliminary plat shall be submitted to the Subdivision Coordinator for review. If the Subdivision Committee approves the plat, the developer shall proceed with the preparation of a final plat covering all or any part of the approved preliminary plat, with the plans for improvements, and with the installation of improvements required in **Article X** of this Code and the applicable provisions of the Municipal Subdivision Code.

(D) The final plat shall be submitted to and approved by the same agencies and the officials that approved the preliminary plat and also by the Zoning Administrator, but no plat lying within **one and one-half (1 ½) miles** of a municipality having a comprehensive plan shall be entitled to recording unless it conforms with or exceeds the streets, alleys and public grounds requirements of such plan or unless it has been approved by the municipality. The procedure and requirements for review of the final plat by the municipality having jurisdiction shall be as prescribed by that municipality's subdivision control code and in compliance with the provisions of the Illinois Compiled Statutes, as amended.

(E) When the final plat is submitted to the County Recorder, it shall be accompanied by a certificate from the County Clerk, showing that there are no delinquent or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area.

(F) The final plat, together with such certificates as may be required by the Subdivision Coordinator and any accompanying subdivision restrictions shall be presented for recording to the County Recorder within **sixty (60) days** after their approval by the County Board. Any plat that is not so filed within such period shall not be entitled to recordation without re-approval.

(G) Preliminary plat approval will remain in effect for a **one (1) year** period. The applicant may during this period submit all of or part of said preliminary plat for final approval. Whenever a large tract is intended to be developed in stages and only part of the tract is to be submitted for final approval, a preliminary plat for subdivision of the entire tract shall be submitted. The applicant may, by written mutual agreement with the County Board, have final approval of the last part of the plat delayed for a period not to exceed **three (3) years** from the date of the preliminary plat approval. All terms and conditions under which the preliminary plat approval was granted will not be changed. Any preliminary plat that is no longer in effect must be resubmitted to the Subdivision Committee for approval.

ARTICLE V – PRELIMINARY PLATS

34-5-1 **<u>REQUIRED INFORMATION.</u>** A Preliminary Plat is required for all subdivisions that do not meet the Minor Subdivision criteria. The Preliminary Plat shall portray or present the following:

(A) Name under which the proposed subdivision is to be recorded and location;

(B) Location map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated streets within **three hundred (300) feet** of the proposed subdivision. The key map shall show the location of any corporate limits of any municipality lying within **one and one-half (1 1/2) miles** or less of the subdivision.

(C) North arrow, graphic and written scales, and date;

(D) Names and addresses of the owner, developer, engineer, and the professional land surveyor who prepared the preliminary plat;

(E) Tract boundary lines, showing their lengths and directions according to available information and references to lines of the public land survey and of other major land divisions;

(F) All lot lines adjacent to and abutting the subdivision, and identification of adjoiners;

(G) Layout of proposed lots, showing their dimensions, their area to the 100th of an acre, showing an identifying number for each lot, and stating the zone district classification(s) of the proposed subdivision;

(H) Streets or alleys and rights-of-way adjoining the site of the proposed subdivision and their names; the street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, planting strips and other pertinent data; the classification of all existing or proposed streets as to function as established herein;

(I) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, the use(s) of the area to be subdivided, and on the manner and extent of correspondence of the proposed uses to the Comprehensive Plan, as adopted by the County Board;

(J) Easements, existing and proposed, showing locations, widths, and purposes;

(K) The gross and net area of the proposed subdivision, the area of street rights-of-way, and the area of any parcels reserved for the common use of the property owners within the subdivision or for public use. The standard road right-of-way or easement shall not be included in the lot acreage.

(L) Because the topography has a significant bearing upon the street grades, the plan of public utilities and drainageways or facilities in the proposed subdivision, elevation contour lines at intervals not greater than **two (2) feet** intervals shall be shown.

(M) Location of major water courses, ponding areas, natural drainageways and flood hazard areas;

(N) Location, size and available capacity of existing public utilities and drainageways or facilities within or adjoining the proposed subdivision and the location and size of the nearest water trunk mains, interceptor sewer lines and other utilities pertinent to the subdivision;

(O) Location, type and approximate size of utility improvements to be installed;

(P) The Preliminary Plat shall be drawn to scale of not more than **one hundred (100) feet** to **one (1) inch**; and the resulting plat is at least **eight and one-half (8 1/2) inches** by **fourteen (14) inches** but not more than **twenty-four (24) inches** by **thirty-six (36) inches**.

(Q) A statement to the effect that "this plat is not for record" shall be printed or stamped upon all copies of the preliminary plat;

(R) Indication on plat whether or not any part of the property shown is located within Special Flood Hazard Area as identified by Federal Emergency Management Agency and delineate any Special Flood Hazard Area on plat.

(S) Road Authority approval per Illinois State Statute.

(T) The building setback line along all front, side, and rear lot lines shall be shown.

(U) A preliminary drainage plan prepared by a Licensed Professional Engineer, which when implemented assures that the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection, diversion, and release of such surface waters into public areas, or drains which the subdivider has a right to use, and

(V) County Board approval signature block.

(W) Whenever a large tract is intended to be developed in stages, and only a part of that tract is to be submitted for final plat approval, a preliminary plat for subdivision of the entire tract shall be submitted with notation made of the part to be next submitted for final approval.

ARTICLE VI - IMPROVEMENT PLANS

34-6-1 **IMPROVEMENT PLANS.** After the Preliminary Plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the County Engineer for review. Improvement plans shall be prepared on an exhibit not to exceed **twenty-four (24) inches** by **thirty-six (36) inches** and shall contain the following information:

(A) Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided plus adjacent streets;

(B) North arrow, graphic and written scales, and date;

(C) Title block showing name and address of developer and engineering firm, as well as the engineer's seal;

(D) **One (1)** or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.

(E) List of the standards and specifications followed, citing volume, section, page or other references;

(F) Pavement details conforming to Clinton County standards specifications;

(G) Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales, and storm sewers as required by **Article IX**.

(H) Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements required by **Article IX**. The plans and profiles shall be drawn at a scale not greater than **one hundred feet to one inch (1" = 100')** horizontal; and **one inch** equals **ten feet (1" = 10')** vertical.

(I) Existing and proposed survey monuments on street plans or on the proposed Final Plat.

(J) As built drawings shall be submitted to the County Engineer after the improvements have been installed.

(K) Cross sections shall be provided along all roadways at **one hundred (100) feet** intervals; this includes existing road frontages. The cross sections shall be drawn at a scale not greater than **ten feet to one inch (1" = 10')** horizontal; and **one inch equals five feet (1" = 5')** vertical.

34-6-2 **FILING.** After preliminary plat approval, but prior to submission of the final plat, the developer shall file with the County Engineer for approval, **two (2) copies** of the plans, specifications, and supporting data for all improvements to be installed in or in conjunction with the proposed subdivision.

ARTICLE VII - FINAL PLATS

34-7-1 **<u>SUBDIVISION COMMITTEE REQUIREMENTS.</u>** In order to provide for a well-informed review of the Final Plat by the Subdivision Committee, the following information shall also be required:

(A) The final land use plan for all uses in the project or project area phase under consideration;

(B) A project or project phase development schedule indicating:

(1) the approximate date when construction of the project can be expected to begin;

(2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;

(3) the anticipated rate of development;

(4) the approximate dates when the development of each of the stages in the development will be substantially completed; and

(5) the area and location of common or public open space that will be provided at each stage.

(C) The term or the text of agreements, provisions, or covenants, if any, which will guarantee the conveyance or governance of use, provide proper maintenance, and continued protection of the proposed development and any of its common open area or facilities. Such covenants shall be recorded and shall provide that changes cannot be made to the covenants without County Board approval until at least **fifty-one percent (51%)** of the lots have been sold by the developer.

(D) The following plans and diagrams, in so far as the Subdivision Committee finds that the proposed development will create special problems of traffic, parking and landscaping:

(1) An off-street parking and loading plan; and

(2) A landscaping and tree-planting plan.

34-7-2 **<u>FINAL PLAT REQUIREMENTS.</u>** The Final Plat to be provided by the subdivider shall meet the following specifications:

(A) The Final Plat may include all or only part of the project area portrayed on the Preliminary Plat which has received approval.

(B) The Final Plat shall be drawn on a stable material with waterproof black ink to a scale of not more than **one hundred (100) feet** to **one (1) inch**; provided that the resulting drawing is at least **eight and one-half (8 1/2) inches** by **fourteen (14) inches** but not more than **thirty (30) inches** by **thirty-six (36) inches**. **Five (5)** black or blue line prints shall be provided by the subdivider.

(C) All dimensions shall be shown in feet and decimals of a foot.

(D) The Final Plat shall be prepared under the active and personal direction of a registered Illinois Land Surveyor, who shall certify that the plat correctly shows the results of his survey of the boundaries and platting of parcels within the subdivision.

34-7-3 **<u>PLAT DATA.</u>** The Final Plat shall portray or present the following:

(A) Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot** in **five thousand (5,000) feet**;

(B) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.

(C) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor shall, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.

(D) Accurate metes and bounds descriptions of the boundary and the included area of the subdivision to the nearest **one-hundredth (1/100)** of an acre;

(E) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;

(F) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles;

(G) Name and right-of-way width for each proposed street or other right-of-way street not dedicated to the public shall be labeled **PRIVATE STREET**;

(H) Location and dimensions of any easement and a statement of purpose for each easement;

(I) Number to identify each lot or site and area labeled to the 100th acre;

(J) Purpose for which sites, other than residential lots, are dedicated or reserved;

(K) Lot dimensions and areas of each lot, and building or setback lines and dimensions;

(L) Location, type, material and size of all monuments and lot markers;

(M) Certification, before a Notary Public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets, utility easements, and drainage easements shown thereon. In addition, the dedication and reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat;

(N) Reference to recorded subdivision plats within **three hundred (300) feet** of adjoining platted land by record name, date and number;

(O) Restrictions of all types which will run with the land and become covenants in the deeds for lots. Covenants and restrictions are recorded within the County Recorder's Office as a part of this plat.

(P) Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and north arrow, graphic and written scale, and date drawn;

(Q) Certification by design professional with registration numbers and seal affixed to all final documents;

(R) Certification of dedication of all public areas;

(S) Indication on plat whether or not any part of the property shown is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency;

(T) The building setback line along all front lot lines shall be shown.

(U) Certification from the County Clerk indicating that there are no delinquent or unpaid general or special taxes nor any delinquent or unpaid special assessments upon any part of the subdivided area;

(V) Label street names and house numbers as approved by the County Addressing Office;

(W) County Board approval signature block.

ARTICLE VIII - ASSURANCE OF COMPLETION

34-8-1 **FINAL PLAT APPROVAL.** The County Board shall not approve any final plat of subdivision (and said final plat shall not be entitled to recording) until:

(A) All improvements required in the approved preliminary plat have been completed by the subdivider/developer, and inspected and accepted by the County Engineer; or

(B) In accordance with this Article, the subdivider/developer has provided the County with legal assurance to guarantee the satisfactory completion of all required improvements.

(C) The plans for all such improvements shall have been submitted to and approved by the County Engineer.

(D) A digital media copy of the boundaries and lot lines of the final plat shall be provided in an ESRI shapefile or an AutoCAD drawing file.

34-8-2 **PERFORMANCE GUARANTEE, BOND OR ESCROW AGREEMENT.** Final Plat shall be neither approved by the County Board Chairman nor recorded by the County Clerk unless the applicable following conditions are met:

(A) **Prior Installation.** The capital improvement or facilities intended to be dedicated to the County, Road District, other public body or acceptable private entity have been completed, inspected, and accepted prior to such approval; or

(B) **Surety Bond.** A surety bond by an insurance company authorized to do business in the State of Illinois or Irrevocable Letter of Credit shall be posted by the applicant with the County Treasurer as approved by the County Engineer before construction of the improvements or facilities is started. Such surety bond shall be equal to the amount determined by the County Engineer for the estimated construction cost of all improvements intended to be dedicated to the County Road District, other public body, or approved private legal entity. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the County Road District, other public body, or approved private legal entity shall be completed within **two (2) years** of the date of approval of the final plat, unless such time is extended by written agreement between the applicant and the County Engineer. If such improvements are not satisfactorily installed within the time period specified or required, then such surety bond or proportion thereof shall be forfeited by the applicant, and the proceeds of the surety bond shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein or the amount of the bond heretofore released, whichever is less; or

(1) Order the County Treasurer to retain all escrowed funds needed to complete all the required improvements, and to return the balance if any of such funds to the developer; or

(2) Require the developer to submit a new performance bond/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

If the surety fails to perform on the bond or the escrow agent fails to remit within **thirty (30) days** after written request, the State's Attorney shall take immediate action to require performance.

34-8-3 **SURETY RELEASE.** The bond or an Irrevocable Letter of Credit shall remain in effect until such time as the County Clerk shall, by written authorization to the County Treasurer, release the surety from the obligation of the bond, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

(A) Authorization to release up to **ninety percent (90%)** of the bond amount or the Irrevocable Letter of Credit may be authorized by the County Clerk upon written notification from the County Engineer. Such authorization by the County Engineer shall only be given as improvements are installed equal in value to funds released.

(B) The remaining **ten percent (10%)** may only be released when the County Engineer notifies the Subdivision Coordinator, in writing, that all improvements have been completed in a satisfactory manner. The Subdivision Coordinator shall then notify the County Clerk that authorization may be given to release all funds. Whenever improvements are to be dedicated to another authority, school district, road district, park or other government, such improvements shall be accepted or approved before the release of all funds.

ARTICLE IX - MINIMUM STANDARDS OF DESIGN

34-9-1 **GENERAL STATEMENT.** The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the following minimum standards of design. The Subdivision Committee, in its review of the preliminary plat, will take into consideration the requirements of the county and the best use of the land being subdivided.

34-9-2 **STREET PLANNING.** The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. No building shall be allowed in areas within a projected street continuation. In no case shall land be subdivided in such a manner that adjoining property be denied access.

A public street or streets shall be provided to afford convenient access to all property within the subdivision. A private street or thoroughfare may be permitted if access easements are provided for. When streets are required within the subdivision no less than one street of full width shall be provided to furnish the subdivision with access to an existing public highway.

(A) **Continuation of Adjoining Street System.** Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting.

(B) **Marginal Access Street.** Where the subdivision abuts on or contains an existing or proposed area service highway, the Subdivision Committee may require that marginal access streets be provided in order that no lots front on such existing or proposed area service highway. If the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation, the Subdivision Committee, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road right-of-way with a minimum width of **sixty (60) feet**, which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the County Engineer and Illinois Department of Transportation.

(C) **Private Reserve Strips.** Private reserve strips controlling access to streets shall be prohibited.

(D) **Street Names.** Proposed streets, which are obviously in alignment with others existing and named, shall bear the assigned name of the existing streets. In no case shall the name of proposed streets duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix, street, avenue, boulevard, drive, place, court, etc.

(E) **Private Lanes.** In cases where lots do not directly abut or have direct access to a public street, a private lane may be utilized provided the lane serves no more than **four (4) lots** but more than a single lot. If an additional lot or lots is platted or desires to access the private lane, all properties must meet all platting requirements herein, including but not limited to, the minimum street specifications and improvement standards and drainage requirements.

(1) The private lane may be constructed in a manner consistent with typical driveway construction.
(2) A maintenance agreement shall be recorded establishing the arrangement for which the private lane will be maintained.
(3) The final plat shall include an access easement for all lots.
(4) The final plat shall show the location and the width of the private lane.

(5) The final plat shall include a certificate stating essentially as follows:

I, _____, owner of tract and the private lane shown hereon, declare that the private lane is not dedicated to the public, but shall remain private, to be maintained by and for the adjoining lot owners unless said lane(s) is accepted by the appropriate township or Clinton County, Illinois.

Signed _____

Date _____

(6) Private lanes shall not be located closer than 1320 feet from another private lane on the same side of the existing public road.

34-9-3 **STREET DESIGN STANDARDS.** The following design standards shall be considered minimum requirements and shall specifically apply to residential subdivisions. The requirements for nonresidential subdivisions shall be such as the Subdivision Committee deems appropriate for the type of development and use contemplated but in no event be less than the requirements of residential subdivisions. A typical cross-section of each type of roadway to be built shall be furnished.

(A) **Right-of-Way Width.** Right-of-way width should be determined by expected future extensions, volumes, land use type and density and the topographical conditions. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the right-of-way. When the subdivision is located on only one side of an existing right-of-way, which is less than the required width, the subdivider shall dedicate additional right-of-way to meet the requirements, but not exceeding **one-half (1/2)** of the total required width. In cases where topography or other conditions make the dedication of the required minimum width of a street or part thereof impractical, the County Engineer may modify the right-of-way width requirements.

Additional right-of-way width may be required; the following represent minimums:

(1)	Arterial	a/
(2)	Collector	60 feet
(3)	Land Access Street	50 feet

_____

a/ Design of area service highways shall conform to the Illinois Department of Transportation Design and Construction Policies, Standards and Specifications.

(B) **Pavement Widths.** Pavement width, shoulder to shoulder, shall not be less than the following:

(1)	Arterial	a/
(2)	Collector (Streets 24 feet wide with 8 foot shoulders)	40 feet
(3)	Land Access Street (Streets 20 feet wide with 5 foot shoulders)	30 feet

_____

a/ Design of area service highways shall conform to the Illinois Department of Transportation Design and Construction Policies, Standards and Specifications.

(C) **Street Grades.** Street grades shall not exceed the following unless otherwise approved by the County Engineer:

(1) Grades of all streets shall not normally be greater than **seven percent (7%)**.

(2) The profile of all streets shall be approved by the County Engineer. The profile shall show existing ground line and proposed grades.

(3) Grades approaching intersections shall not exceed **five percent (5%)** for a distance of not less than **one hundred (100) feet** from the centerline of said intersection.

(4) Surface cross-drainage shall not be permitted on any street.

(D) **Horizontal Curves.** Where a centerline deflection angle occurs a circular curve shall be introduced, having a centerline radius of not less than the following:

(1)	Collector Street	200 feet
(2)	Land Access Street	100 feet

(E) **Tangents.** There shall be a tangent of not less than **one hundred (100) feet** provided between reverse curves on all streets.

(F) **Intersections.** Street intersections shall be laid out as follows:

(1) Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than **sixty degrees (60º)**.

(2) Intersections, including driveways and private lanes, with county highways and state highways shall be at least **six hundred sixty (660) feet** apart measured from centerline to centerline, except where impractical or impossible due to existing property divisions or topography. Entrances on township roads shall be subject to the approval of the Township Highway Commissioner. Intersections with state highways shall also be approved by the Illinois Department of Transportation.

(3) Land access street curb intersections shall be rounded by radii of at least **fifteen (15) feet**; intersections involving collector streets shall have radii of not less than **twenty-five (25) feet**.

(4) Street intersections with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted.

(5) Intersection of more than **two (2) streets** at **one (1)** point shall be prohibited.

(G) **Cul-de-Sac and Dead-End Streets.** Unless topography indicates a need for a greater length, cul-de-sac and dead-end streets, designed to be so permanently, shall be no longer than **one thousand (1,000) feet** and shall terminate in a circular open space having a radius at the outside of the pavement of at least **fifty (50) feet** and a radius at the outside of the right-of-way of at least **sixty (60) feet**. This length may be increased where topography or existing conditions prohibit a reasonable connection. Temporary stub streets shall be provided with a temporary turnabout at the terminus of such streets.

(H) **Alleys.** When required, alleys shall comply with the following requirements:

(1) Alleys may be required in commercial and industrial districts, except that the Subdivision Committee may waive this requirement where other definite and assured provision is made for services access, such as off-street loading, unloading, and parking facilities.

(2) Alleys are not permitted in residential districts, except when the Subdivision Committee determines special conditions warrant a secondary means of access.

(3) Alleys, where provided to serve business area, shall have a right-of-way of not less than **twenty-four (24) feet**; where provided to serve residential blocks shall have a right-of-way width of not less than **twenty (20) feet**.

(4) Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.

(I) **General Standards.** The following general standards for street design shall be followed:

(1) In order to provide adequate traffic circulation and to insure adequate access to developed areas, collector streets shall be provided at approximately **one-half (1/2) mile** intervals.

(2) Land access streets shall be designed so as to discourage through traffic.

(3) The Subdivision Committee shall not approve streets which will be subject to frequent inundation or flooding.

(J) **Elevations and Grading.**

(1) Set line and grade stakes so that the contractor can complete the preliminary grading of the roadway, shoulder, slopes, and ditches.

(2) Set a combination of offset stake and elevation reference hub on a minimum of **one hundred (100) foot** intervals on tangents and a minimum of **fifty (50) foot** intervals on curves. Each stake shall be offset a fixed distance **(±2 ft.)** from the edge of the final rock surface and marked with Station and a final grade reference. These stakes shall not be removed until the final rock grade has been approved by the Clinton County Highway Department.

(3) Check the final compacted dirt grade from the grade stakes with a stringline to within **three-fourths (3/4) inch** tolerance and mark any area where all the topsoil or all unsuitable material has not been removed. (Note – these areas will require additional excavation and the addition of at least **four (4) inches** of rock.) The Clinton County Highway Department will spot check the dirt grades from the grade stakes and inspect the final dirt surface and grade before any fabric is placed.

(4) Check the final rock grade from grade stakes with a stringline to within **one-half (1/2) inch** tolerance, check the final rock surface for compaction and loose material. Notify the Clinton County Highway Department when the rock is ready to be primed. (Note – the Clinton County Highway Department shall inspect the rock surface before any prime is applied.)

(5) **Certify In Writing To The Clinton County Highway Department That:**

(a) The final dirt grade of the roadway was to within **one (1) inch** tolerance at all required grade stakes and that all apparent top soil and unsuitable material was removed or at least **four (4) inches** of additional rock was added at the locations where this material was not removed.

(b) The final rock grade was to within **three-quarters (3/4) inch** tolerance at all required grade stakes.

(c) The roadway, shoulders, slopes, and ditches were built to the lines, grades, and cross sections shown on the approved plans for the subdivision to within **one (1) inch** tolerance at all required grade stakes. **(Ord. No. 1-98-8) (See Appendix "A")**

(K) **General Constraints.**

(1) The subgrade shall be compacted clay or if it is impossible to remove all the top soil or unsuitable material the aggregate thickness shall be increased as determined by the County Engineer. (Minimum of **four (4) inches**.)

(2) All rock shall be placed on Geotextile Fabric for Ground Stabilization or a minimum of **six (6) inches** of lime stabilized soil provided the subgrade is suitable for lime stabilization.

(3) The rock thickness shall be **ten (10) inches**.

(4) The aggregate surface must be oiled and chipped at least **three (3) times** after a prime coat has been applied.

(5) The Developer shall provide copies of all the tickets of all the material used on the roads to verify the quantities and that the material is approved by the State of Illinois.

(6) The entrances to County and State roads for new Subdivision roads shall be hot mix asphalt on an aggregate base, full depth hot mix asphalt, or full depth concrete, with the thickness of the various materials to be approved by the County Engineer. Minor Subdivisions (**six (6) lots** or less) are exempt from this requirement.

34-9-4 **<u>EASEMENTS.</u>** Subdivision drainage plans shall be so structured so as not to block or obstruct the natural drainage of adjoining areas. The following shall be the required standards to be observed for the design of easements in a subdivision.

(A) Easements of not less than **ten (10) feet** in width shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Easements of not less than **fifteen (15) feet** in width shall be provided along all front lot lines for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines or for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.

(B) Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. All necessary drainage easements shall be furnished at no expense to the County and meet the following minimum standards:

(1) Top channel widths from **zero (0) feet** to **fifty (50) feet** require top width plus **twenty-five (25) feet**.

(2) Over **fifty (50) feet** top channel widths require top widths plus **twenty-five (25) feet** each side.

Wider drainage easements may be required as is necessary to permit proper construction of drainage facilities based on the drainage system plan of the area. No subdivision shall block or obstruct the natural drainage of an adjoining area.

(C) Pedestrian easements, no less than **ten (10) feet** wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(D) No tree, shrub or building shall be placed or erected in any easement for utility or drainage purposes or within the right-of-way of any street, except at the owner's risk as to all costs for demolition, removal or reconstruction, and the beneficiaries of the easement rights may have free access to and use of the easements at any time.

ARTICLE X - MINIMUM STANDARDS OF IMPROVEMENT

34-10-1 **GENERAL STATEMENT.** Street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.

No Final Plat shall be approved unless:

(A) the improvements required in this Article have been completed and approved prior to such approval; or

(B) the subdivider shall file a performance guarantee or bond as provided in **Section 34-8-2**.

34-10-2 **REFERENCE MONUMENTS.** The surveyor must at the time of making the survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than **twenty (20) feet** back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the rights-of-way line of the street. All lot corners shall be monumented with iron pins or pipe.

The Developer may delay installation of lot marker monuments until completion of improvements provided that cost of placing said monuments shall be included in the improvement plan cost estimate and be subject to bonding requirements. The land surveyor shall submit letter stating desire to place monuments after improvements are completed in contract form guaranteeing maximum cost for installation.

34-10-3 **STREET IMPROVEMENTS.** All new streets, which are created and dedicated for use within a subdivision, shall be graded, drained and surfaced in accordance with the minimum requirements herein set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys and public grounds in the entire subdivision, including any such work which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

(A) **Area Service Highways.** Construction of area service highways shall conform to the Illinois Department of Transportation Design and Construction Policies, Standards and Specifications.

(B) **Land Access and Collector Streets.** Land access and collector streets shall be designed and surfaced according to the requirements listed below. The developer shall assume responsibility for maintaining the roadway including the seeding, removal of earth, crushed stone or other debris from the pavement, curb and gutter and other drainage facilities until acceptance by the Township Highways Commissioner or by the County.

(1) Land access and collector street pavement shall consist of Type A or B crushed stone, **ten (10) inches** in thickness, conforming to Illinois Department of Transportation Specifications. Additional thickness may be required by the County Engineer for poor soil conditions. Street surfacing shall be bituminous surface treatment, conforming to the Illinois Department of Transportation Specifications for Class A, Sub-class A-3, and shall be sufficient in the opinion of the County Engineer to withstand the traffic that the roadway will be subjected to. Portland Cement Concrete pavement or bituminous concrete may be used instead of crushed stone. The pavement design with these materials shall be subject to the approval of the County Engineer.

(2) Before any paving work is commenced all street grading shall be properly completed as shown on plans submitted with the Improvement Plans.

(3) The surface course of the roadway pavement shall not be laid until the backfilling of all trenches dug for the installation of the utility services has completely settled or compacted to the satisfaction of the County Engineer.

(4) Before the surface course of the roadway pavement is laid all depressions in the base course shall be properly filled and brought to the required grade so as to create a level surface.

(5) **Utility Lines.** Underground utility lines in utility easements or rights-of-ways shall be installed prior to the construction of such streets and alleys.

34-10-4 **STORM SEWERS AND OTHER DRAINAGE APPURTENANCES.** All storm sewers necessary to provide adequate drainage along any street and such storm sewers, manholes, catch basins, inlets and outlets shall be constructed in accordance with the applicable provisions in the specifications. Catch basins are to be constructed in accordance with the Standard Specifications for Road and Bridge Construction, prepared by the Illinois Department of Transportation, as amended. The stormwater drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with the drainage laws of the State of Illinois. The plans and specifications for the disposing of storm water shall be approved by the County Engineer.

34-10-5 **FLOW LINES.** The flow line of any combination curb and gutter section, as well as the flow line of any storm sewer, shall have a fall of at least **one-half (1/2)** of a foot per **one hundred (100) lineal feet**, except where vertical curves in the grade line of the street make this provision inapplicable with respect to the curb and gutter.

34-10-6 **PIPE CULVERTS.** All across-road culverts and entrance culverts shall comply with the specifications. No such pipe culverts, however, shall be less than **fifteen (15) inches** in diameter unless written approval is given by the County Engineer for a reduced size, with a minimum of **twelve (12) inches** in diameter. The design, installation and construction of all drainage structures shall be in accordance with the policies and procedures contained in the Illinois Department of Transportation, Drainage Manual.

34-10-7 **STREET MARKERS AND TRAFFIC SIGNS.** A street marker shall be placed at each intersection designating the names of the streets entering the intersection. The marker shall be of an approved material sufficient in size to accommodate **six (6) inch** lettering; they shall be mounted on **four (4) inch** by **four (4) inch** creosoted wood posts, **two (2) inch** galvanized pipe posts or standard "U" channel painted or galvanized sign posts (minimum weight **two and six-tenths (2.6) pounds** per foot) with at least **three (3) feet** in the ground and a minimum of **seven (7) feet** above the ground. All signs shall be reflectorized.

The developer shall place all traffic control devices required by the latest edition of the State of Illinois Manual of Uniform Traffic Control Devices. The County Engineer will provide written requirements at time of the improvement plan review.

ARTICLE XI – STANDARDS FOR UTILITIES

34-11-1 **UTILITY REQUIREMENTS.** All proposed water and sanitary sewer facilities shall comply with all federal and state requirements, as well as requirements of the Clinton County Health Department.

34-11-2 **FIRE HYDRANTS.** When a new water main is installed as part of the subdivision, fire hydrants shall be installed by the developer on the new water main. Installation of fire hydrants shall be accomplished in such a manner that each lot is within **four hundred (400) feet** of the fire hydrant when measured along the center line of the right-of-way. Water mains smaller than **six (6) inches** in diameter are exempt from the fire hydrant requirements. No fire hydrant shall be placed on a new water main that cannot support fire hydrants as determined by either the water district or a professional engineer. This determination shall be submitted to the county in writing. The type and materials for the fire hydrant and appurtenances shall be as specified by either the water district or a professional engineer.

34-11-3 **SANITARY SEWERS.** Whenever a subdivision is located within **one and one-half (1 ½) miles** of an incorporated area or other public agency and where public sanitary sewers are within a reasonable distance of the subdivided area, each lot in the subdivision shall conform to the plans and specifications and be under the supervision of the public agency operating the system to which it is connected. If the connection is made to a private system serving another subdivision, then the new system shall conform to the plans, specifications and requirements of the Illinois Department of Public Health and the approval of the agency shall be secured.

Whenever the developer provides a private system of sanitary sewers and a treatment plant, such system and plant shall conform to all standards, specifications and requirements of the Illinois Department of Public Health and the approval of the agency shall be secured.

Whenever septic tanks are permitted, the system shall comply with the applicable regulations or recommendations of the Illinois Department of Public Health and the County Health Department.

34-11-4 **PROVISIONS FOR MAINTENANCE AND OPERATION.** Where the subdivision is to contain sewers, sewage treatment plants, water supply system, park areas, or other physical facilities which will not be maintained by existing public agencies, adequate provision shall be made for the continuing maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health of the State of Illinois where applicable.

ARTICLE XII - VARIANCES

34-12-1 **CONDITIONS OF VARIATION.** The applicant shall be required to provide any additional information as determined necessary by the Subdivision Committee in order to determine a subdivision request. The County Board may grant a variance from the provisions of this Code provided, in each case, the following conditions are met:

(A) Any variance or exception shall comply with the Intent and Purpose declared in **Section 34-1-1** of **Article I**; and

(B) Special conditions and circumstances are present which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same area; and

(C) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same area under the terms of this Code; and

(D) The special conditions or circumstances do not result from the actions of the applicant; and

(E) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to owners of other lands, structures, buildings in the same area; and

(F) The variance requested in the minimum variance which would alleviate the hardship.

34-12-2 **VARIANCE PROCEDURES.** The following procedures shall be utilized to process a variance:

(A) The subdivider shall apply in writing to the Subdivision Committee for such a variance or exception upon filing the preliminary plat with the Subdivision Coordinator.

(B) The Subdivision Coordinator shall notify the Chairman of the County Board, and shall submit the plat and variance request along with the Subdivision Committee's opinion to the County Board at a regularly scheduled Board meeting.

(C) The County Board shall make its decision within **sixty (60) days** from the date of notification by the Subdivision Coordinator.

(D) Any variation granted shall be in writing and clearly state all conditions requiring the variance and shall set forth the exact terms of the variance; a copy of which shall be attached to the preliminary and final plats and included in the minutes of the County Board with the reasoning set forth upon which the variance was considered justified.

34-12-3 **FILING.** A copy of any variation shall be part of the public record and shall be filed in the office of the Subdivision Coordinator.

ARTICLE XIII – PLAT VACATIONS

34-13-1 **PLAT VACATION.** Any plat may be vacated per the applicable portions of Illinois State Statute.

34-13-2 **SUBMITTAL DOCUMENTS – PLAT VACATION.** The written vacation instrument shall be accompanied by the following plats and plans:

(A) **Two (2) copies** of the plat of subdivision, on which there shall be shown the part thereof, or street, alley, easement, or part thereof, to be vacated.

(B) A certificate signed by the County clerk of Clinton County certifying that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the property to be vacated.

(C) When lots have been sold, the written vacation instrument shall be signed by all the owners of lots in the plat.

34-13-3 **APPROVALS REQUIRED.** The vacation request must be approved by the appropriate following person(s) or agency(s):

(A) Clinton County Board;

(B) Township Highway Commissioner having jurisdiction;

(C) Clinton County Superintendent of Highways;

(D) District Engineer of the Illinois Department of Transportation.

34-13-4 **VACATION RECORDED.** When any plat or part thereof is vacated the recorder in whose office the plat is recorded or filed as aforesaid, shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated", and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

ARTICLE XIV - MISCELLANEOUS

34-14-1 **AMENDMENTS.** This Code may be amended, supplemented or repealed by a majority vote of the County Board.

34-14-2 **PENALTY FOR PRIOR SALE.** Any person who shall sell or offer for sale, lease or offer for lease, while this Code is in effect, any lot or lots or block or blocks, within the area of jurisdiction of the County or any resubdivision of any block or lot therein, before all of the requirements of this Code have been complied with, shall be deemed in violation and be subject to fines specified in **Section 34-1-3**.

(Ord. No. 2015-06-54; 06-01-15)

APPENDIX A

NEW SUBDIVISION ROAD CONSTRUCTION AGREEMENT

I, _____, Owner/Developer of _____, a new subdivision which was approved by the Clinton County Board on _____ do hereby certify that I have read and that I am aware of all of the Clinton County requirements for the construction of subdivision roads shown below and stated in the following:

* Clinton County Subdivision Code 34-9 and 34-10

All construction shall be in accordance with the latest standard of the Illinois Department of Transportation STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

STAKING: The Owner/Developer's Engineer shall set line and grade stakes on a minimum of **fifty (50) foot** intervals on tangents and a minimum of **twenty-five (25) foot** intervals on curves with all stakes a fixed offset distance (±2 ft.) from the edge of the final rock surface with the Stations and final grade reference on each stake. Additional stakes at **twenty-five (25) foot** intervals may be required by the County Engineer. The Owner/Developer's Engineer shall replace any damaged or missing grade stakes until the final rock grade has been approved in writing by the Clinton County Highway Department.

MATERIALS: All material used on subdivision roads shall meet Illinois Department of Transportation Specifications and shall be approved by the Clinton County Engineer. Owner/Developer or Contractor shall provide the Clinton County Highway Department a list and source of the material to be used. The Owner/Developer shall provide the Clinton County Highway Department with a copy of all the tickets of the material used.

SUBGRADE: The subgrade shall be prepared by removing all vegetation, filling all depressions, and smoothing the surface. Soft and unstable material shall be removed and replaced with suitable material that will compact or with additional thickness of rock base. If the subgrade is dusty or muddy, placement of the fabric on the road shall be delayed until the subgrade is in a condition satisfactory to the County Engineer. The Owner/Developer's Engineer must certify to the Clinton County Highway Department in writing that the subgrade is within the specified county tolerances before the subgrade will be inspected by the Clinton County Highway Department. This approval shall include a copy of the measurements from a stringline from the grade stakes. No geotechnical fabric or rock shall be placed until the subgrade and any crossroad culverts have been approved in writing by the Clinton County Highway Department.

ROCK BASE (CA-6): The aggregate shall be placed on the fabric by a method that will not damage the fabric and that will prevent segregation of the aggregate. If segregation does occur, the County Engineer may require the addition of additional material. Compaction of the aggregate shall be to the satisfaction of the County Engineer. The Owner/Developer's Engineer shall certify in writing to the Clinton County Highway Department that the final aggregate rock grade is within the required tolerances. This approval shall include a copy of the measurements from a stringline from the grade stakes. The aggregate surface shall not be primed until it has been approved in writing by the Clinton County Highway Department, and a copy of all the rock tickets have been provided to the Clinton County Highway Department.

OIL AND CHIP: The aggregate surface shall be primed with MC-30. The type of road oil and chips to be used shall be approved by the Clinton County Engineer. Road oil shall not be applied when there is loose aggregate on the roadway surface.

P.C.C. & BITUMINOUS CONCRETE PAVEMENTS: Design and construction of Portland Cement Concrete pavement and Bituminous Concrete pavements shall be in accordance with the latest standard of the

Illinois Department of Transportation STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION and approved by the County Engineer.

SEEDING: No area shall be seeded until the Owner/Developer's Engineer has certified in writing to the Clinton County Highway Department that the shoulders, slopes, radii, and ditches have been constructed within the required tolerances in accordance with the lines and grades shown on the approved plans.

MAINTENANCE: The Owner/Developer is responsible for maintaining the road **two (2) years** after all construction has been completed. The Owner/Developer will be required to have a performance guarantee for maintenance until the road is accepted by the road district highway commissioner.

MISCELLANEOUS: The Owner/Developer's Contractor must give **two (2) working days** notice to the Clinton County Highway Department when an onsite inspection is needed to approve the subgrade, rock surface or site grading for seeding.

If Clinton County Highway Department personnel have to make more than **two (2) trips** to a subdivision to inspect a single item of work that is not ready or was not done properly, the Owner/Developer will be billed for each additional trip at the rate of a minimum of **One Hundred Dollars ($100.00)** per trip.

A pre-construction meeting with the Clinton County Engineer, Owner/Developer, Engineer and Contractor is required before any work is done on a new subdivision road. The Owner/Developer or Contractor shall notify the Clinton County Highway Department **two (2) days** before any work is done. Any change from the approved plans must be approved in writing by the Clinton County Engineer.

_____	_____	_____
OWNER/DEVELOPER	DATE	TELEPHONE NUMBER

NAME OF CONTRACTOR _____

ADDRESS _____

TELEPHONE NUMBER _____

NAME OF ENGINEER _____

ADDRESS _____

TELEPHONE NUMBER _____

COUNTY OF CLINTON

SUBGRADE APPROVAL

DATE _____

OWNER/DEVELOPER _____

SURVEYOR/ENGINEER _____

SUBDIVISION NAME _____

ROAD NAME _____

STATION _____ TO STATION _____

This certifies that the Clinton County Highway Department has received certification from the above Surveyor/Engineer that the subgrade has been constructed to the required tolerances on the portion of road listed above in the above referenced subdivision, and approves the subgrade for the portion of road listed above. Approval is granted to place geotechnical fabric and rock on this section of roadway.

_____

CLINTON COUNTY HIGHWAY DEPARTMENT

COUNTY OF CLINTON

FINAL AGGREGATE SURFACE APPROVAL

DATE _____

OWNER/DEVELOPER _____

SURVEYOR/ENGINEER _____

ROAD NAME _____

STATION _____ TO STATION _____

This certifies that the Clinton County Highway Department has received certification from the above Surveyor/Engineer that the final rock grade has been constructed to the required tolerances on the portion of road listed above in the above referenced subdivision, and approves the final rock grade for the portion of road listed above. Approval is granted to oil & chip the rock surface within **ten (10) working days** of this notice on this section of road. If the aggregate surface has not been oiled & chipped within **ten (10) working days** from the date of this approval, you must reapply for approval. Please submit copies of rock tickets and the bill of sale for the amount of oil used to the Clinton County Highway Department within **five (5) working days** of material placement. Failure to comply with this requirement may require the addition of more material to the road for this subdivision.

_____

CLINTON COUNTY HIGHWAY DEPARTMENT

Revised: June 8, 2015

TAXATION

ARTICLE		TITLE	PAGE
I	SALES TAXES		
	Division I – Use Tax		
	Section 36-1-1	- Use Tax	36-1
	Section 36-1-2	- Administration of Tax	36-1
	Section 36-1-3	- Reserved	
	Division II – Service Occupation Tax		
	Section 36-1-4	- Service Occupation Tax	36-1
	Section 36-1-5	- Administration of Tax	36-1
	Section 36-1-6	- Reserved	
	Division III – Retail Occupation Tax		
	Section 36-1-7	- Use Tax	36-2
	Section 36-1-8	- Administration of Tax	36-2
	Division IV – Auto Rent Use Tax		
	Section 36-1-9	- Tax Imposed	36-2
	Section 36-1-10	- State Collector	36-2
	Section 36-1-11	- Publication	36-2
II	RECORDER OF DEEDS		
	Division I – Title Transfer Tax		
	Section 36-2-1	- Definitions	36-3
	Section 36-2-2	- Tax Imposed	36-3
	Section 36-2-3	- Exempt Deeds and Trust Documents	36-3
	Section 36-2-4	- Proceeds to County Treasurer	36-4
	Section 36-2-5	- Tax Additional to Others	36-4
	Section 36-2-6	- Penalty	36-4
	Section 36-2-7	- Prior Documents	36-4
	Section 36-2-8	- Reserved	
	Division II – Miscellaneous Fees		
	Section 36-2-9	- Fees Established	36-5
	Section 36-2-10	- Additional Fees	36-7
	Section 36-2-11	- Fees Established – Document Storage System	36-7
	Section 36-2-12	- Computer Equipment Fund Established	36-7
	Section 36-2-13	- Geographic Information System Fee	36-7
	Section 36-2-14	- Geographic Information System Fund	36-7

ARTICLE	TITLE			PAGE
III	***CIRCUIT CLERK***			
	Division I – Court Automation Fee			
	Section 36-3-1	-	*Automation Fund Established*	*36-8*
	Section 36-3-2	-	*Reserved*	
	Division II – Vehicle Violations Fines			
	Section 36-3-3	-	*The County Court System Finance Fund*	*36-8*
	Section 36-3-4	-	*Reserved*	
	Division III – Document Storage			
	Section 36-3-5	-	*Court Document Storage Fund Established*	*36-8*
	Section 36-3-6	-	*Reserved*	
	Division IV – Criminal Fees			
	Section 36-3-7	-	*Civil Fees and Criminal Assessments*	*36-8*
	Section 36-3-8	-	*36-3-12 Reserved*	
	Division V – General Fees			
	Section 36-3-13	-	*Case Fees Established*	*36-9*
	Section 36-3-14	-	*Criminal Assessments*	*36-12*
IV	***SOLID WASTE MANAGEMENT FEE***			
	Section 36-4-1	-	*Solid Waste Management Fund Established*	*36-19*
V	***LAW LIBRARY FEES***			
	Section 36-5-1	-	*Law Library Fund*	*36-19*
	Section 36-5-2	-	*Reserved*	
VI	***COUNTY CLERK***			
	Section 36-6-1	-	*Definition*	*36-20*
	Section 36-6-2	-	*Fee Established*	*36-20*
	Section 36-6-3	-	*Special Fund*	*36-20*
	Section 36-6-4	-	*Related Fees*	*36-20*
VII	***TREASURER***			
	Division I – Automation Fee – Delinquent Tax Parcel			
	Section 36-7-1	-	*Fee Established*	*36-21*
	Section 36-7-2	-	*Special Fund*	*36-21*
	Section 36-7-3	-	*Reserved*	

ARTICLE	TITLE			PAGE
VII	TREASURER (CONTINUED)			
	Division II – Property Sale Fees			
	Section 36-7-4	-	Fee Established	36-21
	Section 36-7-5	-	Special Fund	36-21
VIII	CORONER			
	Section 36-8-1	-	Fees Established	36-22
IX	SHERIFF			
	Section 36-9-1	-	Related Fees	36-22
	Section 36-9-2	-	Order of Supervision Fee, Etc.	36-22
X	PUBLIC DATA REQUESTS			
	Section 36-10-1	-	Tax System	36-23
	Section 36-10-2	-	Election System	36-23
	Section 36-10-3	-	Criminal Justice System, Including	36-23
	Section 36-10-4	-	All Other Systems Including	36-23
XI	"9-1-1" EMERGENCY TELEPHONE TAX			
	Section 36-11-1	-	Imposition of Fee	36-25
	Section 36-11-2	-	Fee Established	36-25
	Section 36-11-3	-	Accounting Charge	36-25
	Section 36-11-4	-	Definitions	36-25
	Section 36-11-5	-	Imposition of Surcharge	36-25
	Section 36-11-6	-	Surcharge Due	36-25
	Section 36-11-7	-	Establishment of Fund	36-26
	Section 36-11-8	-	Reports to County	36-26
	Section 36-11-9	-	Amount Paid But Not Due	36-26
XII	MANUFACTURED (MOBILE) HOME TAX			
	Section 36-12-1	-	Definitions	36-27
	Section 36-12-2	-	Tax Established	36-27
	Section 36-12-3	-	Registration Form; Contents of Registration Form; Signature; Misinformation; Application of Section	36-27
	Section 36-12-4	-	Computation of Tax; Due Date; Distribution to Districts	36-28
	Section 36-12-5	-	Error in Tax Bill	36-28
	Section 36-12-6	-	Reduction of Local Services Tax; Conditions	36-28
	Section 36-12-7	-	Exemption for Disabled Veterans	36-29
	Section 36-12-8	-	Failure to Pay Tax; Lien	36-30
	Section 36-12-9	-	Interest on Delinquent Taxes; Penalty for Fraud	36-30
	Section 36-12-10	-	Invalidity of Provisions	36-30
	Section 36-12-11	-	Manufactured Home Dealers – Notification	36-30
	Section 36-12-12	-	Notice to Assessor of Ownership Change	36-30
	Section 36-12-13	-	Moving Permits – Penalty	36-31
	Section 36-12-14	-	Penalty	36-31

ARTICLE		TITLE	PAGE
XIII	***TAXPAYERS' RIGHTS CODE***		
	Section 36-13-1	*- Title*	*36-32*
	Section 36-13-2	*- Scope*	*36-32*
	Section 36-13-3	*- Definitions*	*36-32*
	Section 36-13-4	*- Notices*	*36-32*
	Section 36-13-5	*- Late Payment*	*36-32*
	Section 36-13-6	*- Payment*	*36-33*
	Section 36-13-7	*- Certain Credits and Refunds*	*36-33*
	Section 36-13-8	*- Audit Procedure*	*36-34*
	Section 36-13-9	*- Appeal*	*36-34*
	Section 36-13-10	*- Hearing*	*36-35*
	Section 36-13-11	*- Interest and Penalties*	*36-35*
	Section 36-13-12	*- Abatement*	*36-35*
	Section 36-13-13	*- Installment Contracts*	*36-35*
	Section 36-13-14	*- Statute of Limitations*	*36-36*
	Section 36-13-15	*- Voluntary Disclosure*	*36-36*
	Section 36-13-16	*- Publication of Tax Ordinances*	*36-36*
	Section 36-13-17	*- Internal Review Procedure*	*36-36*
	Section 36-13-18	*- Application*	*36-36*
XIV	***G.I.S. FEE***		
	Section 36-14-1	*- Fee*	*36-37*
	Section 36-14-2	*- Special Fund*	*36-37*
	Section 36-14-3	*- Deposit to Special Fund*	*36-37*
XV	***HOTEL/MOTEL TAX***		
	Section 36-15-1	*- Definitions*	*36-38*
	Section 36-15-2	*- Tax Imposed*	*36-38*
	Section 36-15-3	*- Registration*	*36-38*
	Section 36-15-4	*- Computation of Tax*	*36-38*
	Section 36-15-5	*- Fee Deadline*	*36-38*
	Section 36-15-6	*- Penalties*	*36-38*
	Section 36-15-7	*- Remittance of Fees – Use of Funds*	*36-39*
	Section 36-15-8	*- Exemptions*	*36-39*
	Section 36-15-9	*- Severability*	*36-39*
	Section 36-15-10	*- Repeal or Amendment*	*36-39*
XVI	***PROBATIONARY DRUG TEST FEES***		
	Section 36-16-1	*- Field Test Fee*	*36-39*

CHAPTER 36

TAXATION

ARTICLE I – SALES TAXES

DIVISION I – USE TAX

36-1-1 **USE TAX.** A Supplementary Use Tax is hereby imposed upon the privilege of using the County of Clinton, Illinois, 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 this State's government, at a rate of **1/4 of 1 percent** of the selling price of such tangible personal property as "selling price" is defined in the "Use Tax Act", approved **July 14, 1955**, as amended. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being within the County of Clinton, State of Illinois.

36-1-2 **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, found in the "Use Tax Act", as are now or hereafter amended, unless otherwise noted or excepted in P.A. 84-163.

36-1-3 **RESERVED.**

DIVISION II – SERVICE OCCUPATION TAX

36-1-4 **SERVICE OCCUPATION TAX.** A Supplementary Service Occupation Tax is hereby imposed upon all persons engaged in the business of making sales of service within the County of Clinton, Illinois, at the rate of **1/4 of 1 percent** of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

36-1-5 **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, penalties, and definitions of terms, and the same mode of procedures as found in the "Service Occupation Tax Act and Retailers Occupation Tax Act", respectively, as are now or hereafter amended, unless otherwise noted.

36-1-6 **RESERVED.**

DIVISION III – RETAIL OCCUPATION TAX

36-1-7 **USE TAX.** A Supplementary Retailers' Occupation Tax at a rate of **1/4 of 1 percent** is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail within the County of Clinton, Illinois.

36-1-8 **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, penalties, and definitions of terms, and the same mode of procedures as found in the "Retailers' Occupation Tax Act" as are now or hereafter amended, unless otherwise noted or excepted in P.A. 84-163. **(See 55 ILCS Sec. 5/1-1001)**

DIVISION IV – AUTO RENT USE TAX

36-1-9 **TAX IMPOSED.** There is hereby imposed upon the privilege of using an automobile which is rented from a renter located outside the State of Illinois that is titled or registered with an agency of the State of Illinois and whose Illinois address for titling or registration purposes is given as being the unincorporated area of the County of Clinton, Illinois, a County Automobile Renting Use Tax, at the rate of **one percent (1%)** of the rental price of such automobile.

36-1-10 **STATE COLLECTOR.** The tax imposed by this Article shall be collected and enforced by the State of Illinois Department of Revenue in accordance with the Illinois County Automobile Renting Use Tax Act. **(See 55 ILCS 5/5-10-33**

36-1-11 **PUBLICATION.** The County Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form and thereafter to transmit to the Illinois Department of Revenue, within **five (5) days** after the publication of this Ordinance, a certified copy of this Ordinance for the purpose of administering and enforcing this Ordinance.

ARTICLE II – RECORDER OF DEEDS

DIVISION I – TITLE TRANSFER TAX

36-2-1 **DEFINITIONS.** The following words shall have the meanings ascribed to them in this Article:

"Recordation" means the recording of deeds by the Recorder of Deeds.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.

"Value" means the amount of the full actual consideration thereof, including the amount of any lien or lines assumed by the buyer.

36-2-2 **TAX IMPOSED.** A tax is imposed on the privilege of transferring title to real estate or beneficial interest in a land trust, as represented by the deed that is filed for recordation, at the rate of **Twenty-Five Cents (25¢)** for each **Five Hundred Dollars ($500.00)** of value or fraction thereof stated in the declaration provided for in this Section. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

Such tax shall be collected by the Recorder of Deeds through the sale of revenue stamps whose design, denominations and form shall be prescribed by the Recorder of Deeds. The Recorder of Deeds may sell the revenue stamps at a rate of **Twenty-Five Cents (25¢)** per **Five Hundred Dollars ($500.00)** of value or fraction thereof. Except as provided in No. 4 of this Article, no deed or trust document shall be accepted for filing by the Recorder of Deeds unless County revenue stamps in the required amount have been purchased from the Recorder of Deeds. Such revenue stamp shall be affixed to the deed or trust document by the Recorder of Deeds either before or after recording as requested by the grantee. A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month and year when the affixing occurs. Such markings shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

At such time as the tax levied by this Article is paid, there shall be filed with the Recorder of Deeds a fully executed and completed copy of the "Real Estate Transfer Declaration" required by provisions of **35 ILCS 305/3**.

36-2-3 **EXEMPT DEEDS AND TRUST DOCUMENTS.** The following deeds and trust documents shall be exempt from the provisions of this Article except as hereinafter provided:

(A) Deeds or trust documents representing real estate transfers made before the adoption of this Ordinance but recorded after that date.

(B) Deeds or trust documents to property acquired by any governmental body or from any governmental body or deeds or trust documents to property between association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes.

(C) Deeds or trust documents which secure debt or other obligation.

(D) Deeds or trust documents which, without additional consideration, confirm, correct, modify, or supplement a deed previously recorded.

(E) Deeds or trust documents where the actual consideration is less than **One Hundred Dollars ($100.00)**.

(F) Deeds or trust documents of release of property which is security for a debt or other obligation.

(G) Tax deeds or trust documents.

(H) Deeds or trust documents of partition.

(I) Deeds or trust documents made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets or corporations pursuant to plans of reorganization.

(J) Deeds or trust documents made by a subsidiary corporation to its parent corporation for no consideration other than the cancellation or surrender of the subsidiary's stock.

(K) Deeds or trust documents wherein there is an actual exchange of real estate except that money difference or money's worth paid for one to the other shall not be exempt from the tax.

(L) Deeds or trust documents representing transfers subject to the imposition of a documentary's stamp tax imposed by the government of the United States, except that such deeds shall not be exempt from filing the declaration.

36-2-4 **PROCEEDS TO COUNTY TREASURER.** All proceeds resulting from the collection of the tax imposed by this Article shall be paid to the County Treasurer on a daily basis.

36-2-5 **TAX ADDITIONAL TO OTHERS.** The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

36-2-6 **PENALTY.** Any person who willfully falsifies the value of transferred real estate on the "real estate transfer declaration value" shall be fined an amount not to exceed **One Thousand Dollars ($1,000.00)** or imprisoned for a period not to exceed **six (6) months**, or both.

36-2-7 **PRIOR DOCUMENTS.** Documents No. A623810 through A625552 filed in the Office of the Recorder of Deeds of Clinton County, Illinois, subsequent to **May 17, 1979**, on which have been affixed State Real Estate Transfer Tax Stamps at the rate of **Fifty Cents (50¢)** per **Five Hundred Dollars ($500.00)** valuation shall be construed to be the collection of the State Real Estate Transfer Tax and the County Real Estate Transfer Tax at the rate of **Twenty-Five Cents (25¢)** per **Five Hundred Dollars ($500.00)** valuation respectively.

36-2-8 **RESERVED.**

DIVISION II – MISCELLANEOUS FEES

36-2-9 **<u>FEES ESTABLISHED.</u>** The following Predictable Fees and Miscellaneous Fees are hereby established for the Recorder of Deeds Office.

(A)	**Standard Land Document** Affidavits Agreements Assignments Deeds/Contract for Deed Easements (other than public utility) Foreclosures LIS Pendens Notices and Releases Leases Liens and releases (Except liens filed by the State of Illinois - $11.00 and Liens filed by the federal government - $20.00) Miscellaneous Documents Monument Records Mortgages/Releases/Modifications Plats/Surveys Subordinations	$60.00 ea.
(B)	**Non-Standard Land Document** A document not 8 ½ x 11 A document with 6 or more Property Identification Number (PIN) references A document with 6 or more related document number references	75.00 ea.
(C)	**Plats, Subdivision and Condominium** (Max 30x36)	80.00 ea.
(D)	**Non-Land/UCC** Power of Attorney Death Certificate Judgment Memorandums and Releases	50.00 ea.
(E)	**Ordinances**	50.00 ea.
(F)	**Veterans Discharge Records** (certified copy)	No Charge
	Additional copies (certified) discharge record	No Charge

(G) **<u>Real Estate Transfer Tax.</u>**

Deeds, trust deeds, quit claim, ABI's required on all deeds where consideration or money is exchanged in amount over **One Hundred Dollars ($100.00)**. Transfer forms required to be completed/submitted on transfer exempt under Par. (B). Forms must be completed in full before accepting the deed for recordation. Sale and financing amounts must equal. The transfer tax is figured at **Fifty Cents (50¢)** per **Five Hundred Dollars ($500.00)** (state's portion) and **Twenty-Five Cents (25¢)** per **Five Hundred Dollars ($500.00)** (county). Total of **Seventy-Five Cents (75¢)** per **Five Hundred Dollars ($500.00)** or **One Dollar Fifty Cents ($1.50)** per *one thousand (1,000) consideration.

(H) **Copy Charges.**

Military discharge record (first copy)	**No Charge**
Military discharge record (additional copies)	No Charge
Senior citizen tax exemption (deed copy)	No Charge
Copies (per page) up to 8 ½ x 14	1.00 ea.
Copy of map, plat of subdivision or condominium	5.00 ea.
Certified copy of record	12.00 ea.
Copy of record (per page)	1.00 ea.

For prices on roll film, microfiche, computer printout or special request, please submit a written request to the Recorder.

Real estate transfer tax forms, various deed, lien, judgment and notice of probate forms are available free of charge from the Recorder's Office.

(Ord. No. 2018-34; 09-17-18)

36-2-10 **ADDITIONAL FEES.** The recorder shall charge an additional fee, in an amount equal to the fee otherwise provided by law, for recording a document (other than a document filed under the Plat Act) that does not conform to the following standards:

(A) The document shall consist of **one (1)** or more individual sheets measuring **eight and one-half (8.5) inches** by **eleven (11) inches**, not permanently bound and not a continuous form.

(B) The document shall be printed in black ink, typewritten or computer generated.

(C) The document shall be on white paper of not less than **20-pound** weight and shall have a clean margin of at least **one-half (1/2) inch** on the top, the bottom and each side.

(D) The first page of the document shall contain a blank space, measuring at least **three (3) inches** by **five (5) inches**, in the upper right hand corner.

(E) The document shall not have any attachment stapled or otherwise affixed to any page.

A document that does not conform to these standards shall not be recorded except upon payment of the additional fee of **Twelve Dollars ($12.00)** required under this paragraph. This paragraph applies only to documents dated after **January 1, 1995**.

36-2-11 **FEE ESTABLISHED – DOCUMENT STORAGE SYSTEM.** The Recorder shall charge and collect an additional fee of **Three Dollars ($3.00)** for filing every instrument, paper, or notice for record, in order to defray the cost of converting the County Recorder's Document Storage System to computers or micrographics. **[NOTE: This Three Dollar ($3.00) fee is included in the above schedule of Recorder Fees.]**

36-2-12 **COMPUTER EQUIPMENT FUND ESTABLISHED.** A special fund shall be set up by the Treasurer and such funds collected pursuant to this Chapter shall be used solely for a document storage system to provide the equipment, materials and necessary expenses incurred to help defray the cost of implementing and maintaining such a document record system. **(See 55 ILCS 5/3-5018)**

36-2-13 **GEOGRAPHIC INFORMATION SYSTEM FEE.** The Recorder shall charge and collect an additional fee of **Fifteen Dollars ($15.00)** for filing every instrument, paper, or notice for record, in order to implement and maintain the Clinton County Geographic Information System. **Fourteen Dollars ($14.00)** of this fee shall be used for the implementation and maintenance of the Clinton County Geographic Information System and in order to defray the cost of providing electronic access to Clinton County's Geographic Information System. **One Dollar ($1.00)** of this fee shall be retained by the Recorder to reimburse the cost of collecting the Geographic Information System fee and be deposited into the special fund established under **Section 36-2-12** of the Clinton County Code. **(Ord. No. 02-06-03; 02-21-06)**

36-2-14 **GEOGRAPHIC INFORMATION SYSTEM FUND.** A special fund shall be set up by the Treasurer and such fees collected pursuant to **Section 36-2-13** for the implementation and maintenance of the Clinton County GIS shall be deposited into said special fund shall be used solely for the equipment, materials and necessary expenses incurred in implementing and maintaining the Geographic Information System, and in order to defray the cost of providing electronic access to Clinton County's Geographic Information system records. **(Ord. No. 02-06-03; 02-21-06)**

ARTICLE III – CIRCUIT CLERK

DIVISION I – COURT AUTOMATION FEE

36-3-1 **AUTOMATION FUND ESTABLISHED.** These fees shall be in addition to all other fees and charges of the Clerk, and assessable as costs, and shall be remitted monthly by the Clerk to the County Treasurer, to be retained by him in a special fund designated as the Court Automation Fund. The fund shall be audited by the County Auditor, and the Board shall make expenditures from the Fund in payment of any costs related to the automation of court records. All expenses must be approved by the Chief Judge and the Circuit Clerk, and the County Board Chairman. **(See 705 ILCS 105/27.3a)**

36-3-2 **RESERVED.**

DIVISION II – VEHICLE VIOLATIONS FINES

36-3-3 **THE COUNTY COURT SYSTEM FINANCE FUND.** The Circuit Clerk shall transfer said fees to the County Treasurer monthly. The County Treasurer shall deposit these funds in a separate fund account designated as "The County Court System Finance Fund" and make disbursements or transfers as directed by the County Board. The County Treasurer shall provide a monthly accounting of the Fund, including receipts, disbursements, transfers and any other fiscal activity, to the County Board monthly. The County Board shall use the aforementioned funds for the purpose intended by appropriation from time to time as may be required or needed.

36-3-4 **RESERVED.**

DIVISION III – DOCUMENT STORAGE

36-3-5 **COURT DOCUMENT STORAGE FUND ESTABLISHED.** The fees shall be in addition to all other fees and charges of the Clerk of the Circuit Court, shall be assessable as costs, and shall be remitted monthly by the Clerk to the County Treasurer, to be retained by the Treasurer in a special fund designated as the Court Document Storage Fund. The Fund shall be audited by the County Auditor and the County Board may make expenditures from that fund for the payment for any costs relative to the storage of court records with approval of the Clerk of the Circuit Court, Chief Judge and County Board Chairman.

36-3-6 **RESERVED.**

DIVISION IV – CRIMINAL FEES

36-3-7 **CIVIL FEES AND CRIMINAL ASSESSMENTS.** Civil fees and criminal assessments shall meet the requirements of Section 27.1b of the Clerks of Courts Act, **705 ILCS 105/27.1b**, and the Criminal and Traffic Assessment Act, **705 ILCS 105/1353 et seq. (Ord. No. 2019-39; 05-20-19)**

36-3-8 - 36-3-12 **RESERVED.**

DIVISION V – GENERAL FEES

36-3-13 **CIVIL FEES.**

(A) Fees in civil matters shall be assessed and distributed as set forth herein, in compliance with Section 27.1b of the Clerks of Courts Act, **705 ILCS 105/27.1b**.

(B) The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

(1) **Schedule 1:** $306.00 to be divided as follows:

(a) $45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:

(i) Court Automation Fund - $20.00

(ii) Court Document Storage Fund - $20.00

(iii) Circuit Court Clerk Operation and Administrative Fund - $5.00

(b) $11.00 to be remitted to the State Treasurer and deposited as follows:

(i) Access to Justice Fund - $2.00

(ii) Supreme Court Special Purposes Fund - $9.00

(c) $250.00 to be remitted to the County Treasurer and deposited as follows:

(i) Circuit Clerk Filing Cost - $184.00

(ii) Court System Fund - $5.00

(iii) Law Library - $21.00

(iv) Judicial Security Fund - $40.00

(2) **Schedule 2:** $256.00 to be divided as follows:

(a) $45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:

(i) Court Automation Fund - $20.00

(ii) Court Document Storage Fund - $20.00

(iii) Circuit Court Clerk Operation and Administrative Fund - $5.00

(b) $11.00 to be remitted to the State Treasurer and deposited as follows:

(i) Access to Justice Fund - $2.00

(ii) Supreme Court Special Purposes Fund - $9.00

(c) $200.00 to be remitted to the County Treasurer and deposited as follows:

(i) Circuit Clerk Filing Cost - $134.00

(ii) Court System Fund - $5.00

(iii) Law Library - $21.00

(iv) Judicial Security Fund - $40.00

(3) **Schedule 3:** $89.00 to be divided as follows:

(a) $22.00 to be retained by the Clerk of the Circuit Court and deposited as follows:

(i) Court Automation Fund - $10.00

(ii) Court Document Storage Fund - $10.00

(iii) Circuit Court Clerk Operation and Administrative Fund - $2.00

(b) $11.00 to be remitted to the State Treasurer and deposited as follows:

(i) Access to Justice Fund - $2.00

(ii) Supreme Court Special Purposes Fund - $9.00

(c) $56.00 to be remitted to the County Treasurer and deposited as follows:
(i) Circuit Clerk Filing Cost - $25.00
(ii) Court System Fund - $5.00
(iii) Judicial Security Fund - $16.00
(iv) Law Library - $10.00

(4) **Schedule 4:** $0.00

(C) The fees for filing an appearance in a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

(1) **Schedule 1:** $181.00 to be divided as follows:
(a) $45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
(i) Court Automation Fund - $20.00
(ii) Court Document Storage Fund - $20.00
(iii) Circuit Court Clerk Operation and Administrative Fund - $5.00
(b) $11.00 to be remitted to the State Treasurer and deposited as follows:
(i) Access to Justice Fund - $2.00
(ii) Supreme Court Special Purposes Fund - $9.00
(c) $125.00 to be remitted to the County Treasurer and deposited as follows:
(i) Circuit Clerk Filing Cost - $66.00
(ii) Court System Fund - $5.00
(iii) Law Library - $21.00
(iv) Judicial Security Fund - $33.00

(2) **Schedule 2:** $109.00 to be divided as follows:
(a) $10.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
(i) Court Automation Fund - $5.00
(ii) Court Document Storage Fund - $5.00
(iii) Circuit Court Clerk Operation and Administrative Fund - $0.00
(b) $9.00 to be remitted to the State Treasurer and deposited as follows:
(i) Supreme Court Special Purposes Fund - $9.00
(c) $90.00 to be remitted to the County Treasurer and deposited as follows:
(i) Circuit Clerk Filing Cost - $42.00
(ii) Court System Fund - $5.00
(iii) Law Library - $21.00
(iv) Judicial Security Fund - $22.00

(D) Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County General Fund to be used for purposes related to the operation of the court system in the County:

(1)	Alias summons or citation:	$5.00
(2)	Jury services:	212.50
(3)	Change of venue:	40.00
(4)	Petition to vacate or modify:	
(a)	If filed within 30 days:	40.00
(b)	If filed after 30 days:	75.00
(c)	Notice sent to Secretary of State:	40.00
(5)	Appeals preparation:	
(a)	If record is 100 pages or less:	50.00

(b) If record is between 100 and 200 pages: 100.00

(c) If record is 200 pages or more: Additional fee of 0.25 per page

(6) Garnishment, wage deduction, and citation proceedings:

(a) Amount in controversy $1,000 or less: 15.00

(b) Amount in controversy greater than $1,000 And not more than $5,000: 30.00

(c) Amount in controversy greater than $5,000: 50.00

(7) Collections:

(a) All collections (except State and County and maintenance and child support cases): 2.5% of the amount collected and turned over

(b) In child support and maintenance cases: $36 annually to be deposited in the Child Support Maintenance Fund

(c) Certifications to Secretary of State pursuant to Section 7-703 of the Family Financial Responsibility Law: 5.00

(d) In proceedings to foreclose a delinquent real estate tax lien the State's Attorney shall receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings

(8) Mailing: $10.00 plus the cost of postage

(9) For each certified copy of a judgment, following the first copy: 10.00

(10) Certification, authentication, and reproduction:

(a) Each certification or authentication for taking acknowledgement of a deed or other instrument in writing with the seal of office: 6.00

(b) Reproduction of any document contained in the Clerk's files: 0.50 per page

(11) For each record search, within a division or municipal district: 6.00 for each year searched

(12) For each page of hard copy print output, when case records are maintained on an automated medium: 6.00

(13) Performing a marriage in court: 10.00

(14) For filing each deed of voluntary assignment: 20.00

For recording a deed of voluntary assignment: 0.50 for each 100 words

(15) Expungement petition: 60.00 and an additional fee of 4.00 for each certified copy of an order to expunge arrest records

(16) Probate filings:

(a) For each account (other than one final account) filed in the estate of a decedent or ward: 25.00

(b) Filing a claim:

(i) Amount claimed greater than $150 and not more than $500: 25.00

(ii) Amount claimed greater than $500 and not more than $10,000: 40.00

(iii) Amount claimed greater than $10,000: 60.00

(c) For filing a claim, petition, or supplemental proceeding based upon an action seeking equitable relief: 60.00

(d) For a jury demand: 137.50

(e) For each certified copy of letters of office, of court orders or other certifications: 2.00 per page

(f) For each exemplification: 2.00 plus the fee for certification

(17) For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the Clerk's Office: 25.00

(E) **Unpaid Fees.**

(1) Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived by court order, the Clerk is authorized to add to any unpaid fees and costs a delinquency amount equal to **fifteen percent (15%)** of the unpaid fees that remain unpaid after **ninety (90) days**.

(2) Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Court Clerk Operation and Administrative Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs.

36-3-14 CRIMINAL ASSESSMENTS.

(A) Assessments shall be imposed in criminal, traffic, conservation and non-traffic matters in accordance with the schedules set forth in the Criminal and Traffic Assessment Act, **705 ILCS 135/1-5 et seq.**, and shall be distributed as set forth herein.

(B) **Schedules.**

(1) **Schedule 1 - Generic Felony Offenses.**

(a) The Clerk shall collect $549.00 and remit as follows:

(i) $354.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund

b. $20.00 to the Court Document Storage Fund

c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund

d. $265.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $115.00

ii. State's Attorney Fund: $35.00

iii. Judicial Security Fund: $50.00

iv. Court System Fund: $50.00

v. Drug Court Fund: $5.00

vi. Court Automation Fund: $5.00

vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund

f. $2.00 to the Public Defender Records Automation Fund

g. $20.00 to the County Jail Medical Costs Fund

h. $20.00 to the Probation and Court Services Fund

(ii) $195.00 to the State Treasurer

(2) **Schedule 2 – Felony DUI Offenses.**

(a) The Clerk shall collect $1,709.00 and remit as follows:

(i) $399.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund

b. $20.00 to the Court Document Storage Fund

c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund

d. $310.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $120.00
ii. State's Attorney Fund: $35.00
iii. Judicial Security Fund: $45.00
iv. Court System Fund: $95.00
v. Drug Court Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $20.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $1,110.00 to the State Treasurer
(iii) $200.00 to the treasurer of the unit of local government of the arresting agency

(3) **<u>Schedule 3 – Felony Drug Offenses.</u>**

(a) The Clerk shall collect $2,215.00 and remit as follows:

(i) $354.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $265.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $120.00
ii. State's Attorney Fund: $35.00
iii. Judicial Security Fund: $45.00
iv. Court System Fund: $50.00
v. Drug Court Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $20.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $1,861.00 to the State Treasurer

(4) **<u>Schedule 4 – Felony Sex Offenses.</u>**

(a) The Clerk shall collect $1,314.00 and remit as follows:

(i) $354.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $265.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $120.00
ii. State's Attorney Fund: $35.00
iii. Judicial Security Fund: $45.00
iv. Court System Fund: $50.00

v. Drug Court Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $20.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $960.00 to the State Treasurer

(5) **<u>Schedule 5 – Generic Misdemeanor Offenses.</u>**

(a) The Clerk shall collect $439.00 and remit as follows:

(i) $282.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $8.00 to the Circuit Court Clerk Electronic Citation Fund
e. $195.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $95.00
ii. State's Attorney Fund: $15.00
iii. Court Security Fund: $40.00
iv. Court System Fund: $30.00
v. Drug Court Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $10.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $155.00 to the State Treasurer

(iii) $2.00 to the treasurer of the unit of local government of the arresting agency

(6) **<u>Schedule 6 – Misdemeanor DUI Offenses.</u>**

(a) The Clerk shall collect $1,381.00 and remit as follows:

(i) $322.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $8.00 to the Circuit Court Clerk Electronic Citation Fund
e. $235.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $95.00
ii. State's Attorney Fund: $15.00
iii. Court Security Fund: $45.00
iv. Court System Fund: $70.00

v. Drug Court Room Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $10.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $707.00 to the State Treasurer
(iii) $352.00 to the treasurer of the unit of local government of the arresting agency

(7) **<u>Schedule 7 – Misdemeanor Drug Offenses.</u>**

(a) The Clerk shall collect $905.00 and remit as follows:

(i) $282.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $8.00 to the Circuit Court Clerk Electronic Citation Fund
e. $195.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $90.00
ii. State's Attorney Fund: $15.00
iii. Court Security Fund: $45.00
iv. Court System Fund: $30.00
v. Drug Court Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $10.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $621.00 to the State Treasurer
(iii) $2.00 to the treasurer of the unit of local government of the arresting agency

(8) **<u>Schedule 8 – Misdemeanor Sex Offenses.</u>**

(a) The Clerk shall collect $1,184.00 and remit as follows:

(i) $282.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $8.00 to the Circuit Court Clerk Electronic Citation Fund
e. $195.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $90.00
ii. State's Attorney Fund: $15.00

iii. Judicial Security Fund: $45.00
iv. Court System Fund: $30.00
v. Drug Court Fund: $5.00
vi. Court Automation Fund: $5.00
vii. Court Document Storage Fund: $5.00

e. $2.00 to the State's Attorney Records Automation Fund
f. $2.00 to the Public Defender Records Automation Fund
g. $10.00 to the County Jail Medical Costs Fund
h. $20.00 to the Probation and Court Services Fund

(ii) $900.00 to the State Treasurer
(iii) $2.00 to the treasurer of the unit of local government of the arresting agency

(9) **<u>Schedule 9 – Major Traffic Offenses.</u>**

(a) The Clerk shall collect $325.00 and remit as follows:

(i) $203.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $8.00 to the Circuit Court Clerk Electronic Citation Fund
e. $150.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $30.00
ii. State's Attorney Fund: $15.00
iii. Judicial Security Fund: $45.00
iv. Court System Fund: $50.00
v. Drug Court Fund: $5.00

(ii) $97.00 to the State Treasurer
(iii) $25.00 to the treasurer of the unit of local government of the arresting agency

(10) **<u>Schedule 10 – Minor Traffic Offenses.</u>**

(a) The Clerk shall collect $226.00 and remit as follows:

(i) $168.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund
b. $20.00 to the Court Document Storage Fund
c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund
d. $8.00 to the Circuit Court Clerk Electronic Citation Fund
e. $115.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $30.00
ii. State's Attorney Fund: $15.00
iii. Judicial Security Fund: $35.00
iv. Court System Fund: $30.00
v. Drug Court Fund: $5.00

(ii) $46.00 to the State Treasurer
(iii) $12.00 to the treasurer of the unit of local government of the arresting agency

(11) **Schedule 10.5 – Truck Weight and Load Offenses.**

(a) The Clerk shall collect $260.00 and remit as follows:

(i) $168.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund

b. $20.00 to the Court Document Storage Fund

c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund

d. $8.00 to the Circuit Court Clerk Electronic Citation Fund

e. $115.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $25.00

ii. Judicial Security Fund: $25.00

iii. Court System Fund: $60.00

iv. Drug Court Fund: $5.00

(ii) $92.00 to the State Treasurer

(12) **Schedule 11 – Conservation Offenses.**

(a) The Clerk shall collect $195.00 and remit as follows:

(i) $168.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund

b. $20.00 to the Court Document Storage Fund

c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund

d. $8.00 to the Circuit Court Clerk Electronic Citation Fund

e. $115.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $35.00

ii. Judicial Security Fund: $25.00

iii. Court System Fund: $50.00

iv. Drug Court Fund: $5.00

(ii) $25.00 to the State Treasurer

(iii) $2.00 to the treasurer of the unit of local government of the arresting agency

(13) **Schedule 12 – Dispositions under Supreme Court Rule 529 (No Court Appearance Required Traffic Offenses).**

(a) The Clerk shall collect $164.00 and remit as follows:

(i) $100.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund

b. $20.00 to the Court Document Storage Fund

c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund

d. $8.00 to the Circuit Court Clerk Electronic Citation Fund

e. $47.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $27.00

ii. Judicial Security Fund: $10.00

iii. Drug Court Fund: $5.00

iv. Court System Fund: $5.00

(ii) $14.00 to the State Treasurer

(iii) $50.00 to the treasurer of the unit of local government of the arresting agency

(14) **<u>Schedule 12 – Petty Offense, Business Offense, or Non-Traffic Ordinance Violation.</u>**

(a) The Clerk shall collect $100.00 and remit as follows:

(i) $75.00 to the County Treasurer who shall deposit the money as follows:

a. $20.00 to the Court Automation Fund

b. $20.00 to the Court Document Storage Fund

c. $5.00 to the Circuit Court Clerk Operation and Administrative Fund

d. $8.00 to the Circuit Court Clerk Electronic Citation Fund

e. $22.00 to the County General Fund to be distributed as follows:

i. Circuit Clerk Filing Cost: $12.00

ii. Judicial Security Fund: $5.00

iii. Court System Fund: $5.00

(ii) $25.00 to the treasurer of the unit of local government of the arresting agency

(C) **<u>Unpaid Assessments.</u>**

(1) Unless a court ordered payment schedule is implemented or the assessment requirements of this Section are waived by court order, the Clerk is authorized to add to any unpaid assessments a delinquency amount equal to **fifteen percent (15%)** of the unpaid assessments that remain unpaid after **ninety (90) days**.

(2) Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Court Clerk Operation and Administrative Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid assessments.

(Ord. No. 2019-39; 05-20-19)

ARTICLE IV – SOLID WASTE MANAGEMENT FEE

36-4-1 **SOLID WASTE MANAGEMENT FUND ESTABLISHED.** Collection of these fees shall begin and be in accordance with the payment schedule set by the State of Illinois. Such fees shall be made payable to the County Treasurer by the owners and operators of the landfills located in Clinton County, Illinois, and retained by him in a fund designated as the "Solid Waste Management Fund". This fund shall be audited by the County Auditor. The County Board shall make expenditures from this fund for payment of any costs related to solid waste management.

ARTICLE V – LAW LIBRARY FEES

36-5-1 **LAW LIBRARY FUND.** These fees shall be in addition to other fees and charges of the Circuit Clerk, and assessable as costs, and shall be remitted monthly by the Clerk to the County Treasurer, to be retained by him in a special fund designated as the "Law Library Fund".

(Ord. No. 2011-09; 05-16-11)

36-5-2 **RESERVED.**

ARTICLE VI – COUNTY CLERK

36-6-1 **DEFINITION.** Vital records means records of births, deaths, fetal deaths, marriages, dissolution of marriages, and data-related thereto.

36-6-2 **FEE ESTABLISHED.** The County Clerk shall impose an additional **Two Dollar ($2.00)** charge for certified copies of vital records which are requested to be made by the County Clerk's Office. That purpose to **55 ILCS Sec. 5/4-4001**, the additional **Two Dollar ($2.00)** charge is to be used for the sole purpose of defraying the costs of converting the County Clerk's document storage system for said vital records to computers of micrographics, and for maintaining system.

36-6-3 **SPECIAL FUND.** The County Treasurer is hereby ordered to establish a special fund for deposit of the monies collected as a result of said additional charge. The monies collected shall be placed in said special fund and shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining the County Clerk's document storage system for vital records.

36-6-4 **RELATED FEES.** The following fees shall be collected by the County Clerk; to-wit:

(A)	Marriage/Civil Union Application		$55.00
(B)	Certified Copies		
	(1)	Birth Certificate/Marriage Certificate/Civil Union Certificate	$15.00
		Each extra copy simultaneously purchased	6.00
		The County Clerk shall pay from said fee any sums required to be paid to the Illinois Department of Public Health ("IDPH") and shall transmit same with IDPH form VR 360 to IDPH.	
	(2)	Death Certificates/Fetal Death Certificates	17.00
		Each extra copy simultaneously purchased	10.00

(Ord. No. 2018-34; 09-17-18)

(C)	Liquor Permit		
	(1)	New Liquor License	21.50
	(2)	Renewal Liquor Permits	21.50
(D)	Notarized Affidavit		1.00
(E)	Certifying Acknowledgement		1.00
(F)	Certificates of Redemption		78.00
(G)	Attending Tax Sales Certificate For each tract or town lot sold		4.00
(H)	Raffle Permit		15.00
(I)	Poker Runs		25.00
(J)	Demolition Report		10.00
(K)	Birth, Death, Fetal Death, Marriage or Civil Union Search		10.00

(Ord. No. 2018-34; 09-17-18)

(L)	Tax Deed		5.00
(M)	Tax Estimates		5.00
(N)	Registration of Notary		
	(1)	in person	10.00
	(2)	by mail	12.00
(O)	Assumed Name Filing		5.00
(P)	Plat Certifications		1.00 per page
(Q)	Certificate of Purchase Surrendered		3.00
(R)	Take Notice ($10.00 County Clerk Fee + $4.00 Take Notice Fee)		14.00 plus the

Cost of mailing statutory notice of sale to the record landowner by certified mail, return receipt

(Ord. No. 2018-34; 09-17-18)

ARTICLE VII – TREASURER

DIVISION I – AUTOMATION FEE – DELINQUENT TAX PARCEL

36-7-1 **FEE ESTABLISHED.** The County Treasurer as Ex-Officio County Collector shall impose a **Five Dollar ($5.00)** per parcel automation fee to the purchaser of property for delinquent taxes.

36-7-2 **SPECIAL FUND.** The County Treasurer is hereby ordered to establish a special fund for the deposit of the monies collected as a result of said **Five Dollars ($5.00)** per parcel automation fee. The monies collected shall be placed in said special fund and shall be used solely to provide the equipment, material and necessary expenses incurred to help defray the cost of implementing and maintaining an automation system in the County Collector's Office.

36-7-3 **RESERVED.**

DIVISION II – PROPERTY SALE FEES

36-7-4 **FEE ESTABLISHED.** The Treasurer may impose a fee of up to **Forty Dollars ($40.00)** payable to the County Collector, upon each person purchasing any property at a sale held pursuant to the Illinois Revenue Code prior to the issuance of any certificate of purchase.

36-7-5 **SPECIAL FUND.** All sums of money received under this Section shall be deposited in a special fund with the principal and interest invested as authorized by **55 ILCS 5/3-10009 and 5/3-10002**. No payment shall be made from the fund except by order of the court declaring a sale in error under **35 ILCS 200/21-310**. Any monies accumulated in the fund in excess of **Five Hundred Thousand Dollars ($500,000.00)** by the County Treasurer shall be paid to the General Fund of Clinton County prior to the commencement of the annual tax sale.

ARTICLE VIII - CORONER

36-8-1 **FEES ESTABLISHED.** The fees of the Coroner's Office shall be as follows:

(A) (1) A copy of a transcript of sworn testimony: **Three Dollars ($3.00)** per page.

(2) A copy of an autopsy report (if not included in transcript): **Thirty Dollars ($30.00)**.

(3) A copy of the verdict of a coroner's jury: **Five Dollars ($5.00)**.

(4) A copy of a toxicology report: **Fifteen Dollars ($15.00)**.

(5) A print of a picture obtained by the Coroner: actual cost or **Three Dollars ($3.00)**, whichever is greater.

(6) Each copy of miscellaneous reports, including artist's drawings but not including police reports: actual cost or **Fifteen Dollars ($15.00)**, whichever is greater.

(7) A coroner's or medical examiner's permit to cremate a dead human body: **Ten Dollars ($10.00)**.

(B) All fees under this Section collected by or on behalf of the Coroner's Office shall be paid over to the County Treasurer and deposited into the general fund of the County.

ARTICLE IX – SHERIFF

36-9-1 **RELATED FEES.** The following fees shall be collected by the Sheriff's Office; to-wit:

(A)	Serving Order of Attachment	$35.00
(B)	General Execution Order	95.00
(C)	All other Civil paper processing – in County	20.00
(D)	All other Civil paper processing – out-of-County	24.00
(E)	Warrant Service	26.00
(F)	Returning Process	11.00
(G)	Mileage for serving papers	1.00
(H)	Mileage-Transporting to/from State Institutions	.35
(I)	Serving Order of Judgment on Real Estate	48.70
(J)	Deputy Sheriff Hourly Rate	24.67
(K)	Training for Corrections Officers	544.00
(L)	Accident Report Copy	5.00
(M)	Federal Jail day rate	54.00
(N)	County Jail day rate	54.00
(O)	Bond Processing	
	Bonds requiring up to $500 cash	10.00
	Bonds requiring $501 to $600 cash	20.00
	Bonds requiring $601 to $700 cash	30.00
	Bonds requiring greater than $700	45.00
(P)	Eviction Fee	50.00

36-9-2 **ORDER OF SUPERVISION FEE, ETC.** There is now created for the County of Clinton and Arrestee's Medical Costs Fund. The County Treasurer shall assign appropriate line item numbers to identify Arrestee's Medical Costs Fund. A **Ten Dollar ($10.00)** fee for each conviction or order of supervision for a criminal violation, other than a petty offense or business offense shall be taxed as cost to be collected from the defendant, if possible, upon conviction or entry of an order of supervision for such criminal violations. **(Ord. No. 02-03-02; 02-18-03)**

(See 730 ILCS 125/17)

ARTICLE X – PUBLIC DATA REQUESTS

36-10-1 **TAX SYSTEM.** Any reports or files extracted from the Clinton County Tax System may be charged the following rates:

(A)	Staff Time	$50.00 per hour
(B)	Computer Time	50.00 per hour

Requests to extract data from the Tax System will be submitted by the following offices and the fee for the request will be collected by the office making the request.

(1) Assessor
(2) Board of Review
(3) County Clerk
(4) Circuit Clerk
(5) Mapping and Platting
(6) Treasurer

36-10-2 **ELECTION SYSTEM.** Any reports or files extracted from the Clinton County Election System will be charged the following rates. Information may be printed on either paper or labels.

	Printed on:	Paper	Labels
(A)	County-Wide Lists	$85.00	
(B)	Voter Body	8.70	
(C)	Voter Body-Zip Code Order		62.00
(D)	Voter Body-Precinct Zip Code Order	34.00	
(E)	Precinct	3.45	5.85

The costs for an extracted file that is requested on a storage medium other than paper will be charged at the same rate as a paper list. Requests to extract data from the Election System will be submitted by the County Clerk Office and the fee for the request will be collected by the office making the request.

36-10-3 **CRIMINAL JUSTICE SYSTEM, INCLUDING.**

(A) Circuit Court
(B) Circuit Clerk
(C) State's Attorney
(D) Probation
(E) Public Defender
(F) Sheriff

Any reports or files extracted from the Clinton County CRIMINAL JUSTICE SYSTEM will be charged the following rates:

(A)	Staff Time	$68.00 per hour
(B)	Computer Time	68.00 per hour

36-10-4 **ALL OTHER SYSTEMS INCLUDING.**

(A) Civil Courts System
(B) Animal Control
(C) Recorder
(D) Vital Records
(E) Child Support

(F)	Personnel
(G)	Administration
(H)	Financial
(I)	Law Library

Any reports or files extracted from the systems listed above will be charged the following rates:

(A)	Staff Time	$56.00 per hour
(B)	Computer Time	56.00 per hour

ARTICLE XI – "9-1-1" EMERGENCY TELEPHONE TAX

36-11-1 **IMPOSITION OF FEE.** A surcharge is hereby imposed, subject to the provisions of **Section 36-11-2** of this Article, upon all telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of Clinton County and terminating within the State of Illinois for funding of a "9-1-1" emergency telephone system. **(See Chapter 4 for 9-1-1 Board)**

36-11-2 **FEE ESTABLISHED.** A surcharge is hereby imposed at a rate of **One Dollar Thirty Cents ($1.30)** per month in-service network connection, other than those network connections assigned to the County of Clinton, where the subscribers service address for each network connection(s) are located within the corporate limits of Clinton County. The "service address" shall mean the location of the subscriber's primary use of the network connection(s). A network connection shall not be deemed in-service where a subscriber's account is uncollectible.

36-11-3 **ACCOUNTING CHARGE.** In lieu of the telecommunications carriers imposing a **three percent (3%)** accounting and collection charge on its subscribers as permitted under the "Act", each telecommunication carrier is hereby authorized and instructed to recover said accounting and collection charge by deducting **three percent (3%)** from the amount of surcharge, which is **One Dollar Thirty Cents ($1.30)** per month, per in-service network connection, otherwise due and owing the County prior to remittance under **Section 36-11-6** and **36-11-7** of this Article.

36-11-4 **DEFINITIONS.**

(A) **"Network connection(s)"** means the number of voice grade communications channels directly between a subscriber and a telecommunication carrier's public switched network without the intervention of any other telecommunication carrier's switched network which would be required to carry the subscribers interpremises traffic.

(B) **"Transmitting messages"** shall have the meaning ascribed to a term in Chapter 24; Section 8-11-2 of the Illinois Municipal Code.

(C) **"Telecommunication carrier"** 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 the order of any court engaged in the business of transmitting messages by means of electricity.

36-11-5 **IMPOSITION OF SURCHARGE.** The surcharge shall be imposed on the **first (1st) day** of the month following the expiration of **ninety (90) days** from the date the County Clerk certifies to any of the telecommunication carriers who are subject to the surcharge that the referendum referred to in **Section 36-11-2** of this Article has passed.

36-11-6 **SURCHARGE DUE.** The amount of the surcharge due and owing shall be paid to the County not later than **thirty (30) days** after the surcharge liability accrues, net of any network or other "9-1-1" or sophisticated "9-1-1" system charge then due the particular telecommunication carrier as shown on an itemized bill and the **three percent (3%)** accounting and collection charge described in **Section 36-11-3**.

36-11-7 **ESTABLISHMENT OF FUND.** The County Treasurer is to create an emergency telephone system fund in which all monies received by the surcharge imposed under this Article shall be deposited. The County Treasurer is hereby deemed to be the custodian of the Emergency Telephone System Fund. All interest accruing on the Emergency Telephone System Fund shall remain in the fund. The surcharge due and owing by the telecommunications carrier shall be remitted to the County Treasurer who shall deposit said amount in the Emergency Telephone System Fund.

36-11-8 **REPORTS TO COUNTY.** Simultaneously, with the remittance of the surcharge amount to the County Treasurer, each telecommunication carrier shall make a return to the County Treasurer and to any Emergency Telephone System Board which may be created in the future, stating the following for the period for which the remittance applies:

(A) The name of the telecommunications carrier.

(B) The telecommunication carrier's principal place of business.

(C) The number of network connections to which a surcharge applies.

(D) The amount of surcharge due.

(E) Any amounts which may have been deducted by the telecommunication carrier pursuant to this Article or pursuant to State statute.

(F) Such other information as the County of Clinton or an Emergency Telephone System Board, which may hereafter be created, may require.

36-11-9 **AMOUNT PAID BUT NOT DUE.** If it should appear that an amount of surcharge has been paid which 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 credit against any surcharge due, or to become due, under this Article from the telecommunications carrier who made the erroneous payment.

(Note: See Ch. 30, Article III for "9-1-1" Board)
(See 750 ILCS Sec. 15.3)

ARTICLE XII – MANUFACTURED (MOBILE) HOME TAX

36-12-1 DEFINITIONS.

"Manufactured Home". As used in this Article, "manufactured home" means a factory assembled 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, and placement on a temporary foundation, at which it is intended to be a permanent habitation, and situated so as designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons, provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch removed at the time of registration provided for in **Section 36-12-3** of this Article, shall not be construed as a "manufactured home", but shall be assessed and taxed as real property as defined by Section 1 of the "Revenue Act of 1939", filed **May 17, 1939**, as amended. Manufactured homes owned by a corporation or partnership and on which personal property taxes are paid as required under the Revenue Act of 1939 shall not be subject to this tax. Manufactured homes located on a dealer's lot for resale purposes or as an office shall not be subject to this tax.

"Manufactured Home Park". As used in this Article, the phrase "manufactured home park" has the meaning ascribed to it by Section 2.5 of "An Act to provide for, license and regulate manufactured homes and manufactured home parks and to repeal an act named herein", approved **September 8, 1971**, as amended. **(See 210 ILCS 115/1)**

"Permanent Habitation". As used in this Article, "permanent habitation" means available for habitation for a period of **two (2)** or more months.

36-12-2 TAX ESTABLISHED. Manufactured homes in addition to such taxes as provided in the "Use Tax Act" shall be subject to the following privilege tax only, and to no ad valorem tax. Except as provided in **Section 36-12-7**, the owner of each inhabited manufactured home shall pay to the County Treasurer of the County in which such manufactured home is located an annual tax to be computed at the rate shown in the table below:

Tax Year Following Model Year of Mobile Home	Tax Per Square Foot
Model year and 1st and 2nd year following	$.15.0
3rd, 4th and 5th years following model year	$.13.5
6th, 7th and 8th years following model year	$.12.0
9th, 10th and 11th years following model year	$.10.5
12th, 13th and 14th years following model year	$.09.0
15th year following model year and subsequent years	$.07.5

For purposes of this Article, the square footage shall be based upon the outside dimensions of the manufactured home excluding the length of the tongue and hitch. The owner of a manufactured home on **January 1st** of any year shall be liable for the tax of that year, except that the owner of a manufactured home on **July 1, 1975**, shall be liable for the tax for the period of **July 1, 1975** to **December 31, 1975**.

36-12-3 REGISTRATION FORM; CONTENTS OF REGISTRATION FORM; SIGNATURE; MISINFORMATION; APPLICATION OF SECTION. The owner of each inhabited manufactured home located in this County on the effective date of this Article shall, within **thirty (30) days** after such date, file with the Supervisor of Assessments a manufactured home registration form containing the information hereinafter specified. Manufactured home park operators shall forward a copy of the manufactured home registration form and a copy of the title provided in Section 12 of "An Act to provide for, license and regulate manufactured homes and manufactured home parks and to repeal an Act named herein", approved **September 8, 1971**, as amended to the Supervisor of Assessments within

five (5) days of the entry of a manufactured home into such park. The owner of a manufactured home not located in a manufactured home park shall, within **thirty (30) days** after initial placement of such manufactured home in the County and within **thirty (30) days** after movement of such manufactured home to a new location, file with the Supervisor of Assessments a manufactured home registration showing the name and address of the owner and every occupant of the manufactured home, the location of the manufactured home, the year of manufacture, and the square feet of floor space contained in such manufactured home. Such registration shall also include the license number of such manufactured home and of the towing vehicle, if there be any, and the State issuing such licenses. The registration shall be signed by the owner or occupant of the manufactured home. It is the duty of the Supervisor of Assessments to require timely filling of a properly completed registration for each manufactured home located in his county. Any person furnishing misinformation for purposes of registration or failing to file a required registration is guilty of a Class A misdemeanor. **(See 35 ILCS 515/4 and 210 ILCS 115/1)**

36-12-4 **COMPUTATION OF TAX; DUE DATE; DISTRIBUTION TO DISTRICTS.** Except as otherwise provided in this Section, within **sixty (60) days** of receipt of each registration form, the County Clerk shall compute the tax due, as provided in **Section 36-12-2**, and certify the tax to the County Treasurer who shall mail the tax bill to the owner of such manufactured home at the time he receives the certification or the annual billing date, whichever occurs later. If the registration form is accompanied by a receipt for privilege taxes paid in Illinois for the current tax year, no further privilege tax shall be imposed for the remainder of the current tax year. If the manufactured home is initially harbored after the annual liability date, as provided in **Section 36-12-2** of this Article, the County Clerk shall reduce such tax **one-twelfth (1/12)** for each month that has passed since such annual liability date. A manufactured home harbored after the first day of such month shall be considered to have been harbored for the entire month for the purposes of this Section. Thereafter, except for the year 1975, the County Clerk shall compute such tax as the first day of June of each year and certify the tax to the County Treasurer. Such tax shall be due and payable to the County Treasurer within **sixty (60) days** after the Treasurer mails the tax bill to the address of record. The County Treasurer shall distribute such taxes to the local taxing districts within the boundaries of which such manufactured homes are located, in the same proportion as the property taxes collectible for each such taxing district in the prior year.

36-12-5 **ERROR IN TAX BILL.** If a tax bill is in error as to the square footage of the manufactured home or as to the rate of tax, the owner may file within **six (6) months** following receipt of the bill an affidavit with the Supervisor of Assessments setting forth such error. If the tax bill does not show the name of the correct owner, the person whose name appears as owner on the bill may file an affidavit with the Supervisor or Assessments so stating and identifying the correct owner, if known. Upon the filing of an affidavit as provided in this Section, the County Clerk shall issue a corrected bill and shall so indicate on his records. **(See 35 ILCS 515/6.1)**

36-12-6 **REDUCTION OF LOCAL SERVICES TAX; CONDITIONS.** The local services tax for owners of manufactured homes who:

(A) are actually residing in such manufactured homes,

(B) hold title to such manufactured home as provided in the "Illinois Vehicle Code", and

(C) are **sixty-five (65) years** of age or older or are disabled persons within the meaning of the "Senior Citizens and Disabled Persons Property Tax Relief Act" on the annual billing date shall be reduced to **eighty percent (80%)** of the tax provided for in this Act.

Proof that a claimant has been issued an Illinois Person with a Disability Identification Card stating that the claimant is under a Class 2 disability, as provided in Section 4A of the Illinois Identification Card Act, shall constitute proof that the person thereon named is a disabled person within the meaning of this Act.

An application for reduction of the tax shall be filed with the County Clerk by the individuals who are entitled to the reduction. If the application is filed after **May 1**, the reduction in tax shall begin with the next annual bill. Application for the reduction of tax shall be done by submitting proof that the applicant has been issued an Illinois Person with a Disability Identification Card designating the applicant's disability as a Class 2 disability, or by affidavit in substantially the following form:

APPLICATION FOR REDUCTION OF MANUFACTURED HOME LOCAL SERVICES TAX

I hereby make application for a reduction to **eighty percent (80%)** of the total tax imposed under "An Act to provide for a local services tax on manufactured homes".

(A) **Senior Citizens.**

(1) I actually reside in the manufactured home…

(2) I hold title to the manufactured home as provided in the Illinois Vehicle Code…

(3) I reached the age of **sixty-five (65)** on or before either **January 1** (or **July 1**) of the year in which this statement is filed. My date of birth is…

(B) **Disabled Persons.**

(1) I actually reside in the manufactured home…

(2) I hold title to the manufactured home as provided in the Illinois Vehicle Code…

(3) I was totally disabled on… and have remained disabled until the date of this application. My Social Security, Veterans, Railroad or Civil Service Total Disability Claim Number is… The undersigned declares under the penalty of perjury that the above statements are true and correct.

Dated _____, 20____ _____

Signature of Owner

_____

Address

Approved by:

_____ _____

Assessor (City) (State) (Zip)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department on Aging under the "Senior Citizens and Disabled Persons Property Tax Relief Act". **(See 35 ILCS 515/7)**

36-12-7 EXEMPTION FOR DISABLED VETERANS.

(A) Beginning on **January 1, 2004**, a manufactured home owned and used exclusively by a disabled veteran or the spouse or unmarried surviving spouse of the veteran as a home, is exempt from the tax imposed under this Article.

(B) As used in this Section:

"Disabled veteran" means a person who has served in the armed forces of the United States and whose disability is of such a nature that the federal government has authorized payment for purchase or construction of specially adapted housing as set forth in the United States Code, Title 38, Chapter 21, Section 2101.

"Unmarried surviving spouse" means the surviving spouse of the veteran at any time after the death of the veteran during which the surviving spouse is not married.

(C) Eligibility for this exemption must be reestablished on an annual basis by certification from the Illinois Department of Veterans' Affairs to the County Clerk of the County in which the exempt manufactured home is located. The County Clerk shall forward a copy of the certification to local assessing officials. **(See 35 ILCS 515/7.5)**

36-12-8 **FAILURE TO PAY TAX; LIEN.** If any local services tax imposed by this Article is not paid when due, the County Treasurer of the County in which the manufactured home is located shall have a lien on the manufactured home for the amount of the tax, addition to the tax, penalty and interest due. The Treasurer shall notify the taxpayer in writing of the existence of the lien. Such lien shall terminate (i) unless the County Treasurer files with the County Recorder of the County in which the manufactured home is located a notice of lien within **one (1) year** of such tax due date or (ii) if the County Treasurer applies for judgment and order of sale for delinquent taxes on manufactured homes pursuant to the provisions of the Manufactured Home Local Services Tax Enforcement Act and the taxes are sold. From the time of the filing, the amount set forth in the certificate also constitutes a lien upon all property of the taxpayer then owned by him or thereafter acquired by him in the period before the expiration of the lien. Such liens have the same force, effect and priority as a judgment lien and continue for **ten (10) years** from the date of the recording unless sooner released or otherwise discharged. The County Treasurer may, at any time, release all or any portion of the property subject to any lien provided for in this Act or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien or other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

If the owner of a manufactured home which the tax has not been paid does not make payment within **six (6) months** after a lien has been filed, civil action may be instituted by the collector for the amount of the tax, plus interest, penalties and costs. If sale of the property is ordered, the court may direct the sale to be made in cash or on such terms as it may deem in the best interests of all parties. The court may direct that such sale be held by the Sheriff or in open court. **(See 35 ILCS 515/8)**

36-12-9 **INTEREST ON DELINQUENT TAXES; PENALTY FOR FRAUD.** If any local services tax, or part thereof, imposed by this Article is not paid on or before the due date for such tax, interest on such amount at the rate of **one and one-half percent (1 ½%)** per month shall be paid for the period from such due date to the date of payment of such amount. For taxable year 2003 and thereafter, if any local services tax, or part thereof, imposed by this Article is not paid on or before the due date for such tax, the taxpayer shall be required to pay a penalty of **Twenty-Five Dollars ($25.00)** per month, or any portion thereof, not to exceed **One Hundred Dollars ($100.00)**. If such failure to pay such tax is the result of fraud, there shall be added to the tax as a penalty an amount equal to **fifty percent (50%)** of the deficiency. **(See 35 ILCS 515/9)**

36-12-10 **INVALIDITY OF PROVISIONS.** If any section, subsection, sentence or clause of this Article shall be adjudged unconstitutional, such adjudication shall not affect the validity of the Article as a whole or of any section, sub-section, sentence or clause thereof not adjudged unconstitutional.

36-12-11 **MANUFACTURED HOME DEALERS – NOTIFICATION.** Manufactured home dealers shall, within **ten (10) days** after any retail sale and delivery of a manufactured home, notify the County Clerk of the County in which the point of delivery is located of the sale, the name of the purchaser, the point at which delivery to the purchaser was made, and the serial number and exterior measurements of the manufactured home.

36-12-12 **NOTICE TO ASSESSOR OF OWNERSHIP CHANGE.** An operator of a manufactured home park licensed under the provisions of the Mobile Home Park Act and any land owner on which an inhabited manufactured home is located shall notify the Supervisor of Assessments when a change in ownership occurs in a manufactured home located in such a park or on such land. Such notification shall include the same information for the new owner as that contained in the registration form required of manufactured home park operators and manufactured home owners by **35 ILCS 515/4**. **(See 35 ILCS 515/10.1)**

36-12-13 **MOVING PERMITS – PENALTY.** Before any manufactured home subject to the tax imposed by this Article may be moved, the transporting company must obtain a permit from the Supervisor of Assessments office certifying that the tax on the manufactured home has been paid for the current tax period. It shall be a Class B misdemeanor for any person or entity to move any manufactured home or cause it to be moved a distance of more than **one (1) mile** without having received such permit from the taxpayer. It shall be a Class B misdemeanor for any taxpayer to move any manufactured home or cause it to be moved a distance of more than **one (1) mile** without such permit having been issued by the County Treasurer. This Section does not apply to any person or entity who moves a manufactured home or causes it to be moved pursuant to a court order. **(See 35 ILCS 515/11)**

36-12-14 **PENALTY.** It shall be a violation of this Code to fail to submit information required under this Article or to knowingly submit any false information under this Article. **(See 35 ILCS 515/1 et seq.) [See Section 1-1-20 for Penalty.]**

ARTICLE XIII

TAXPAYERS' RIGHTS CODE

36-13-1 **TITLE.** This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

36-13-2 **SCOPE.** The provisions of this Code shall apply to the County's procedures in connection with all of the County's locally imposed and administered taxes.

36-13-3 **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** "Act" means the "Local Government Taxpayers' Bill of Rights Act".

(B) **Corporate Authorities.** "Corporate Authorities" means the County Board Chairman and the Clinton County Board.

(C) **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the County that is collected or administered by the County not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the County other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** "Local Tax Administrator", the Clinton County Collector, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) **County.** "County" means the County of Clinton, Illinois.

(F) **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the County's locally imposed and administered taxes.

(G) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the County that imposes any locally imposed and administered tax.

(H) **Taxpayer.** "Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the County.

36-13-4 **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B) Personal service or delivery.

36-13-5 **LATE PAYMENT.** Any notice, payment, remittance or other filing required to be made to the County pursuant to any tax ordinance shall be considered late unless it is:

(A) physically received by the County on or before the due date, or

(B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the County, with adequate postage prepaid.

36-13-6 **PAYMENT.** Any payment or remittance received for a tax period shall be applied in the following order:

(A) first to the tax due for the applicable period;
(B) second to the interest due for the applicable period; and
(C) third to the penalty for the applicable period.

36-13-7 **CERTAIN CREDITS AND REFUNDS.**

(A) The County shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be **four (4) years** after the end of the calendar year in which payment in error was made. The County shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the County.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
   (a) the name of the locally imposed and administered tax subject to the claim;
   (b) the tax period for the locally imposed and administered tax subject to the claim;
   (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
   (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
   (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the County.

(2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
   (a) grant the claim; or
   (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **five percent (5%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-13-8 **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

(A) Each notice of audit shall contain the following information:

(1) the tax;

(2) the time period of the audit; and

(3) a brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English Language and shall be subject to and available for inspection by the County.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the County. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within **thirty (30) days** of the County's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

36-13-9 **APPEAL.**

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

(1) the reason for the assessment;

(2) the amount of the tax liability proposed;

(3) the procedure for appealing the assessment; and

(4) the obligations of the County during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within **forty-five (45) days** of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within **fourteen (14) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the **forty-five (45) day** period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

36-13-10 **HEARING.**

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-13-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

36-13-11 **INTEREST AND PENALTIES.** In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The County hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **twelve percent (12%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the County issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to **twelve percent (12%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

36-13-12 **ABATEMENT.** The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

36-13-13 **INSTALLMENT CONTRACTS.** The County may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-13-14 **STATUTE OF LIMITATIONS.** The County, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the County, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

36-13-15 **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment form the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-13-16 **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the County Clerk's office.

36-13-17 **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

(A) timely remove the lien at the County's expense;

(B) correct the taxpayer's credit record; and

(C) correct any public disclosure of the improperly imposed lien.

36-13-18 **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the County's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

ARTICLE XIV – G.I.S. FEE

36-14-1 **FEE.** An additional **Three Dollars ($3.00)** shall be collected by the Clinton County Recorder for each instrument, paper or notice filed for record in Clinton County beginning **October 1, 2000**.

36-14-2 **SPECIAL FUND.** The Clinton County Treasurer shall establish a special fund into which **Two Dollars ($2.00)** of each **Three Dollars ($3.00)** collected shall be deposited. Any funds collected and deposited into the special fund must be used solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System.

36-14-3 **DEPOSIT TO SPECIAL FUND.** The remaining **One Dollar ($1.00)** shall be deposited into the Recorder's special funds pursuant to **55 ILCS Sec. 5/3-5005.4**.

(Ord. No. 90-00-02)

ARTICLE XV – HOTEL/MOTEL TAX

36-15-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) **Board** shall mean the County Board of Clinton County, Illinois.

(B) **Treasurer** shall mean the Treasurer of Clinton County, Illinois.

(C) **Operator** shall mean the owner/operator of each hotel and/or motel within the County of Clinton, and the person(s) having a right of property operating said hotel and/or motel, having been issued a license by virtue of governing laws within the Cities, Counties and State of Illinois.

36-15-2 **TAX IMPOSED.** A tax is hereby imposed upon all occupants of each hotel and/or motel within the Clinton for the use of renting, leasing or letting of rooms in such hotel and/or motel. The rate of such tax shall be at the rate of **five percent (5%)** of the gross rental receipts from each rental, leasing or letting.

36-15-3 **REGISTRATION.** Each hotel and/or motel located within the boundaries of the County shall file a "Certificate of Registration" within the office of the Treasurer, whose office is located at P.O. Box 174, Clinton County Courthouse, Carlyle, Illinois 62231. Registration forms will be available to each hotel and/or motel operator through the office of the Treasurer of the County.

It is the duty of the hotel and/or motel operator to update the "Certificate of Registration" form on an annual basis. The final date for filing and updating of the "Certificate of Registration" shall be **December 15** of each given year hereafter following the effective date of this Article. Any new business coming under license to do business as a hotel and/or motel within the County, shall file a "Certificate of Registration" no later than **thirty (30) days** following the first day of operation as a new hotel and/or motel business.

36-15-4 **COMPUTATION OF TAX.** Each operator shall file an "Occupancy Tax Return" each and every month following the effective date of this Article. The return shall contain the total dollar gross receipts received from room occupancy rentals along with the total amount due and payable to the County heretofore required by the adoption of this Article. "Occupancy Tax Returns" will be available to each hotel and/or motel operator through the office of the Treasurer of the County.

36-15-5 **FEE DEADLINE.** All tax fees due the County shall be due and payable to the County the last day of the month immediately following the month of collection. The tax shall begin on the **first (1st) day** of **January, 2000** with tax fees due on the last day of said month being the last day of the following month and all succeeding months thereafter in like manner.

36-15-6 **PENALTIES.** A **one percent (1%)** late penalty will be due and payable to the County should any hotel and/or motel operator fail to file Hotel and Motel Use Tax Return by the end of each month, and an additional **one percent (1%)** each month thereafter. The State's Attorney shall enforce said penalties at the request of the County Treasurer, according to law. The tax herein levied and imposed shall be paid in addition to all other taxes and charges. It shall be the duty of the operator to pay the amount of the tax to the Treasurer as provided by the Treasurer and or as otherwise provided. Every operator shall keep records of occupancy and such records shall be made available upon demand by the Treasurer or a duly authorized agent or employee of the County and shall be preserved for a period of **three (3) years**. It shall be unlawful for any person to interfere with the Treasurer or a duly

authorized deputy of the Treasurer in the enforcement of this Article. If the State's Attorney must bring an action of law to enforce payment of the tax in addition to the penalties herein, the operator shall be liable for the cost of such collection including reasonable attorney's fees, said fees accruing to the County.

36-15-7 **REMITTANCE OF FEES – USE OF FUNDS.** Pursuant to this tax all fees due and owing to the County and collected by the County Treasurer shall be made payable to the Treasurer, Clinton County, Illinois. Upon collection of said funds the Treasurer shall transfer said funds to a separate account or fund established by the County Board through its Finance Committee. **Five percent (5%)** of said funds shall be retained by the County to reimburse the County Treasurer and other County offices for their administrative expenses in the implementation of this Article. Said amounts can be transferred to the General Fund monthly at the monthly discretion of the Treasurer and the Finance Committee of the County Board.

The funds remaining in said account, that result from the tax from each operator, shall remain in this account and be used by County to promote tourism, conventions, expositions, theatrical, sports, and cultural activities within the County and/or to attract nonresident overnight visitors to the County.

36-15-8 **EXEMPTIONS.** Gross receipts received by each hotel and/or motel operator from the renting, leasing or letting of rooms from permanent residents at such hotel and/or motel are hereby exempt from taxation by the County. The renting, leasing or letting of rooms by a hotel and/or motel which are located within a city, village or incorporated town that impose a tax under Section 8-3-14 of the Illinois Municipal Code as defined in "The Hotel Operator's Occupation Tax Act" are also exempt from collection hereunder.

36-15-9 **SEVERABILITY.** The invalidity of the provision or parts of the provisions of this Article or any rule or regulation pursuant thereto shall not affect the validity of the remainder of this Article.

36-15-10 **REPEAL OR AMENDMENT.** It is the intent of the County Board that the impact of the provisions of this Article be reviewed and evaluated annually at a joint meeting of the Finance and Economic Development Committees of the County Board and a report made on or before the November meeting of the Board.

(Ord. No. 11-99-3; 11-15-99)

ARTICLE XVI – PROBATIONARY DRUG TEST FEES

36-16-1 **FIELD TEST FEE.** The fee for drug and alcohol testing shall not exceed **Twelve Dollars ($12.00)** for each field test performed by the Probation Department; and that the fee for drug and alcohol testing shall not exceed **Seventy-Five Dollars ($75.00)** for each laboratory test.

(Ord. No. 2015-08; 03-16-15)

(730 ILCS 5/5-5-6-3(g))

[See Section 1-1-20 for General Penalty Provisions]

CLINTON COUNTY, ILLINOIS

Zoning Code

PREPARED BY:

Illinois Codification Services

"Serving Illinois Since 1970"

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ZONING CODE

ARTICLE			***TITLE***	***PAGE***
I	***GENERAL PROVISIONS***			
	Section 40-1-1	-	*Purpose*	*40-1*
	Section 40-1-2	-	*Jurisdiction*	*40-1*
	Section 40-1-3	-	*Interpretation*	*40-1*
	Section 40-1-4	-	*Disclaimer of Liability*	*40-1*
	Section 40-1-5	-	*Separability*	*40-2*
	Section 40-1-6	-	*When Effective*	*40-2*
II	***DEFINITIONS***			
	Section 40-2-1	-	*Construction of Terms*	*40-3*
	Section 40-2-2	-	*Selected Definitions*	*40-3*
III	***GENERAL REGULATIONS***			
	Section 40-3-1	-	*Establishment of Districts*	*40-21*
	Section 40-3-2	-	*Zoning Map and District Boundaries*	*40-21*
	Section 40-3-3	-	*Determining Territory of Districts with Precision*	*40-21*
	Section 40-3-4	-	*General Prohibition*	*40-22*
	Section 40-3-5	-	*Unlisted Uses Prohibited*	*40-22*
	Section 40-3-6	-	*Meeting Minimum Requirements*	*40-22*
	Section 40-3-7	-	*Access Required*	*40-22*
	Section 40-3-8	-	*Front Setbacks – Corner/Through Lots*	*40-22*
	Section 40-3-9	-	*Intrusions into Yards*	*40-22*
	Section 40-3-10	-	*Exceptions to Height Limits*	*40-23*
	Section 40-3-11	-	*Sewers, Septic Tanks*	*40-23*
	Section 40-3-12	-	*One Dwelling Per Lot*	*40-23*
	Section 40-3-13	-	*Accessory Uses*	*40-23*
	Section 40-3-14	-	*Accessory Use Restrictions*	*40-24*
	Section 40-3-15	-	*Agricultural Exemption*	*40-24*
	Section 40-3-16	-	*Endangered Species*	*40-25*
IV	***REGULATIONS FOR SPECIFIC DISTRICTS***			
	Division I – Agricultural			
	Section 40-4-1	-	*"A" Agricultural District*	*40-26*
	Section 40-4-2	-	*Permitted Uses*	*40-26*
	Section 40-4-3	-	*Special Uses*	*40-27*
	Section 40-4-4	-	*Livestock Management Facilities Act*	*40-28*
	Section 40-4-5	-	*40-4-10 Reserved*	
	Section 40-4-11	-	*"A-R" Agricultural/Residential District*	*40-28*
	Section 40-4-12	-	*Permitted Uses*	*40-29*
	Section 40-4-13	-	*Special Uses in "A-R" District*	*40-29*
	Section 40-4-14	-	*40-4-20 Reserved*	

ARTICLE	TITLE		PAGE
IV	**REGULATIONS FOR SPECIFIC DISTRICTS (CONTINUED)**		
	Division II – Residential		
	Section 40-4-21	- *Residential*	*40-29*
	Section 40-4-22	- *Permitted Uses*	*40-29*
	Section 40-4-23	- *Special Uses*	*40-30*
	Section 40-4-24	- *40-4-30 Reserved*	
	Section 40-4-31	- *"R-2" Community Residential District*	*40-30*
	Section 40-4-32	- *Permitted Uses*	*40-30*
	Section 40-4-33	- *Special Uses*	*40-31*
	Section 40-4-34	- *40-4-40 Reserved*	
	Section 40-4-41	- *"R-3" Residential District*	*40-31*
	Section 40-4-42	- *Permitted Uses*	*40-31*
	Section 40-4-43	- *Special Uses*	*40-32*
	Section 40-4-44	- *Reserved*	
	Division III – Commercial Districts		
	Section 40-4-45	- *"C" Commercial District*	*40-32*
	Section 40-4-46	- *When Screening is Required*	*40-32*
	Section 40-4-47	- *Permitted Uses*	*40-32*
	Section 40-4-48	- *Special Uses*	*40-33*
	Section 40-4-49	- *40-4-60 Reserved*	
	Division IV – Industrial District		
	Section 40-4-61	- *"I" Industrial District*	*40-33*
	Section 40-4-62	- *Use Restrictions*	*40-33*
	Section 40-4-63	- *Permitted Uses*	*40-33*
	Section 40-4-64	- *Special Uses*	*40-34*
	Section 40-4-65	- *40-4-80 Reserved*	
	Division V – Overlay Districts		
	Section 40-4-81	- *"O-FP" Flood Plain Overlay District*	*40-34*
V	**SUPPLEMENTARY REGULATIONS**		
	Section 40-5-1	- *Applicability of Article*	*40-35*
	Section 40-5-2	- *Home Occupations*	*40-35*
	Section 40-5-3	- *Hospitals, Nursing Homes*	*40-35*
	Section 40-5-4	- *Junk Yards*	*40-35*
	Section 40-5-5	- *Manufactured Homes on Individual Lots in Permitted Areas*	*40-36*
	Section 40-5-6	- *Manufactured Home Parks*	*40-36*
	Section 40-5-7	- *Sanitary Landfills*	*40-38*
	Section 40-5-8	- *Surface Mining*	*40-38*
	Section 40-5-9	- *Underground Mining – Specific Requirements*	*40-38*
	Section 40-5-10	- *Garages, Repair*	*40-39*
	Section 40-5-11	- *Billboards*	*40-39*
	Section 40-5-12	- *Clubhouses*	*40-39*
	Section 40-5-13	- *Recreational Vehicles*	*40-39*

ARTICLE	TITLE			PAGE
V	***SUPPLEMENTARY REGULATIONS (CONTINUED)***			
	Section 40-5-14	-	*Adult Oriented Use*	*40-40*
	Section 40-5-15	-	*Plant Nurseries and Greenhouses*	*40-42*
	Section 40-5-16	-	*Bulk Storage (Flammable) Facilities*	*40-43*
	Section 40-5-17	-	*Flag Lot; Minimum Lot Area*	*40-43*
	Section 40-5-18	-	*Bed and Breakfast Establishment*	*40-43*
	Section 40-5-19	-	*Small Area Business*	*40-43*
	Section 40-5-20	-	*Campgrounds*	*40-44*
	Section 40-5-21	-	*Churches and Houses of Formal Worship*	*40-44*
	Section 40-5-22	-	*Storage Containers*	*40-45*
	Section 40-5-23	-	*Solar Energy Systems*	*40-45*
VI	***OFF-STREET PARKING***			
	Section 40-6-1	-	*Applicability of Article*	*40-55*
	Section 40-6-2	-	*Existing Off-Street Parking*	*40-55*
	Section 40-6-3	-	*Parking Lot Design Standards*	*40-55*
	Section 40-6-4	-	*Location of Off-Street Parking*	*40-56*
	Section 40-6-5	-	*Computation of Required Parking Spaces*	*40-56*
	Section 40-6-6	-	*Design and Location of Off-Street Loading Facilities*	*40-56*
	Section 40-6-7	-	*Number of Parking Spaces Required*	*40-57*
VII	***NONCONFORMITIES***			
	Section 40-7-1	-	*Purpose of Article*	*40-59*
	Section 40-7-2	-	*Nonconforming Lots*	*40-59*
	Section 40-7-3	-	*Two or More Lots in Common Ownership*	*40-59*
	Section 40-7-4	-	*Nonconforming Structures*	*40-59*
	Section 40-7-5	-	*Nonconforming Uses*	*40-60*
	Section 40-7-6	-	*Nonconformities Under Permit Authority*	*40-60*
VIII	***ADMINISTRATION AND ENFORCEMENT***			
	Section 40-8-1	-	*Zoning Administrator*	*40-61*
	Section 40-8-2	-	*Initial Certificates of Zoning Compliance*	*40-61*
	Section 40-8-3	-	*Application*	*40-61*
	Section 40-8-4	-	*Duration of Certificate*	*40-62*
	Section 40-8-5	-	*Final Certificates of Zoning Compliance*	*40-62*
	Section 40-8-6	-	*Corrective Action Orders*	*40-62*
	Section 40-8-7	-	*Emergency Measures*	*40-63*
	Section 40-8-8	-	*Complaints*	*40-63*
	Section 40-8-9	-	*Filing Fees*	*40-63*
	Section 40-8-10	-	*Penalties*	*40-63*
IX	***BOARD OF APPEALS AND SPECIAL PROCEDURES***			
	Division I – Board of Appeals			
	Section 40-9-1	-	*Board of Appeals Established*	*40-64*
	Section 40-9-2	-	*Membership Chairman, Residency*	*40-64*
	Section 40-9-3	-	*Term of Office, Vacancies*	*40-64*
	Section 40-9-4	-	*Compensation*	*40-64*

ARTICLE	***TITLE***		***PAGE***
IX	***BOARD OF APPEALS AND SPECIAL PROCEDURES (CONTINUED)***		
	Division I – Board of Appeals (Continued)		
	Section 40-9-5	*- Meetings, Quorum*	*40-64*
	Section 40-9-6	*- Records*	*40-65*
	Section 40-9-7	*- 40-9-9 Reserved*	
	Division II – Appeals		
	Section 40-9-10	*- Purpose of Appeal*	*40-65*
	Section 40-9-11	*- Filing, Record Transmittal*	*40-65*
	Section 40-9-12	*- Stay of Further Proceedings*	*40-65*
	Section 40-9-13	*- Public Hearing, Notice*	*40-65*
	Section 40-9-14	*- Decision by Board of Appeals*	*40-66*
	Section 40-9-15	*- Reserved*	
	Division III – Special Use Permits		
	Section 40-9-16	*- Nature of Special-Uses*	*40-66*
	Section 40-9-17	*- Application*	*40-66*
	Section 40-9-18	*- Public Hearing, Notice*	*40-67*
	Section 40-9-19	*- Factors Considered*	*40-67*
	Section 40-9-20	*- Findings of Fact, Terms of Relief, Report of Record*	*40-67*
	Section 40-9-21	*- Revocation*	*40-67*
	Division IV – Variances		
	Section 40-9-22	*- Variances*	*40-68*
	Section 40-9-23	*- Application*	*40-68*
	Section 40-9-24	*- Public Hearing, Notice*	*40-68*
	Section 40-9-25	*- Contents of Notice*	*40-68*
	Section 40-9-26	*- Standards for Variances*	*40-69*
	Section 40-9-27	*- Terms of Relief, Findings of Fact*	*40-69*
	Section 40-9-28	*- Minor Variance/Zoning Administrator*	*40-69*
	Section 40-9-29	*- Reserved*	
	Division V – Amendments		
	Section 40-9-30	*- Amendments*	*40-70*
	Section 40-9-31	*- Filing*	*40-70*
	Section 40-9-32	*- Public Hearing, Location*	*40-70*
	Section 40-9-33	*- Notice of Public Hearing*	*40-70*
	Section 40-9-34	*- Advisory Report*	*40-70*
	Section 40-9-35	*- Action by County Board*	*40-71*
	Section 40-9-36	*- Exceptions*	*40-71*
	Section 40-9-37	*- Notice to Applicant of Written Protest*	*40-71*

CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 **PURPOSE.** In accordance with State law, this Code regulates lots, structures, uses and similar matters in order to preserve, protect, and promote the public health, safety and general welfare through implementation of the County's comprehensive plan. More specifically, this Code is intended to assist in achieving the following objectives:

(A) To encourage the development of buildings and uses on appropriate sites in order to maximize County-wide social and economic benefits while accommodating the particular needs of all residents;

(B) To discourage development on inappropriate sites, especially on agricultural land;

(C) To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;

(D) To conserve and increase the value of taxable property throughout the County;

(E) To ensure the provision of adequate light, air and privacy to the occupants of all buildings;

(F) To protect property from damage caused by fire, flooding, and adverse soil and topographical conditions;

(G) To provide adequate and well-designed off-street parking areas for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and

(H) To provide for the efficient administration and fair enforcement of all the substantive regulations set forth herein.

40-1-2 **JURISDICTION.** This Code shall be applicable throughout Clinton County, except within the corporate limits of municipalities which have adopted local zoning codes.

40-1-3 **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the County, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-4 **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act", Ill. Comp. Stat., Ch. 745 Secs. 10/1-101)**

(B) Any suit brought against any official, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the State's Attorney until the final determination of the legal proceedings.

40-1-5 **SEPARABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

40-1-6 **WHEN EFFECTIVE.** This Code shall take effect after its final passage, approval, and publication as provided by law, on the effective date set forth below. **(55 ILCS 5/5-12001)**

ARTICLE II - DEFINITIONS

40-2-1 **CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot.**

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 **SELECTED DEFINITIONS.**

Abutting: Having a common lot line or district line. Synonym for "adjacent" and "contiguous".

Access Way: A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking.

Accessory Building/Structure/Use: Any building, structure or use which:

(A) Is subordinate to and serves a principal building or use;

(B) Is subordinate in area, extent or purpose to the principal building or use (R1 – R2 – R3);

(C) Contributes to the comfort, convenience or necessity of occupants of the principal building or use served;

(D) Is located on the same zoning lot as the principal building or use served;

(E) Does not change the basic character of the premises as determined by its principal use. **(Ord. No. 05-04-02)**

Administrator: The official appointed by the County Board of Clinton County to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

Adult Arcade: Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show images to **five (5)** or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

<u>Adult Bookstore, Adult Novelty Store or Adult Video Store:</u> Adult bookstore, adult novelty store or adult video store means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any **one (1)** or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, film motion pictures, video cassettes, or video reproductions, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(B) instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

<u>Adult Cabaret:</u> Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) persons who appear in a state of nudity or semi-nude; or

(B) live performances which are characterized by the exposure of "specified anatomical area" or by "specified sexual activities"; or

(C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

<u>Adult Entertainment Facility:</u> Adult entertainment facility means (i) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows or other exhibitions or (ii) an adult bookstore or adult video store whose primary business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions. "Unincorporated area of a county" means any area not within the boundaries of a municipality. **(Ord. No. 2015-07-57)**

<u>Adult Motel:</u> Adult motel means a hotel, motel or similar commercial establishment which:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time is less than **ten (10) hours**; or

(C) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than **ten (10) hours**. **(Ord. No. 05-04-02)**

Adult Motion Picture Theater: Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". **(Ord. No. 05-04-02)**

Adult Oriented Business: Adult oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center. **(Ord. No. 05-04-02)**

Adult Theater: Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities". **(Ord. No. 05-04-02)**

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, apiculture, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses buildings occupied as residences by persons engaged in agricultural activities. In addition, it includes accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as residences by persons not engaged in agriculture shall not be considered as being used for agricultural purposes, even though they are located on agricultural land; and said buildings are subject to the provisions of this Code.

Agricultural Land: Land suited for producing food, feed, forage, fiber, and oilseed crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed according to modern farming methods.

Aisle: A vehicular traffic-way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public right-of-way which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

Alter: To change the size, shape, or use of a structure.

Amendment: A change in the provisions of this Code {including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Anchor: Any approved device used to keep a manufactured home firmly attached to the stand on which it is placed.

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Bed and Breakfast Establishment:

(A) An operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only.

Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service.

(B) Operator shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this act to reside in the bed and breakfast establishment, or on contiguous property.

(C) Guest room shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night.
(Ord. No. 1-19-10)

Billboards: A billboard is a single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display or messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon. **(Ord. No. 05-04-02)**

Board of Appeals: The Zoning Board of Appeals of Clinton County, Illinois.

Boarding House: A residential building or portion thereof--other than a motel or hotel--containing lodging rooms for accommodation of **three (3)** to **ten (10) persons** who are not members of the keeper's family, and where lodging or meals or both are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis to the transient public.

Buffer Strip: An area of land--undeveloped except for landscaping, fences, etc.,--used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

Building: Any covered structure permanently affixed to land and designed or uses to shelter persons or chattels.

Building Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof, the deck line of mansard roof, or peak of hip, gambrel or gable roof. Chimneys, towers, cooling towers and similar projections shall not be included in calculating building height. **(Ord. No. 05-04-02)**

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the centerline of the existing street or road.

Bulk Storage – Flammable, Sale/Distribution: The storage of petroleum products in above ground containers designed for sale/distribution. **(Ord. No. 07-04-01; 07-29-04)**

Campground: A tract of land on which facilities are developed for accommodating travel trailers for temporary occupancy during **one (1) year** or more seasons of the year where recreational vehicles can be located and occupied as an accommodation away from the residence of occupants, and not constituting the principal place of residence of the occupants. **(Ord. No. 2014-07-022)**

Carlyle Lake Easement: This area of the Carlyle Lake has specific laws and regulations pertaining to building. The U.S. Army Corp of Engineers office must be contacted for permits in this area and you must also comply with the Clinton County Zoning Code. **(Ord. No. 4-91-4)**

Centerline:

(A) The centerline of any right-of-way having a uniform width;
(B) The original centerline, where a right-of-way has been widened irregularly;
(C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A building permit issued by the Zoning Administrator indicating that the proposed construction work is in conformity with the requirements of this Code, the Clinton County Flood Plain Code, and the Clinton County Subdivision Code, and therefore proceed. **(Ord. No. 4-91-4)**

Certificate of Zoning Compliance, Final: A permit issued by the Zoning Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Certificate of Zoning Compliance for Recording "Approved": This statement and signature of the Zoning Administrator is placed on the instrument that is to be recorded. If the document is not in compliance with the Zoning Code, it will be rejected by the Recorder's Office. **(Ord. No. 4-91-4)**

Churches: A building used for non-profit purposes wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. **(Ord. No. 09-03; 2003)**

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club House: A structure containing less than **nine hundred (900) square feet** which is occupied less than **ninety (90) days** within a calendar year, used for recreational purposes and normally found along lakes, rivers and streams. **(Ord. No. 05-04-02)**

Club/Lodge: A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Comprehensive Plan: The plan or any portion thereof adopted by the County Board to guide and coordinate the physical and economic development of Clinton County. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways; bridges; public buildings or uses; utilities; schools; residential, commercial or industrial land uses; parks; drainage facilities; etc.

Conforming: In compliance with the applicable provisions of this Code.

Convenience Store: Any small retail, commercial or service establishment offering foods/services primarily to the residents of a particular multiple-family complex, manufactured home park, or similar development.

Corrective Action Order: A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

County: Clinton County, Illinois.

Day Care Center: See "Nursery School."

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dimensions: Refers to both lot depth and lot width.

District Zoning: A portion of the territory of the County wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Dwelling: A building or portion thereof designed or used primarily as living quarters for **one (1)** or more families, but not including hotels, motels, or other accommodations for the transient public.

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, Single-Family: A dwelling on a permanent foundation containing one dwelling unit and intended for the occupancy of one family for residential purposes. In no case shall a motor home, trailer coach, automobile, tent, or portable building be considered a dwelling. **(Ord. No. 05-04-02)**

Dwelling, Two-Family: A dwelling containing **two (2) dwelling units**, a duplex.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A right to use another person's real property for certain limited purposes.

Employee: Employee means a person who performs any service on the premises of adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee

does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises. **(Ord. No. 05-04-02)**

Enclosed: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use. Synonym for "extend" and "expand".

Erect: To build, construct.

Escort: Escort means a person who, for consideration and/or payment, offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person. **(Ord. No. 05-04-02)**

Escort Agency: Escort agency means a person or business or association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purpose for a fee, tip, or other consideration. **(Ord. No. 05-04-02)**

Establishment: Establishment means and includes any of the following:

(A) the opening or commencement of any adult oriented business as a new business;

(B) the conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;

(C) the additions of any adult oriented business to any other existing adult oriented business; or

(D) the relocation of any adult oriented business. **(Ord. No. 05-04-02)**

Existing: Actually constructed or in operation on the effective date of this Code.

Factory Skirting: Skirting that is factory manufactured and fire rated that is placed around the perimeter of the manufactured home. **(Ord. No. 4-91-4)**

Family: **One (1) person**, or **two (2)** or more persons related by blood, marriage, or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors; attic floor space; halls, closets, and stairwells; space devoted to mechanical equipment; and enclosed porches.

Frontage: The lineal extent of the front (street-side) of a lot.

Group Care Facility: A facility or dwelling unit housing a group of individuals who:

(A) Are not related by blood, marriage, adoption or guardianship; and

(B) Share the premises as their permanent residence, as a single housekeeping unit, under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. Said facility or dwelling unit shall not house more than **six (6) individuals** at a time. **(Ord. No. 2013-11-26; 11-18-13)**

Handicapped/Disabled: A person having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. **(Ord. No. 05-04-02)**

Hereafter: Any time after the effective date of this Code.

High Volume Horizontal Fracturing Permit means the permit issued by the Department of Natural Resources under Illinois Public Act 098-0022 allowing high volume horizontal fracturing operations to occur at a well site. **(Ord. No. 2015-07-57)**

Home Occupation: Any business, profession, or occupation conducted for gain entirely within a dwelling or on residential premises in conformity with the provisions of this Code.

Horizontal High Volume Hydraulic Fracturing Operations means all stages of a stimulation treatment of a horizontal well by the pressurized application of more than **eighty thousand (80,000) gallons** per stage or more than **three hundred thousand (300,000) gallons** total of hydraulic fracturing fluid and proppant to initiate or propagate fractures in a geologic formation to enhance extraction or production of oil or gas. **(Ord. No. 2015-07-57)**

Immobilize: As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and/or to place on a permanent foundation.

Intensify: To increase the level or degree of.

Intersection: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junk Yard: Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase, or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

Landscape Waste Compost Facility: An entire landscape waste composting operation, with the exception of a garden compost operation. **(Ord. No. 2013-07-20; 07-16-13)**

Licensee: Licensee means a person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on `the application or a

license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business. **(Ord. No. 05-04-02)**

Livestock Management Facilities Act: This Act **(510 ILCS 77/1 et seq.)** as adopted and amended from time to time by the State of Illinois will be used to regulate certain developments in the agricultural areas of Clinton County. **(Ord. No. 02-07-02)**

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record". "Lot" is synonymous with "tract", "plot", and "site".

Lot of Record: An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Clinton County Recorder of Deeds.

Lot, Corner: A lot having at least **two (2)** adjacent lot lines that abut for their full length upon streets. Both such lot lines shall be deemed front lot lines.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: Any lot boundary abutting a street or road.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Width: The mean horizontal width of a lot measured at right angles to the side lot lines.

Manufactured Home I – Single-Wide means 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 location 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 shall include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. Compliance with this standard is indicated by a **two-inch by four-inch (2" x 4")** metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carport, porches, or attachments) of a manufactured home shall be in excess of a ratio of 3 to 1 and shall have minimum living area of not less than **nine hundred eighty (980) square feet**. The installation of these homes must comply with the Manufactured Home Quality

Assurance Act and the Manufactured Home Installation Code (77 Ill. Adm. Code 870). The installation of these homes must comply with the Manufactured Home Installation Code and Home Quality Assurance Act. **(Ord. No. 2015-07-57)**

Manufactured Home II – Double Wide means 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 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 shall only include manufactured homes constructed after **June 30, 1976** that are double-wide units, in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. Compliance with this standard is indicated by a **two-inch by four-inch (2" x 4")** metal plate attached to the exterior tail light end of the home. The average width and/or length of the living area (excluding garages, carport, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and have a minimum living area of not less than **twelve hundred (1,200) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a "manufactured home", but shall be an "immobilized manufactured home". A manufactured home shall not be confused with a "camping trailer" or "recreational vehicle". **(Ord. No. 2015-07-57)**

Manufactured Home Park: A tract of land of not less than **two (2) acres** or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of the land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(210 ILCS 115/2.5) (Ord. No. 2015-07-57)**

Manufactured Home Stand: The part of a manufactured home space beneath the manufactured home that includes the concrete slab on which the home is placed and to which it is anchored. **(Ord. No. 2015-07-57)**

Manufactured Residence: A manufactured residence is a factory fabricated single family home built in one or more sections. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a manufactured residence shall not exceed a ratio of 3 to 1. All wheels and touring devices must be removed. A manufactured residence must have a minimum of 3/12 pitch roof, **six (6) inch** minimum eave overhand, and must have a living area of not less than **nine hundred (900) square feet**. Manufactured residences must meet all adopted federal and/or local building codes. **(Ord. No. 2015-03)**

Mini/Self Storage Warehouse: A facility used only for the storing of household and personal property (no commercial storage) with no commercial transactions permitted other than the rental of the storage units. **(Ord. No. 07-04-01)**

Mobile Home means 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 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 only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. **(See applicable zone district.) (Ord. No. 2015-07-57)**

Modular Home: A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches or attachments) of a modular home shall not exceed a ratio of 3 to 1. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch with residential style siding and roofing, **six (6) inch** minimum eave overhang, shall have a minimum living area of not less than **nine hundred eighty (980) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety (HUD Code) or the International Building Code (I.B.C.) Installation per manufacturer's instructions. **(Ord. No. 2015-07-57)**

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code or pertinent amendment thereto, but (2) not in compliance with the applicable provisions set forth herein.

Nude Model Studio: Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarity depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Illinois or college, community college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college or university supported entirely or partly by taxation, or in a structure:

(A) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(B) where in order to participate in a class; a student must enroll at least **three (3) days** in advance of the class; and

(C) where no more than **one (1)** nude or semi-nude model is on the premises at any one time. **(Ord. No. 05-04-02)**

Nudity, State of Nudity: Nudity, state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque coverage of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. **(Ord. No. 05-04-02)**

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery – Retail: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities. **(Ord. No. 07-04-01)**

Nursery School: An establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children of pre-elementary school age.

Office: Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling special developmental problems.

Parking Area/Lot, Off-Street: Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot", depending on the circumstances of its use, may be either a principal use or an accessory use.

Parking Space, Off-Street: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of **one (1)** passenger motor vehicle.

Permanent Foundation: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation. **(Ord. No. 2015-07-57)**

Permitted Use: Any use which is or may be lawfully established in a particular district(s).

Person: Person means an individual, proprietorship, partnership, limited liability company, corporation, association, or other legal entity. **(Ord. No. 05-04-02)**

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

Property Line: See "Lot Line".

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicle more specifically includes:

(A) **Camping Trailer:** A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

(B) **Fifth Wheel Trailer:** A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed **four hundred (400) square feet** in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

(C) **Motor Home:** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van is an integral part of the completed vehicle.

(D) **Park Trailer:** A recreational vehicle that meets the following criteria:

(1) built on a single chassis mounted on wheels;

(2) having a gross trailer area not exceeding **four hundred (400) square feet** in the set-up mode; and

(3) certified by the manufacturer as complying with ANSI A119.5, Standard for Park Trailers.

(E) **Travel Trailer:** A vehicular unit, mounted on wheels, that is designed to provide temporary living quarters for recreational, camping, or travel use, that is of such size or weight as not to require special highway movement permit(s) when towed by a motorized vehicle and that has a gross trailer area of not less than **three hundred twenty (320) square feet**.

(F) **Truck Camper:** A portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck. **(Ord. No. 05-04-02)**

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Residence. As defined by this Code, a residence is a site-constructed single family home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences must be placed on a full perimeter permanent foundation extending below the frost depth and must be permanently attached to that foundation. A residence must have a minimum 3/12 pitch roof, **six (6) inch** minimum eave overhang, and must have a minimum living area of not less than **nine hundred (900) square feet**. Residences must meet all adopted federal and/or local building codes. **(Ord. No. 05-04-02)**

Restaurant: "Restaurant" means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant. **(Ord. No. 2015-04)**

Restrictive: Tending to keep within prescribed limits.

Retail: Refers to the sale of goods and services directly to the consumer rather than to another business.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

Road Use and Maintenance Agreement: A written agreement between a private company and a local government (county, municipal, township) used to address traffic and road impact concerns. The primary intent of a road use maintenance agreement is to provide the signing parties with an efficient method by which haulers compensate the local government for the additional road maintenance and loss of structure's life resulting from their concentrated haul. Road maintenance agreements are to cover only the incremental cost that occurs above regular maintenance costs due to the increased pressures of heavy or frequent hauls. **(Ord. No. 2015-07-57)**

Sanitary Landfill: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency. At a "sanitary landfill" the refuse is periodically covered with topsoil.

Seasonal Dwelling: A structure used on a part-time basis for recreational purposes—not a primary residence (i.e., weekend cabins).

Semi-Nude, Semi-Nude Condition: Semi-nude, semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest points or the showing of the male or female buttocks. The definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or part. **(Ord. No. 05-04-02)**

Service Use/Establishment: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

Setback Line: See "Building Line".

Sexual Encounter Center: Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of payment or consideration:

(A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) activities between male and female persons and/or persons of the same sex when **one (1)** or more of the persons is in a state of nudity or semi-nude. **(Ord. No. 05-04-02)**

Small Rural Business: A commercial enterprise conducted in a rural area within the Agricultural District that is small in scale, subordinate at all times to established agricultural and/or residential uses, and is owned and operated by a land owner that also resides on the premises where the business is conducted. A Small Rural Business would typically (shall):

(A) employ **three (3)** or fewer persons (other than members of the immediate family residing on the premises);

(B) be conducted from an accessory building;
(C) provide a service to the area or an attraction for tourists and travelers; and,
(D) supplement the County tax base.

When a Small Rural Business grows to become the dominant use on a zoning lot and is no longer subordinate to established residential and/or agricultural uses, the owner/operator shall take action to either re-zone the site to an appropriate zoning classification or re-locate the business to an area that is properly zoned for the use conducted.
(Ord. No. 1-19-10)

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit.

Special Use Permit: A permit issued in accordance with the provisions of this Code to regulate development of a special use.

Specified Anatomical Areas: Specified anatomical areas means:
(A) The human male genitals in a discernibly turgid state, even if completely and opaquely covered, or
(B) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola. **(Ord. No. 05-04-02)**

Specified Sexual Activities: Specified sexual activities means any of the following:
(A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
(B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
(C) Excretory functions as part of or in connection with any of the activities set forth in (A) through (B) above. **(Ord. No. 05-04-02)**

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to the County or other unit of government.

Structure: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures, but not all structures are buildings.

Structure, Temporary: Any structure that is not attached to a permanent foundation.

Substantial Enlargement: Substantial enlargement of an adult oriented business means the increase in floor areas occupied by the business by more than **twenty-five percent (25%)**, as the floor areas exist on the date this Article takes effect. **(Ord. No. 05-04-02)**

Tavern: "Tavern" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal use, and receives no more than **ten percent (10%)** of its gross revenue from the sale of sandwiches, snacks and other food products consumed on the premises. "Tavern" includes, but is not limited to, bars, nightclubs, cocktail lounges, and cabarets. "Tavern" does not include "restaurants", where the principal business is serving food and "adult entertainment facilities". **(Ord. No. 2015-04)**

Topography: The relief features or surface configuration of an area.

Traffic Management Plan: A written plan required by Public Act 098-0022 to be submitted to the Illinois Department of Natural Resources that identifies the anticipated roads, street, and highways that will be used for access to and egress from the well site. The traffic management plan will include a point of contact to discuss issues related to traffic management. Within **fifteen (15) calendar days** after submitting the permit application to the Department, the applicant must provide a copy of the SB1715 Enrolled LRB098 08145 MGM 38238 b Public Act 098-0022 traffic management plan to the county or counties in which the well site is located, and within **five (5) calendar days** of its receipt, the Department shall provide a copy of the traffic management plan to the Office of the State Fire Marshal. **(Ord. No. 2015-07-57)**

Transfer or Ownership or Control: Transfer of ownership or control of an adult oriented business means and includes any of the following:

(A) the sale, lease, or sublease of the business;

(B) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(C) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control. **(Ord. No. 05-04-02)**

Travel Trailer: A mobile structure designed for temporary occupancy.

Travel Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel trailers.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Variance: A relaxation of the strict application of the lot size, setbacks, or other requirements applicable to a particular lot, structure, or use.

Well means any drill hole required under the Illinois Oil and Gas Act. **(Ord. No. 2015-07-57)**

Well Site means surface areas, including the well, occupied by all equipment or facilities for or incidental to high volume horizontal hydraulic fracturing operations, drilling, production, or plugging a well. **(Ord. No. 2015-07-57)**

Well Completion Report refers to the report required to be filed by a permittee under Public Act 098-0022 that the "Permittee shall notify the Department by phone, electronic communication, or letter, at least **forty-eight (48) hours** prior to the commencement of high volume horizontal hydraulic fracturing operations". **(Ord. No. 2015-07-57)**

Well Plugging Report: High volume horizontal hydraulic fracturing operation completion report as required by Public Act 098-0022. Within **sixty (60) calendar days** after the conclusion of high volume horizontal hydraulic fracturing operations, the operator shall file a high volume horizontal hydraulic fracturing operations completion report with the Department. The permittee shall perform and complete plugging of the well and restoration of the well site in accordance with the Illinois and Gas Act and any and all rules adopted thereunder. **(Ord. No. 2015-07-57)**

Wholesale: Refers to the sale of goods or services by one business to another business.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Front: A yard which is bounded by the side lot lines, front lot lines and the building line.

Yard, Rear: A yard which is bounded by side lot lines, and the rear yard line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Map: The map and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

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ARTICLE III - GENERAL REGULATIONS

40-3-1 **ESTABLISHMENT OF DISTRICTS.** In order to implement the regulatory scheme of this Code so to achieve the objectives stated in **Section 40-1-1**, all the territory of Clinton County other than territory within the corporate limits of municipalities which have adopted local zoning codes is hereby divided into the following zoning districts:

DISTRICT	DESIGNATION	MINIMUM AREA*
Agricultural	A	40 acres
Agricultural – Residential	A-R	10 acres
Rural Single Family Residential	R-1	10 acres
Community Residential	R-2	10 acres
Residential	R-3	10 acres
Commercial	C	2 acres
Industrial	I	10 acres
Flood Plain Overlay	O-FP	None

* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the areas of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

40-3-2 **ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the County. The official zoning map, including all notations and other information thereon, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the Administrator's office.

40-3-3 **DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

(1)	Center line of any street, alley or highway	Such centerline.
(2)	Lot line	Such lot line.
(3)	Railroad tracks	Right-of-way line of such tracks
(4)	Stream	Center of such stream
(5)	Section, fractional or survey lines	Such lines

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts. **(See 3-2.1)**

40-3-4 **GENERAL PROHIBITION.** Hereafter, it shall be unlawful to:

(A) erect, use, occupy, enlarge, alter, relocate, or reconstruct any structure or part thereof;

(B) create any lot; or

(C) use, occupy, or develop any lot or part thereof

except in conformity with the provisions of this Code.

(Ord. No. 2015-03)

40-3-5 **UNLISTED USES PROHIBITED.** Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the County Board rezones the property in question or otherwise amends this Code in accordance with **Section 40-9-30** et seq.

40-3-6 **MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise elsewhere in this Code, every lot must meet the minimum area, minimum dimensions, and minimum setback requirements of the district in which it is located independently; that is, without counting any portion of an abutting lot. **Exhibit "B"** is applicable to this Section and is found at the conclusion of this Chapter.

40-3-7 **ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts or has permanent easement of access to a public road or a private road that conforms to the standards set forth in the Subdivision Code.

40-3-8 **FRONT SETBACKS - CORNER/THROUGH LOTS.** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirement of the district in which it is located on every side that abuts a street or road.

40-3-9 **INTRUSIONS INTO YARDS.** To the extent indicated, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

	FEATURES	**MAXIMUM INTRUSIONS**
(A)	Cornices, chimneys, planters or similar architectural features	Four (4) feet. Two (2) feet.
(B)	Fire escapes	Four (4) feet.
(C)	Patios	No limit.

(D)	Porches, if enclosed and at ground level	Six (6) feet.
(E)	Balconies	Four (4) feet.
(F)	Canopies, roof overhangs	Four (4) feet.

40-3-10 EXCEPTIONS TO HEIGHT LIMITS.

(A) **Necessary appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located if they comply with all other pertinent ordinances of the County.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or man-made, shall intrude into the air space that is between **two (2)** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1)**

(C) **Airport Hazard Areas.** Notwithstanding any other provision of this Code, all structures erected within any airport hazard area, as defined by State law, shall conform to the location, height, and identification requirements imposed by the Illinois Department of Aeronautics pursuant to "An Act relating to Airport Zoning" **(See 620 ILCS Sec. 25/1 – 25/37)** and "An Act in relation to Zoning to Eliminate Airport Hazards" **(See 620 ILCS Sec. 30/1 – 30/12)**.

(D) **Radio and Communications Towers.** Radio and other communications towers shall be permitted to exceed the maximum height limits of the District in which they are in. **(Ord. No. 5-97-9)**

40-3-11 SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the Clinton County Health regulations in **Section 18-1-1 et seq.** of the County Code. **(Ord. No. 2015-03)**

40-3-12 ONE DWELLING PER LOT. Except as specifically provided otherwise herein (the important exceptions being multiple-family complexes, manufactured home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities), only **one (1)** dwelling may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a manufactured home on any lot on which there is an existing dwelling.

40-3-13 ACCESSORY USES. Any accessory use **(See Section 40-2-2, "Selected Definitions")** shall be deemed permitted in a particular zoning district if such accessory use is:

(A) Accessory to a principal structure or use that is allowed in that zoning district as of right (permitted) or by virtue of the fact that a special use permit has been granted.

(B) In compliance with the restriction set forth in **Section 40-3-14**.

(C) Constructed after or at the same time as the principal structure (exception – agriculture).

(D) In residential zoning districts (R1-R2-R3) accessory structures shall be subordinate in area, extent, or purpose to the principal building or use.

(E) Incidental to the principal use established on the same lot, and shall serve no other principal use or purpose.

(F) Determined to contribute to the comfort, convenience, or necessity of users of the principal use. **(Ord. No. 05-04-02)**

40-3-14 **ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than

(1) **seventeen (17) feet** to the peak of any structure in any Residential District;

(2) **thirty-five (35) feet** to the peak of any structure in the "AR" or "C" Districts; or

(3) There shall be no height limits on any accessory structures in the "A" or "I" Districts.

(B) **Setbacks.**

(1) In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side, or rear) that is required by the minimum setback regulations of the particular district.

(2) In any Residential District, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.

(3) In any Agricultural and "A-R" District, accessory uses are prohibited in any front yard and the setback shall be the same as for principal structures.

(4) On any lot with an area (which is **one (1) acre** or less) and existed prior to **January, 1991**, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.

(C) **Use As Dwelling.**

(1) Use of any accessory structure as a dwelling is strictly prohibited in every zoning district.

(2) The use of an accessory structure for a home occupation is prohibited.

(Ord. No. 05-04-02)

40-3-15 **AGRICULTURAL EXEMPTION.** The provisions of this Code shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes (as defined herein), or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of buildings or structures used or to be used for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built, and except that the initial certificate of zoning compliance **(See Section 40-8-2 of the Zoning Code)**, shall be required of all structures in agricultural districts. No fee shall be charged to the applicant for an

initial certificate of zoning compliance in an agricultural district. Should said land or structure cease to be used solely for agricultural purposes then, and only then, shall the other provisions of this Code apply. **(Ord. No. 11-94-3) (225 ILCS 5/5-12001)**

40-3-16 ENDANGERED SPECIES.

(A) **Applicability.** Pursuant to the "Endangered Species Protection Act", the applicant shall initiate a consultation process with, and pay all applicable fees to, the Illinois Department of Natural Resources for:

(1) Any requests for zoning amendment for land currently zoned as agricultural or other "open space" designation to one that would allow development; and

(2) Any requests for approval of a Planned Development, special use permit and preliminary and final subdivision plans.

(B) **Exemptions.** The following are exempt from the Endangered Species Consultation Process:

(1) Any requested amendments for land currently zoned, developed and used in its entirety for residential, commercial or industrial purposes; and

(2) The issuance of zoning permits and other non-discretionary decisions by administrative officials.

(Ord. No. 2015-03)

ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I – AGRICULTURAL

40-4-1 **<u>"A" AGRICULTURAL DISTRICT.</u>** The carrying out of agricultural activities has long been, and continues to be, an important part of the way-of-life for Clinton County residents, and such activities provide a large portion of the income derived by the County's population. Thus, to promote and protect this mainstay of the local economy, it has been established as official policy that the County should protect, preserve, and encourage the pursuit of agriculture by its residents. The creation of the "A" Agricultural District is an integral part of that policy. The "A" District encompasses sparsely developed areas which, because of the fertility of the soil, topography, the availability of water, and other factors, including the suitability of the land for the raising of animals, have high agricultural productivity. The regulations for this district are intended to preserve such agricultural land by severely restricting the encroachment of non-agricultural uses and structures. The owners and renters of property, whether farm or non-farm, in this district should realize that they will likely encounter the smells, sights, and sounds attendant to agricultural operations. This Zoning Code encourages the conduct of lawful activity including the conduct of agriculture operations consistent with the principles established by this Zoning Code and other applicable ordinances of the County of Clinton and the laws of the State of Illinois.

40-4-2 **<u>PERMITTED USES.</u>** Provided all pertinent requirements of this Code are met the following uses are permitted in the **"A" District:**

Agriculture, including all of the uses and structures commonly included in the definition of agriculture set forth in **Section 40-2-2**.

Animal hospitals and veterinarian offices, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such uses.

Carnivals and picnics sponsored by a government entity or a civic organization, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations, and that such carnivals and picnics do not last more than **seven (7) days**.

Cemeteries.

Churches and other places of formal worship.

Commercial grain elevators and storage facilities.

Farm dwellings existing before the effective date of this Code may be sold as non-farm dwellings, provided at least **one (1) acre** is deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this Code, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling. This must comply with the Illinois Plat Act and the Clinton County Subdivision Code.

Government uses of the County or Road District.

Home occupations in accordance with **Section 40-5-2**.

Kennels.

Manufactured Homes as defined by this Code.

Manufactured homes located in existing manufactured home parks licensed by the State of Illinois prior to **January, 1991**, the date of the adoption of the Clinton County Zoning Code and currently in compliance with that license may be manufactured prior to **June 15, 1976**, provided that all applicable requirements of this Code are met; the manufactured home has been

constructed to the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured homes and shall have the proper seal to denote compliance or alternatively verification by an electrician licensed by the State of Illinois. **(See Section 40-5-5)**

Manufactured Residence as defined by this Code that has not been titled.

Modular homes.

Non-commercial recreational uses.

Oil wells and drilling operations except by Horizontal High Volume Hydraulic Fracturing.

Parks.

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities.

Rental of farm dwellings by the owner of the farm upon which they are located to persons not engaged in farming, provided that no lot separate from the farm is created, that the buildings are rented as single-family dwellings, and that the buildings existed before the effective date of this Code.

Residence.

Telecommunication Towers pursuant to **55 ILCS 5/5-12001.1**.

Accessory uses in accordance with **Section 40-3-13**.

(Ord. No. 2022-10-55; 10-17-22)

40-4-3 **SPECIAL USES.** The following uses shall be permitted in the **"A" District** only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16**.

Agricultural product processing plants.

Airports.

Bed and breakfast.

Campgrounds.

Clubhouses – Provided they are located on a minimum **one (1) acre** of leased land or on a pre-existing parcel of land. A sewage permit must be obtained from Clinton County Health Department prior to a Certificate of Zoning Compliance being issued. If located in a floodplain, all permits must be obtained from appropriate agencies. The structures first floor must be elevated **one (1) foot** above the BFE & certified by a licensed professional engineer or surveyor.

Commercial carnivals, circuses, and similar temporary, transient amusement activities not sponsored by a government entity or civic organization.

Commercial recreational uses, including fee fishing lakes.

Detached Single-Family Dwellings – single-family dwellings shall be permitted on an agricultural lot ("A" Districts) of record provided the occupants of said detached single-family dwelling are directly related by birth, marriage or adoption to the owners of the lot of record and at least one of the occupants must be one of the following: son, daughter, mother, or father of one of the owners of the lot of record. A minimum of **three (3) acres** shall be deeded with the dwelling. This must comply with the Clinton County Subdivision Code and the Illinois Plat Act. All Detached Single-Family Dwellings must also be subject to the following requirements:

(1) The parent parcel does not have any outstanding zoning ordinance violations.

(2) The Detached Single-Family Dwelling parcel to be split from the parent parcel has or will have frontage on a public road or provides proof of access to a public road through a private drive or easement.

(3) The Detached Single-Family Dwelling split complies with all applicable building setbacks and health department regulations;

(4) After the Detached Single-Family Dwelling split, the parent parcel will comply with all applicable lot size, setback and lot coverage requirements or remains as compliant as before the split; and

(5) A parent parcel or a Detached Single-Family Dwelling parcel shall be split no more than once per each qualifying person consisting of the father, mother, son or daughter of the owner(s) of said parcel.

Government uses of a municipality or Sanitary District.

Hydraulic Fracturing – Oil and gas drilling operations by the Illinois Department of Natural Resources under Public Act 098-0022 and complies with all of state and federal regulations.

Special use permits issued for this purpose are subject to site-specific conditions of the Clinton County Zoning Board of Appeals that shall include, but are not limited to:

(A) Agreement is reached on local road access.

(B) Completion of a Road Use Maintenance Agreement.

(C) Submittal to the County copies of well completion reports submitted to the Illinois Department of Natural Resources.

(D) Submittal to the County copies of all notices of well plugging submitted to the Illinois Department of Natural Resources.

(E) The Special Use Permit shall terminate when the High Volume Horizontal Hydraulic fracturing activity is terminated.

Landscape Waste Compost Facilities.

Manufactured Homes I, Single-wide – temporary use only for handicapped or disabled family member. (Prior approval from Clinton County Health Department required regarding sewage system).

Recreational Vehicle.

Rented or leased seasonal dwellings.

Restaurants.

Schools.

Small rural business.

Solar Farm Energy Systems.

Stockyards.

Surface or subsurface mining.

Taverns.

Underground and surface mining, loading, and hauling of coal or other minerals, provided that the provisions of **Section 40-5-8** and **40-5-9** are met.

Utility substations, including electrical substations, gas regulation stations, (radio and other communication towers), and similar facilities. **(Subject to Section 40-5-12 limitations.)**
(Ord. No. 2022-10-66; 10-17-22)

40-4-4 <u>LIVESTOCK MANAGEMENT FACILITIES ACT.</u> The definitions and regulations set forth in this Act **(510 ILCS 77/1 et seq.)** as adopted and amended from time to time are hereby adopted as the official set of standards to be used in reviewing related developments in the "A" Agricultural District of this Code. **(Ord. No. 02-20-07; 2007)**

40-4-5 - 40-4-10 <u>RESERVED.</u>

40-4-11 <u>"A-R" AGRICULTURAL/RESIDENTIAL DISTRICT.</u> As stated in **Section 40-4-1**, the preservation of agricultural land has been established as County policy. However, it is recognized that some present and future County residents may desire to reside in a low-density rural setting. Thus, the "A-R" Agricultural/Residential District has been created to accommodate this desire. The "A-R" District encompasses various hilly/wooded areas scattered throughout the County's rural environs. The topography, soils, heavy tree cover, and other characteristics of these areas – and the consequent difficulty of extending public utilities and services to them – impose significant constraints on both large-scale farming and intensive urban development. However, land in this district is well-suited for low-density residential urban

development. Thus, the district regulations are designed to encourage construction of single-family homes on **three (3) acre** or larger tracts of land and to discourage development of incompatible uses. **(Ord. No. 02-20-07; 2007)**

40-4-12 **PERMITTED USES.** Provided all pertinent requirements of this Code are met, the following uses are permitted in the **"A-R" District:**

Detached single-family dwellings.
Home occupations in accordance with **Section 40-5-2**.
Horses, provided that **one (1) acre** of pasture is provided for each animal over **one (1) year** of age. All persons maintaining equines shall meet all the applicable requirements of the Clinton County Health Department.
Non-commercial recreational uses.
Parks.
Accessory uses in accordance with **Section 40-3-13**.
(Ord. No. 02-20-07; 2007)

40-4-13 **SPECIAL USES IN "A-R" DISTRICT.** The following uses shall be permitted in the **"A-R" District** only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16, et seq.**

Governmental uses.

40-4-14 - 40-4-20 RESERVED.

DIVISION II – RESIDENTIAL

40-4-21 **RESIDENTIAL.** The "R-1" district will limit development to within the designated growth areas as identified on the Clinton County Land Use Plan (Official Map) **one-quarter (1/4) mile** surrounding communities.
This district shall be located no more than **one-quarter (1/4) mile** from an incorporated municipality measured from the nearest lot line, or connection for an operating sanitation district that will provide sanitary sewer hookups upon the creation or expansion of the district. **(Ord. No. 2007-006; 12-17-07)**

40-4-22 **PERMITTED USES.** Provided all pertinent requirements of this Code are met the following uses are permitted in the **"R-1" District:**

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, cattle, horses, goats, swine, poultry and/or animal husbandry. **(Ord. No. 2015-07-57)**
Cemeteries.
Churches and other places of formal worship.
Detached single-family dwellings.

Government uses of the County or Road District.

Home occupations in accordance with **Section 40-5-2**.

Institutional uses such as convents, retreat houses, etc.

Manufactured Residence as defined by this Code that has not been titled. **(Ord. No. 2015-07-57)**

Non-commercial recreational uses.

Parks.

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities.

Residence. **(Ord. No. 05-04-02)**

Schools.

Accessory uses in accordance with **Sections 40-3-13** and **40-3-14**.

(Ord. No. 11-94-5)

40-4-23 **SPECIAL USES.** The following uses shall be permitted in the **"R-1" District** only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-16 et seq.**

Commercial recreational uses, including fee fishing lakes.

Government uses of a municipality.

Manufactured home parks in compliance with **Section 40-5-6**.

Restaurant. **(Ord. No. 2015-04)**

Tavern. **(Ord. No. 2015-04)**

Travel trailer parks in conformity with State requirements.

Utility substations, including electrical substations, gas regulation stations, and similar facilities.

(Ord. No. 05-04-02)

40-4-24 - 40-4-30 RESERVED.

40-4-31 **"R-2" COMMUNITY RESIDENTIAL DISTRICT.** The "R-2" Community Residential District encompasses land within or near municipalities or other built-up areas that are best suited for the development of various housing types and compatible uses. The regulations for this district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities, and to promote construction of new single-family houses, duplexes, and multiple-family dwellings.

40-4-32 **PERMITTED USES.** Provided all pertinent requirements of this Code are met the following uses are permitted in the **"R-2" District:**

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, cattle, horses, goats, swine, poultry and/or animal husbandry. **(Ord. No. 2015-07-57)**

Boarding houses.

Churches and other places of formal worship.

Clinics, medical/dental.

Clubs or lodges, but not those whose have as their chief activity a service customarily carried on as a business.

Detached single-family dwellings.

Government uses of the County, Road District, or Municipality.

Group Care Facility. **(Ord. No. 2013-11-26)**

Home occupations in accordance with **Section 40-5-2**.

Manufactured Residence as defined by this Code that has not been titled. **(Ord. No. 2015-07-57)**

Parks, playgrounds.

Residence.

Schools.

Accessory uses in accordance with **Sections 40-3-13** and **40-3-14**.

(Ord. No. 2013-11-26; 11-18-13)

40-4-33 <u>SPECIAL USES.</u>

Duplexes. **(Ord. No. 04-03-05; 04-17-03)**

Hospitals and nursing homes.

Manufactured home parks in conformity with **Section 40-5- 6**.

Multiple-family dwellings.

Railroad tracks and accessory equipment, but not classification yards, terminal facilities, or maintenance facilities.

Restaurants. **(Ord. No. 2015-04)**

Taverns. **(Ord. No. 2015-04)**

Utility substations, including electrical substations, gas regulation stations, and similar facilities.

(Ord. No. 05-04-02)

40-4-34 - 40-4-40 <u>RESERVED.</u>

40-4-41 <u>"R-3" RESIDENTIAL DISTRICT.</u> The "R-3" Residential District encompasses existing developed areas within the County that have a majority of manufactured homes installed in them. **(Ord. No. 5-97-12)**

40-4-42 <u>PERMITTED USES.</u> Provided all pertinent requirements of this Code are met, the following uses shall be permitted in the **"R-3" District:**

Accessory uses in accordance with **Section 40-3-13**.

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, cattle, horses, goats, swine, poultry and/or animal husbandry. **(Ord. No. 2015-07-57)**

Boarding houses.

Churches and other formal places of worship.

Clinics, medical/dental.

Clubs or lodges, but not those which have as their chief activity a service customarily carried on as a business.

Detached single-family dwellings.
Government uses of the County, Road District, or Municipality.
Home occupations in accordance with **Section 40-5-2**.
Manufactured Residences as defined by this Code that has not been titled. **(Ord. No. 2015-07-57)**
Mobile homes.
Parks, playgrounds.
Residence.
Schools.
(Ord. No. 05-04-02)

40-4-43 SPECIAL USES.
All special uses permitted in the "R-2" District. **(Note: Mobile (Manufactured) Homes in the "R-3" District are a permitted use.)**
Duplexes.
Manufactured home parks in conformity with **Section 40-5-6**.
Multiple-family dwellings.
Railroad tracks and accessory equipment, but not classification yards, terminal facilities, or maintenance facilities.
Utility substations, including electrical substations, gas regulation stations, and similar facilities.
(Ord. No. 05-04-02)

40-4-44 RESERVED.

DIVISION III – COMMERCIAL DISTRICTS

40-4-45 "C" COMMERCIAL DISTRICT. The "C" Commercial District encompasses those areas—primarily within unzoned municipalities or on the outskirts of municipalities—where a wide variety of goods and services is available to the general public at retail or wholesale.

40-4-46 WHEN SCREENING IS REQUIRED. Screening approved by the Administrator—which may include a wall, solid fence, or closely planted shrubbery at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property—shall be installed along the side and rear lot lines of any lot that abuts any Residential District.

40-4-47 PERMITTED USES. Provided all pertinent requirements of this Code are met **(See especially Section 40-4-81)**, the following uses are permitted in the "C" District:

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, poultry and/or animal husbandry. **(Ord. No. 02-07-02; 2007)**

Churches and other places of formal worship.
Commercial establishments.
Convenience stores.
Day care centers.
Government uses of the County, Road District or Municipality.
Offices.
Service uses/establishments.
Utility substations, including electrical substations, gas regulation stations, radio and other communication towers, and similar facilities. **(Subject to Section 40-5-12 limitations.) (Ord. No. 5-97-9)**
Accessory uses in accordance with **Sections 40-3-13 and 40-3-14**.

40-4-48 SPECIAL USES.

Bulk storage – flammable materials, sale/distribution.
Mini/self storage warehouses.
Nurseries – retail (including landscaping operations).
Solar Farm Energy Systems. **(Ord. No. 2018-33; 08-20-18)**
(Ord. No. 07-04-01; 07-29-04)

40-4-49 - 40-4-60 RESERVED.

DIVISION IV - INDUSTRIAL DISTRICT

40-4-61 "I" INDUSTRIAL DISTRICT. The "I" Industrial District encompasses areas where manufacturing and processing plants, research facilities, warehouses, and similar uses may locate without detriment to the remainder of the County. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

40-4-62 USE RESTRICTIONS.

(A) **No Nuisances.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission, offensive glare, and noxious odors.

(B) **Buffer Strips.** Wherever any industrial use located in this district abuts any Residential District or the Commercial District, a **ten (10) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **four (4) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

40-4-63 PERMITTED USES. Provided all pertinent requirements of this Code are met **(See especially Section 40-4-62 above)**, the following uses are permitted in the **"I" District**:

Agriculture as defined in **Section 40-2-2**, excluding the raising of dairy livestock, poultry and/or animal husbandry. **(Ord. No. 02-07-02; 2007)**

Assembly, manufacturing or processing of any commodity from raw or semi-finished materials.

Bulk storage – flammable materials, sale/distribution. **(Ord. No. 07-04-01; 07-29-04)**

Commercial and service uses, wholesale.

Government uses.

Nurseries (including landscaping operations. **(Ord. No. 07-04-01; 07-29-04)**

Research and development facilities.

Utility substations, including electrical substations, gas regulation stations, radio and other communication towers, and similar facilities. **(Subject to Section 40-5-12 limitations) (Ord. No. 5-97-9)**

Warehouses and storage yards.

Accessory uses in accordance with **Sections 40-3-13** and **40-3-14**.

40-4-64 SPECIAL USES.

Adult use entertainment establishments. **(See Chapter 7 and 27 of the County Code.)**

Adult uses. **(Ord. No. 05-04-02)**

Billboards. **(Ord. No. 05-04-02)**

Junk yards, but only in accordance with **Section 40-5-4**.

Oil wells and drilling operations.

Sanitary landfills.

Solar Farm Energy Systems. **(Ord. No. 2018-33; 08-20-18)**

Surface mining, loading and hauling of coal, sand, gravel, topsoil, or other aggregate or minerals, provided that the provisions of **Section 40-5-8** are met.

Underground mining, loading, and hauling of coal or other minerals, provided that the provisions of **Section 40-5-9** are met.

40-4-65 - 40-4-80 RESERVED.

DIVISION V – OVERLAY DISTRICTS

40-4-81 "O-FP" FLOOD PLAIN OVERLAY DISTRICT. The "O-FP" Flood Plain Overlay District delineates areas of the County that, in the absence of flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the tax base, and the need for extraordinary relief measures. The purpose of this district is to alert the property owners and residents to the potential flood hazards associated with the land included in this district. Owners of property located in this district are encouraged to limit development of this land to (1) uses which inherently have low flood damage potential and (2) to other uses allowed in the primary districts (those districts overlain by the "O-FP" District), provided adequate protective measures have been taken.

It is a requirement of the Clinton County Flood Plain Code **(See Chapter 14)** which covers the flood plain management of Clinton County. Landowners in the flood plain districts shall have a permit for such things as filling, dredging, grading, paving, bank stabilization, building, etc. **(Ord. No. 4-91-4)**

ARTICLE V - SUPPLEMENTARY REGULATIONS

40-5-1 **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome, structures, and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 **HOME OCCUPATIONS.** A "home occupation" means any business, profession, or occupation conducted for gain or support entirely within any dwelling or on any residential premises. No home occupation shall be established or conducted except in conformity with the following regulations:

(A) **Unrelated Employees.** A home occupation shall employ not more than **one (1)** individual who is unrelated to the family residing on the premises.

(B) **Floor Space.** In Residential Districts, the total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

(C) **Dwelling Alterations.** A dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.

(D) **Outdoor Storage.** Outdoor (unenclosed) storage on the premises of equipment or materials used in connection with a home occupation is prohibited in Residential Districts.

(E) **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical interference noticeable at or beyond the lot lines.

(F) **Parking.** Every home occupation shall provide **two (2)** off-street parking spaces in addition to the usual requirements for the dwelling **(See Section 40-6-7)**. Said parking spaces shall be located on the same lot as the dwelling.

(G) **Sign.** A home occupation may display only one identification/advertising sign. The area of said sign shall not exceed **six (6) square feet** and shall be fixed to the dwelling and shall be attached to the dwelling.

40-5-3 **HOSPITALS, NURSING HOMES.**

(A) The lot on which any hospital or sanitarium is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **five (5) acres**.

(B) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(C) The principal building of any hospital, sanitarium, or nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

40-5-4 **JUNK YARDS.**

(A) No part of any junk yard **(See definition in Section 40-2-2)** shall be located closer than **five hundred (500) feet** to the boundary of any Residential District.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

40-5-5 **MANUFACTURED HOMES ON INDIVIDUAL LOTS IN PERMITTED AREAS.** No person shall place any manufactured home on an individual lot (as opposed to a manufactured home park) except in conformity with the following regulations:

(A) **Same Lot Size/Setbacks.** No manufactured home shall be placed on any individual lot unless the district's minimum lot size and setback requirements are strictly observed.

(B) **One (1) Per Lot.** Not more than **one (1)** manufactured home shall be placed on any individual lot.

(C) **Skirting.** Each manufactured home shall be skirted with fire-resistant material to enhance the appearance and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.

(D) **Temporary Hardship.** Manufactured home must be removed from property no later than **ninety (90) days** after death of occupant or resident who no longer occupies manufactured home.

(Ord. No. 2015-03)

40-5-6 **MANUFACTURED HOME PARKS.** After the effective date of this Code, no manufactured home park shall be established except in conformity with the requirements of the subsections below:

(A) **Compliance With Illinois Law.** Every manufactured home park shall, at a minimum, conform to the requirements of:

(1) **State Requirements Adopted by Reference.** The Illinois **Mobile Home Park Act** and the **Mobile Home Tie-Down Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by Illinois General Assembly** are hereby adopted by the County. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the County. **(Ord. No. 2015-07-57)**

(2) **Manufactured Housing Act Adopted.** The **Illinois Manufactured Housing and Mobile Home Act, as passed and approved by the General Assembly** is hereby adopted by the County, the applicable provisions as they pertain to manufactured home and immobilized manufactured homes shall be controlling within the County. **(430 ILCS 115/1 et seq.) (Ord. No. 2015-07-57)**

(3) **Illinois Department of Public Health Adopted and Regulations.** The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the County. The applicable provisions as they

pertain to the Manufactured Home community shall be controlling within the corporate limits. **(Ord. No. 2015-07-57)**

(4) **National Safety Standards.** No manufactured home or immobilized manufactured home shall be located in the County unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto. **(Ord. No. 2015-07-57)**

(B) **Minimum Lot Area, Setbacks, Etc.**

(1) **Minimum Lot Area.** No manufactured home park shall be located on a tract less than **two (2) acres** in area.

(2) **Minimum Dimensions.** No manufactured home park shall be developed on a minimum site that is less than **two hundred fifty (250) feet** in both width and depth.

(3) **Minimum Setbacks.** No part of a manufactured or other structure in any manufactured home park shall be situated closer than **twenty-five (25) feet** to any lot line of the park.

(4) **Maximum Height.** No structure in any manufactured home park shall be more than **thirty-five (35) feet** in height.

(5) No manufactured home can be moved into the manufactured home park unless it was manufactured after **June 15, 1976** and has been constructed to the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured homes and shall have the proper seal to denote compliance. **(Ord. No. 11-94-7)**

(C) **Minimum Lot Size and Setback Requirements.** Individual manufactured home spaces shall be considered as lots and shall meet the following requirements:

(1)	Minimum Lot Size	5,000 square feet
(2)	Minimum Lot Depth	100 feet
(3)	Minimum Lot Width	50 feet
(4)	Minimum Setback Requirements	
	(a) From front lot line	20 feet
	(b) From rear lot line	10 feet
	(c) From side lot line	5 feet on one side, 20 feet on the other side
(5)	Minimum distance to building on an adjacent lot	20 feet

(D) **Manufactured Home Space Improvements.** Each manufactured home space shall be improved in accordance with the following requirements:

(1) **Manufactured Home Stand.** Each space shall have a stand to provide adequate support for the placement and tie-down of the manufactured home. The stand shall extend the length of the supports of the manufactured home, and shall consist of either **six (6) inch** thick reinforced concrete runners or a **four (4) inch** thick reinforced concrete slab.

(2) **Anchors.** No manufactured home in a manufactured home park shall be immobilized, but anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of each stand or as otherwise necessary for protection against high winds. Every manufactured home shall be securely tied down to such anchors.

(3) **Off-Street Parking.** Each manufactured home space shall have **two (2)** off-street parking spaces.

(4) **Skirting.** Each manufactured home shall be skirted with fire-resistant material to enhance the appearance of the park and to prevent rodent harborage. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.

(5) **Tie-Down Requirements.** Every manufactured home shall meet all Illinois Department of Public Health tie-down requirements.

(E) **Street and Utilities.** All streets and utilities (water, sewers, electricity, etc.) in any manufactured home park shall conform to the requirements of the Clinton County Subdivision Code. All streets within a manufactured home park shall be under private ownership and maintenance.

40-5-7 SANITARY LANDFILLS. Any person who intends to establish or conduct a sanitary landfill within Clinton County shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the Sanitary Landfill Code of Clinton County "Solid Waste Rules and Regulations" or other regulations promulgated by the IEPA pursuant to the authority granted by State law. **(See Chapter 32)**

40-5-8 SURFACE MINING.

(A) **Permit Required.** It shall be unlawful for any operator to engage in surface mining in Clinton County until a permit has been properly obtained from the Illinois Department of Mines and Minerals and has posted a performance bond in accordance with the provisions of applicable State Statutes and State regulations.

It shall be the policy of the County to take any lawful measure to prevent the issuance of a permit for any proposed surface mining operation involving:

(1) agricultural land; or

(2) land located within **one thousand (1,000) feet** of any significant existing development, especially residential development.

(B) **Reclamation Plans.** As set forth in State law, whenever any land in the County is proposed to be surface-mined, the prospective mine operator shall file a reclamation plan for public inspection at the County Courthouse not less than **sixty (60) days** prior to any action on said plan by the Department of Mines and Minerals. Within **forty-five (45) days** of receiving said plan, the County Board may:

(1) request that a public hearing be conducted in the County by the Department of Mines and Minerals; and

(2) proposes the uses for which surface-mined land is to be reclaimed.

40-5-9 UNDERGROUND MINING – SPECIFIC REQUIREMENTS.

(A) It shall be unlawful for any operator to engage in underground mining in Clinton County until a permit has been properly obtained from the Illinois Department of Mines and Minerals.

(B) The following requirements must be met as a condition for obtaining a **special use permit** for underground mining activities:

(1) no open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code; and

(2) all buildings or structure for screening, crushing, washing, mixing, or storage shall be located not less than **one thousand (1,000) feet** from an existing residence or any Residential District established by this Code.

40-5-10 **GARAGES, REPAIR.** In repair garages, all repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least **eight (8) feet** in height. **(Ord. No. 05-04-02)**

40-5-11 **BILLBOARDS.** A billboard is any single or double-faced street graphic that is permanently fixed or placed on particular premises and that is used for the display of messages or advertising not associated with the establishment located on said premises. A billboard typically has provision for changing the message/advertising thereon.

Billboards are strictly prohibited everywhere in Clinton County except by Special Use Permit in the zoned Industrial Districts. No billboard erected shall:

(A) Be stacked on top of another billboard;

(B) Be located closer than **one hundred (100) feet** to any public right-of-way;

(C) Be located closer than **one thousand (1,000) feet** to any other billboard on the same side of the roadway;

(D) Extend more than **twenty (20) feet** above the ground or pavement; or

(E) Exceed **one hundred fifty (150) square feet** in area or **fifteen (15) feet** in any direction.

(F) Derelict signs must be removed.

(Ord. No. 05-04-02)

40-5-12 **CLUBHOUSES.**

(A) Legal description for area of leased site required.

(B) Copy of Lease Agreement required prior to hearing.

(C) A clubhouse waste water system must be approved by the Clinton County Health Department.

(D) If located in a floodplain, structure must be elevated at least **one (1) foot** above the Base Flood Elevation.

(Ord. No. 05-04-02)

40-5-13 **RECREATIONAL VEHICLES.** Recreational vehicles, as defined herein, shall not be occupied for dwelling purposes except in lawfully established commercial campgrounds. The temporary use of a recreational vehicle for dwelling purposes may be permitted when an application for a permit has been approved by the Clinton County Board of Appeals and signed by the Zoning Administrator and the following conditions must be considered.

(A) Must be zoned Agricultural.

(B) **Construction.** When the applicant desires to build a dwelling and said dwelling will not be occupied within a **twelve (12) month** period.

(C) **Recreation.** When the applicant desires to use a recreational vehicle on private property strictly for recreational purposes and not for a permanent habitation, and the location of the recreational vehicle does not hinder the use, degrade or affect the value and appearance of adjoining properties, and adequate water supply and sewage disposal facilities are provided and approval from the Clinton County Health Department, said use of a recreational vehicle may be permitted.

(D) All recreational vehicles must:

(1) Be licensed and titled as an RV or park model.

(2) Have inflated wheels and be self-propelled or towable by light truck.

(3) Have no attached deck, porch, shed.

(E) In addition to the above, the following provisions apply to recreational vehicles in the floodplain.

(1) Not be used as a permanent dwelling.

(2) Be less than **four hundred (400) square feet**.

(3) Have quick disconnect propane tank.

(4) Have elevated, quick disconnect sewer service.

(5) Have elevated electrical service and air conditioning unit.

(Ord. No. 05-04-02)

40-5-14 ADULT ORIENTED USE.

(A) **Application.**

(1) If a person who wishes to operate an adult oriented business is an individual, that person must sign the application for a special use permit. If a person who wished to operate an adult oriented business is other than an individual, each individual who has a **ten percent (10%)** or greater ownership interest in the business must sign the application for a special use permit. **A Notary shall be required.**

(2) If the applicant is:

(a) an individual, the individual shall state his/her legal name and any aliases on the application.

(b) a partnership, the partnership shall state his complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.

(c) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors, and stockholders and the name of registered corporate agents and the address of the registered corporate agent and the address of the registered office for service of process.

(3) If the applicant intends to operate the adult oriented business under a name other than that of the applicant, he/she must state:

(a) the adult oriented business fictitious name and

(b) submit the registered documents under applicable state law to operate under a fictitious name.

(4) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone numbers, if any.

(5) The applicants' mailing address.

(6) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, prepared by the business, prepared by a professional architect or professional engineer. The sketch must be signed, sealed and certified. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus **six (6) inches**.

(7) A plat prepared within **thirty (30) days** prior to the application by a registered land surveyor and/or professional engineer depicting the property lines and distances of structures containing any existing adult oriented businesses within **three thousand (3,000) feet** of the proposed adult oriented business location, the property lines and location of any church, religious institution, or building uses primarily for religious worship and related religious activities, educational institution, child/adult day care, nursery schools, nursing homes, cemeteries, residential district, designated Clinton County landmarks, parks/recreational area which has been designated for activities including, but not limited to park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land, an entertainment business which is oriented primarily towards children or family entertainment within **three thousand (3,000) feet** of the proposed adult oriented business location. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted. **(Ord. No. 2015-07-57)**

(8) No person shall cause or permit the operation of any proposed or existing adult entertainment within the following minimum distances from the existing specified uses:

(a) Another adult entertainment establishment - **three thousand (3,000) feet**.

(b) Church, religious institution, or building used primarily for religious worship and related religious or residence activities - **three thousand (3,000) feet**.

(c) Educational institution - **three thousand (3,000) feet**.

(d) Child/adult day care, nursery school, cemetery - **three thousand (3,000) feet**.

(e) Nursing homes – **three thousand (3,000) feet**.

(f) Cemeteries - **three thousand (3,000) feet**.

(g) Residence, residential district, or public housing - **three thousand (3,000) feet**.

(h) Designated Clinton County landmarks - **three thousand (3,000) feet**.

(i) Forest preserve, park or recreational area which has been designated for activities including, but not limited to park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis courts, pedestrian/bicycle paths, wilderness areas or other similar public land - **three thousand (3,000) feet**.

(j) An entertainment business which is oriented primarily towards children or family entertainment - **three thousand (3,000) feet**. **(55 ILCS 5/5-1097.5)**

(Ord. No. 2015-07-15)

(B) **Method of Measurement.** A site plan shall be submitted by the applicant in order that the granting authority may determine that the above standards have been met. The site plan shall be prepared and certified by a licensed land surveyor or professional engineer. The site plan shall also show the distances between the proposed adult use and any residential zoning district, lot, or other protected uses. The distances specified shall be measured by a straight line with regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult use is located to the nearest point on any property line or lot which is a protected use and another adult use is located.

(C) **Limitation Exception for Subsequent Protected Uses and Residential Property.** An adult entertainment establishment lawfully operating under this Article and under the Clinton County Adult Entertainment Establishment Code shall not be deemed to be in violation of the location restrictions set forth in this Section solely because a Protected Use subsequently locates within the minimum required distance of the Adult Entertainment or when any other lot or tract with the required minimum distance of the Adult Entertainment Establishment subsequently become Residential Property. This paragraph shall not apply to an Adult Entertainment Establishment at a time when an application for Adult Entertainment License under the Adult Entertainment Establishment Code for that establishment is submitted after the license has previously expired, has been revoked or is at that time under suspension.

(D) No person shall be permitted to operate any proposed or existing adult entertainment establishment without first receiving the necessary license from the Clinton County Clerk's Office.

(See Section 40-5-16) (Ord. No. 05-04-02)

40-5-15 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(A) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line.

(B) Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty (50) feet** from any property line.

(C) Along any side or rear lot line, there shall be provided and maintained a planting or other appropriate screen of such size and density as to provide visual screening from adjacent residential properties.

(Ord. No. 07-04-01; 07-29-04)

40-5-16 BULK STORAGE (FLAMMABLE) FACILITIES.

(A) The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases, shall be permitted in accordance with regulations of the State Fire Marshal and Illinois Environmental Protection Agency.

(B) All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of fire fighting equipment.

(Ord. No. 07-04-01; 07-29-04)

40-5-17 FLAG LOT; MINIMUM LOT AREA.

(A) The minimum required lot area for a flag lot shall be calculated exclusive of the land contained in the flagstaff portion of the lot.

(B) A single flag lot shall include a strip of land (flagstaff) which shall be a minimum of **twenty-five (25) feet** in width.

(C) Each flag lot shall access and adjoin a street. In addition to the minimum **twenty-five (25) foot** width of the flagstaff, the road authority may also require extra width of the flagstaff so that a proper entrance can be constructed.

(D) The owner must contact the proper road authority for an entrance from a public road. The said road authority may restrict the location of the entrance due to such features as the proximity to other entrances, bridges, railroads or other physical conditions where an entrance might create an unsafe condition.

(E) Two lots may be served by adjacent flagstaffs, with each flagstaff a minimum **twenty-five (25) feet** in width, with a shared driveway providing access to lots. In order to minimize the number of new driveways along streets, any access to **two (2)** flag lots with adjacent flagstaffs shall require a shared driveway.

(Ord. No. 2015-03)

40-5-18 BED AND BREAKFAST ESTABLISHMENT.

(A) Shall be subject to **50 ILCS 820** and any amendments thereto.

(B) **One (1)** yard sign no larger than **ten (10) square feet** may be located in the front yard. The sign shall not be located in the right of way of any road district.

(C) **Parking.** **One (1) space** per guest room in addition to the **two (2) spaces** for the residence. Spaces shall be located to the side and rear of the structure. Each space shall be at least **ten (10) feet** wide and **twenty (20) feet** long.

40-5-19 SMALL AREA BUSINESS. The operating restrictions applicable to small rural business are as follows:

(A) **Hours.** No business shall be conducted between the hours of **6:00 P.M.** and **7:00 A.M.**

(B) No outside storage of materials, refuse or any related product to the business.

(C) Parking shall apply to Zoning Code **Article VI**.

(D) Entrances for small rural businesses along county highways shall either meet the requirements of **Article VI** of **Chapter 33**, **Non-Commercial Entrances** or **Commercial Entrances**.

40-5-20 **CAMPGROUNDS.** In any district where campgrounds are permitted, the establishment and operation of such uses shall be subject to the following requirements, conditions and restrictions:

(A) Must comply with the Illinois Campground Licensing and Recreational Area Act **(210 ILCS 95/1 et seq.)** and any Amendments thereto. Copies of all licenses shall be provided to the Zoning Office.

(B) **Minimum Area.** Minimum area for a campground shall be **ten (10) acres**.

(C) Each campsite will be identified with a number or letter.

(D) **Minimum campsite size:** **Forty (40) feet** wide by **one hundred (100) feet** long.

(E) No LP tanks larger than **thirty (30) pounds** are permitted.

(F) Park Models are prohibited.

(G) Each recreational vehicle space shall be separated by at least **ten (10) feet** from the nearest adjacent recreational vehicle space.

(H) The campground must be compliant with the Clinton County Floodplain Code.

(I) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures when a flood warning is issued.

(J) Water and sewerage systems shall require approval by the applicable agency.

(K) **Campsite sales are prohibited.** Individual campsites within a campground shall not be sold or transferred.

(L) Every campsite shall be provided with **two (2)** off-street parking areas (minimum).

(M) The applicant shall submit a site plan of the recreational park not less than **one (1) inch** equals **fifty (50) feet** which shows:

(1) Location of existing and proposed sewage systems.
(2) Location of individual recreational vehicle sites and utility hookups, such as water, electric and sewage.
(3) Location of park facilities (office, pool background, etc.)
(4) Traffic pattern, including ingress/egress locations

The developer shall be held to the final form of the site plan as approved.

(N) No additions such as decks, open or enclosed porches, cabanas, roofs, carports, garages, sheds (portable or permanent), shall be located on campsites that lie within the floodplain or flowage easement. Customary travel trailer accessories as provided by the manufacturer shall be permitted.

(Ord. No. 2014-07-22)

40-5-21 **CHURCHES AND HOUSES OF FORMAL WORSHIP.** The following restrictions shall apply to churches no matter if they are permitted uses or special uses:

(A) **Lot Size.** The minimum size of the lot or tract shall not be less than **two (2) acres** and have a minimum frontage on a public street and at the building line of **one hundred fifty (150) feet**.

(B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that **one (1)** parsonage may be permitted on the same lot or tract provided the

parsonage is located no more than **seventy-five (75) feet** from the principal building for religious worship.

(C) **Property Lines.** Each principal building shall be located at least **twenty-five (25) feet** from all property lines, and shall meet all other applicable requirements of the Zoning Code.

(D) **Accessory Buildings.** Accessory building shall meet all applicable requirement of the Zone District.

(E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provision. **(805 ILCS 110/0.01 et seq.)**
(Ord. No. 2015-07-57)

40-5-22 STORAGE CONTAINERS. It shall be unlawful to locate in this County Accessory use known as a storage container consisting of either a railroad or train car, a truck body or shell or a truck trailer, licensed or unlicensed, on any residential lot in the County, unless the lot is in a zoned commercial or industrial district. All containers shall be closed and be secured when not in use. They shall meet all setback prescribed for accessory uses and location on a permanent foundation. The Zoning Administrator may submit all applications for a "storage unit" to the Zoning Board of Appeals if he/she feels that the unit is not consistent with this Section. **(See Section 40-3-14 for height limitations.) (Ord. No. 2015-07-57)**

40-5-23 SOLAR ENERGY SYSTEMS.

(A) **Definitions.**

Ground Mount: A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

Net Metering: A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Personal Solar Energy System (PSES): Any device or combination of devices or elements which rely upon direct sunlight as an energy source including but not limited to any substance or device which collects sunlight for generating electricity for use on-site. However, the energy output may be delivered to a power grid to offset the cost of energy on-site. Included within this definition of Personal Solar Energy System are any things defined or described in **35 ILCS 200/10-5(d)**, as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein. **(Ord. No. 2018-36; 12-17-18)**

Solar Energy: Radiant Energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System (SES): All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

Solar Farm Energy System (SFES): A utility scale facility that converts sunlight into electricity for the primary purpose of selling wholesale or retail generated electricity for on-site and off-site use. A solar farm is the principal land use for the parcel on which it is located. Included within this definition of a Solar Farm Energy System are any things defined or described in **35 ILCS 200/10-720** as a "Commercial Solar Energy System", as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein. **(Ord. No. 2018-36; 12-17-18)**

(B) **Building Permit Requirements and Fees.** Solar Energy Systems (SES) will be required to have a Clinton County Building Permit. Solar Energy Systems constructed before a Building Permit has been issued will be charged double the permit fee. A written plan and a plat/drawing for the proposed Solar Energy System shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, with all property lines and setbacks indicated.

Fees for processing the applications for building permits shall be submitted to and collected by the Clinton County Zoning Department as follows:

0-10 kilowatts (kW AC)	$100.00
11-50 kilowatts (kW AC)	$250.00
51-100 kilowatts (kW AC)	$500.00
101-500 kilowatts (kW AC)	$1,000.00
501-1,000 kilowatts (kW AC)	$2,500.00
1,001-2,000 kilowatts (kW AC)	$5,000.00
Over 2,000 kilowatts (kW AC)	$100.00 for each additional 0-100 kilowatts

The above fees do not include inspection fees, which must be paid for by the applicant. The inspector must be approved by Clinton County.

(C) **Personal Solar Energy System (PSES).** Personal Solar Energy Systems (PSES) shall be considered an accessory use to a principal structure or a granted special use in any zoning district. The PSES shall provide electricity for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than **thirty percent (30%)**. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties. SES must be in compliance with all local, state, or federal laws and is subject to the following requirements:

(1) **Height Restrictions.** Ground or pole mounted solar energy systems when oriented at maximum tilt shall not exceed **ten (10) feet** and the size shall not occupy more than **two thousand five hundred (2,500) square feet** of ground in any zoning districts.

(2) **Setback Requirements.**

(a) Ground mounted solar energy systems, when oriented at any and all positions, shall meet the accessory structure requirements for the zoning district in which the unit is located.

(b) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at maximum design tilt.

(c) No solar energy system shall be allowed to be placed in the front yard of any residential property.

(d) For solar units located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on

Federal Obligated Airports, or most recent version adopted by the FAA.

(e) Electric solar energy system components must have an Underwriters Laboratory (UL) Listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than **thirty percent (30%)** and shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.

(f) PSES may require screening from public view (including adjacent properties and public right of ways) by fencing, walls, plantings, or other architectural feature, or any combination thereof, provided however, that the screening not be required to be so dense or tall, or so located as to render the equipment essentially non-functional.

(3) **Application.** Prior to construction of the Personal Solar Energy System, a Zoning Certificate of Compliance must be obtained from the Clinton County Zoning Department. All information required by the Zoning Administrator and the following must be submitted to obtain a Zoning Certificate of Compliance:

(a) Name, address, phone number of the applicant and property owner.

(b) Site Plan showing property lines, all structures, setback lines, septic fields and field tile locations if applicable.

(c) Location of all solar panels and associated equipment.

(d) Location of the electrical disconnect for the PSES.

(e) Evidence the local electric utility has been informed of the applicant's intent to install a PSES.

(f) Evidence the site plan has been submitted to the local fire protection district or department.

(D) **Solar Farm Energy Systems (SFES).** Solar Farm Energy Systems (SFES) is a facility on a parcel of **five (5)** or more acres for on-site or off-site use with the primary purpose of selling wholesale or retail generated electricity. All Solar Farm Energy Systems (SFES) will require a Special Use Permit, which may be applied for in Agricultural, Commercial or Industrial Districts.

(1) **Setback and Height Restrictions.**

(a) No aspect shall exceed **eighteen (18) feet** in height, as measured from grade at the base of the structure to its highest point.

(b) All solar panels in a Solar Farm Energy System (SFES) shall be kept at least **one thousand (1,000) feet** from a residence that is not part of the specific solar energy system permit/plan.

(c) All aspects and components shall be set back no less than **one hundred (100) feet** from any lot line, **two hundred (200) feet** from County roads, **two hundred (200) feet** from Township roads and **two hundred (200) feet** from Interstate and State Route easements or right-of-way.

(Ord. No. 2022-9-65; 09-19-22)

(2) **Fencing and Weed/Grass Control.**

(a) The perimeter shall be secured by security fencing of at least **six (6) feet** in height. The fence shall be maintained by the applicant. The fence shall contain an appropriate warning signage containing "High Voltage", the facilities 911 address and a 24-hour emergency contact number. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. The name and phone numbers of the electric utility provider and site operator shall be posted as well as the facility address.

(b) The applicant shall submit and adhere to an acceptable weed/grass control plan for property inside and outside the fenced area.

(3) **Safety/Fire Protection.**

(a) The applicant, owner or operator shall submit to the local fire protection district a copy of the site plan.

(b) A means of access for emergency services shall be provided and maintained.

(c) The facility shall provide approval for access points from the road authority having jurisdiction.

(d) All other applicable fire, life safety and/or emergency response laws and regulations apply.

(e) All wiring between solar panels and the solar farm facility substation shall be underground unless approved by Clinton County.

(f) Names and phone numbers of the site operator and electric utility provider must be provided to the Zoning Department, Sheriff's Department and Fire Department. Any changes of contact shall be reported immediately.

(g) Power and communication lines running between banks of solar panels and to electric substations or interconnections with building shall be buried underground unless water courses or other elements of natural landscape interfere.

(h) If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.

(i) Noise levels measured at property line shall not exceed **fifty (50) decibels** when located adjacent to an existing residence or residential district.

(j) The SFES shall be designed and located to prevent glare toward any structure on nearby properties and roadways, including, but not limited to, highways and streets.

(k) SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO)

District. All applicable county, state, and national construction and electric codes shall be followed.

(l) Any other requirements or conditions as determined necessary by the Clinton County Zoning Board of Appeals.

(4) **Outdoor Storage.** Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed.

(5) **Utility Notification.** A copy of the power purchase agreement and/or interconnection agreement must be submitted to the Zoning Department before obtaining a building permit.

(6) **Visual Screening.** Visual screening must be maintained and the owner must remove and replace dead or diseased screening on an annual basis. **(Ord. No. 2018-36; 12-17-18)**

(7) **Soil and Ground Cover.** Top soils shall not be removed from the site during development unless the removal is expressly approved as part of the special use permit. **(Ord. No. 2018-36; 12-17-18)**

(8) **Application.** SFES shall be required to submit and obtain approval on the following items in addition to any requirements specified in the special use section of the County Code or any special conditions required by the Zoning Board of Appeals or Clinton County Board:

(a) A written summary of the project including a general description of the project, including its approximate generating capacity.

(b) The names, addresses and phone numbers of the owner and operator.

(c) Site Plan with existing conditions showing the following:

(i) Existing property lines and property lines extending **one hundred (100) feet** from the exterior boundaries, including the names of adjacent property owners and current use of those properties.

(ii) Existing public and private roads, showing widths of roads and any associated easements.

(iii) Location and size of any wells and septic field.

(iv) Existing buildings with their uses identified.

(v) If there is floodplain on the property, elevations may be required.

(vi) Location of any field tiles.

(d) Site Plan of proposed conditions:

(i) Location and spacing of solar panels.

(ii) Setback lines.

(iii) Location of access roads and access points.

(iv) Planned location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.

(v) Description of method connecting the array to a building or substation.

(vi) All SFES structures including, but not limited to, fencing, gates, substation, interconnect substation

that is to be the connection point for the solar farm, and location and voltage of any overhead transmission lines.

(vii) An executed agreement between the owner/ operator and all road district authorities affected by the solar farm.

(viii) Examples of facility signage.

(ix) A plan for ongoing maintenance of the SFES.

(x) A decommissioning plan with a description of the plan to remove the SFES equipment and restore the land to its previous use upon the end of the project's life or cessation of operations. Provisions for the removal of structures, debris, and associated equipment on the surface to a level of not less than **five (5) feet** below the surface, and the sequence and timing in which the removal is expected to occur.

(9) **Zoning Certificate of Compliance.** Prior to construction, a Zoning Certificate (building permit) must be obtained from the Clinton County Zoning Department. The applicant shall submit an updated and finalized site plan with all items previously required in the application for a special use and any modifications required by the Zoning Board of Appeals, Clinton County Board and Zoning Administrator. Additional items to be included are:

(a) The owner or operator of the SFES shall enter into an Agricultural Impact Mitigation Agreement (AIMA) with the Illinois Department of Agriculture prior to commencement of construction. A copy of the agreement must be submitted to the Zoning Department.

(b) The owner or operator shall initiate a consultation process, and pay all applicable fees to, the Illinois Department of Natural Resources. A copy of the consultation determination (EcoCAT) must be submitted to the Zoning Department.

(c) A copy of the lease agreement, interconnection agreement and power purchase agreement.

(d) All required studies, reports, certifications, insurance policies, declaration pages, approvals, and other documentation demonstrating compliance with the provisions of this Section.

(e) Applicant shall submit to the Clinton County Zoning Department an estimate of decommissioning costs certified by an independent professional engineer (not the applicant, owner, nor any employee, agent, or affiliate of the same). Clinton County may, at the applicant's expense, hire its own qualified engineer to verify the accuracy of the estimate of decommissioning costs.

(f) A performance bond equal or greater than the estimated amount of the decommissioning costs.

(g) The owner or operator shall cooperate with the local fire department or district to develop an emergency response plan and shall cooperate with all local fire and rescue authorities to provide specialized training, if necessary (at the owner or operator's expense) to personnel who are to respond to emergencies on the site. The site and emergency plan shall be submitted to the local fire department or district whose jurisdiction is included in whole or in part within the SFES project area.

(h) A storm water or groundwater management plan demonstrating best management practices, with erosion and sediment control provisions.

(i) The owner or operator shall comply with the obligations set forth in **35 ILCS 200/10-740**, as same may be amended from time to time, which statute is incorporated herein by reference as though fully set forth herein, and shall include with said application hereunder a copy of all surveys and other documents and things required thereunder. **(Ord. No. 2018-36; 12-17-18)**

(10) **Indemnification and Liability.**

(a) The applicant, owner and/or operator of the solar farm energy system project shall defend, indemnify, and hold harmless the County of Clinton and its officials (elected and appointed), employees, departments, agents, and attorneys from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the SFES project.

(b) The applicant, owner, and/or operator of the solar farm energy system project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least **Two Million Dollars ($2,000,000.00)** per occurrence and **Four Million Dollars ($4,000,000.00)** in the aggregate. Evidence of liability coverage must be reported to the Clinton County Zoning Department on an annual basis, and any loss coverage must be reported within **three (3) working days** of loss. Failure to maintain coverage shall be considered a cessation of operations pursuant to section below.

(11) **Decommissioning Plan.**

(a) The owner or operator of the SES shall completely decommission within **twelve (12) months** for any reason stated in this Section or if any of the following conditions ("decommissioning triggers") exist:

(i) The SES ceases to generate electricity for a continuous period of **twelve (12) consecutive months**;

(ii) The land lease ends, expires or is terminated;

(iii) The SES is damaged and will not be repaired or replaced.

(b) The Clinton County Zoning Administrator shall notify the applicant, owner, or operator to remove the system. This period may be extended by the Zoning Board of Appeals if the owner or operator provides evidence within **forty-five (45) days** that the failure to generate electricity is due to circumstances beyond the owner's or operator's reasonable control and has not been abandoned. Decommissioning shall include:

(i) The removal of all equipment, cables, sires, conduits, structures, fencing, and foundations to a depth of at least **forty-eight (48) inches** below grade. All solid wastes and hazardous materials related to the construction, operation and maintenance of the SES shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

(ii) The removal of all graveled areas and access roads unless the owner of the leased real estate requests in writing that they are to remain in place.

(iii) Restoration of the land to a condition reasonably similar to its condition prior to the solar garden or solar farm development, including replacement of top soil removed or eroded.

(iv) Re-vegetation of any cleared and/or disturbed areas with warm season grasses and forbs that are native to the region, unless requested in writing by the owner of the real estate to no re-vegetate due to plans for agricultural planting.

(c) To ensure the full completion of decommissioning requirements, and/or to facilitate the mitigation and abatement of public nuisances or health hazards caused by debris or hazardous materials occurring in the event of partial or complete destruction by natural or man-made causes, the owner and/or operator shall obtain and deliver to the County of Clinton ("County") a performance bond or similar financial assurance, for removal of all components. ("Decommissioning Security"). Any such bond must be issued for a term of at least **five (5) years** and must not be cancelable during that term. The plan shall state that in form and substance, reasonably satisfactory to the County securing the owner and/or operator obligation, Clinton County shall have access to the project and to the funds to affect or complete decommissioning if the applicant, owner,

or operator fails to complete removal and decommissioning of the SFES strictly according to the terms of the decommissioning plan within **forty-five (45) days** of notice from the Clinton County Zoning Administrator or by such additional time granted by the Clinton County Zoning Administrator.

(i) The Decommissioning Security shall be equal to **one hundred ten percent (110%)** of the estimated cost of decommissioning. The Decommissioning Security shall survive the bankruptcy or dissolution of the owner and/or operator or other termination of the owner and/or operator of the SES existence or its legal obligations. Once it is in place, the owner and/or operator shall maintain the Decommissioning Security, and cause the Decommissioning Security to be valid and enforceable until the secured decommissioning obligations are satisfied.

(ii) The applicant shall provide the Clinton County Zoning Administrator with a new estimate of the cost of decommissioning the SFES every **five (5) years**, due on the anniversary of the Special Use being granted. Failure to provide a new estimate and/or acceptable financial plan estimate shall be considered a cessation of operations.

(iii) When any of the identified decommissioning triggers exist, if the owner and/or operator has not complied with its decommissioning and related obligations, the County shall be entitled to make a claim against the Decommissioning Security for its costs to decommission, net of any salvage value the County actually realizes.

(iv) Applicants and/or owners of SFES shall pay all costs associated with the remedy of any complaints deemed necessary and factual by the Zoning Administrator and/or Clinton County Board. SFES shall conform to all applicable industry standards, including those from the UL and Federal Aviation Administration (FAA) and, when applicable, all SFES shall conform to any applicable Air Installation Compatible Use Zone (AICUZ) study, and the requirements of any overlay district, including but not limited to the Airport Overlay (AO) District.

(v) Nothing herein shall prevent Clinton County from seeking such other legal or equitable remedies available to prevent or remedy any violations of this Section.

(Ord. No. 2018-33; 08-20-18)

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ARTICLE VI - OFF-STREET PARKING

40-6-1 **APPLICABILITY OF ARTICLE.** Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

40-6-2 **EXISTING OFF-STREET PARKING.**

(A) Existing off-street parking located on the same lot as the use served shall not be reduced—or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, off-street parking equivalent to any maintained at the time of such damage or destruction shall be restored, but additional off-street parking need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking commensurate with such increases in use-intensity shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, off-street parking shall be provided as required herein for such new use.

40-6-3 **PARKING LOT DESIGN STANDARDS.** All off-street parking lots shall conform to the standards indicated in the subsections which follow:

(A) **Spaces.** Each required off-street parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.

(B) **Interior Aisles.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty (60) degree** parking shall be at least **eighteen (18) feet** wide.

(C) **Access Ways.**

(1) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.

(2) No access way to any parking area shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent traffic hazards.

(3) Parking area access ways and public streets shall be aligned to form--as closely as feasible--right angles.

(4) The access way to every parking lot located in the Commercial or Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide, are provided.

(D) **Surfacing.** Parking lots shall be graded and improved with crushed rock at least **four (4) inches** thick, treated with a dust palliative approved by the Administrator.

40-6-4 **LOCATION OF OFF-STREET PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings.** Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved to allow another vehicle to enter/exit the parking area.

(B) **For Commercial/Industrial Uses.**

(1) Every off-street parking space accessory to any commercial or industrial use shall be located within **five hundred (500) feet** of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any Residential District or into the Agricultural District except by written permission of the Administrator.

(2) In the Commercial or Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements (if any) for each use, and only if all other pertinent regulations are observed.

40-6-5 **COMPUTATION OF REQUIRED PARKING SPACES.** In computing the number of parking spaces required by this Code, the Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees",** unless otherwise stated.

(B) In computing parking space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1)** parking space.

(D) If computation of the number of parking spaces required by this Code results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

40-6-6 **DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** If provided, all off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every required off-street loading space shall be at least **twelve (12) feet** wide and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick.

40-6-7 NUMBER OF PARKING SPACES REQUIRED. Off-street parking spaces shall be provided as indicated in the table below. For any use that is not listed in the table, the same number of parking spaces shall be provided as is required for the most similar listed use. The Administrator shall make the determination of similarity.

	Use	Parking Spaces Required
(A)	Dwellings, Lodgings:	
	Hotels, motels, boarding houses, lodges	1 space per lodging unit, plus employee parking
	Manufactured homes (including those in manufactured home parks)	2 spaces per manufactured home
	Multi-family dwellings	
	1 bedroom or less	2 spaces per dwelling unit
	2 or more bedrooms	3 spaces per dwelling unit
	Single-family & two-family dwellings	2 spaces per dwelling unit **(Ord. No. 2015-03)**
(B)	Educational, Institutional, Recreational:	
	Churches	1 space per 4 seats in the largest seating area
	Hospitals	1 space per 2 beds, plus employee parking
	Libraries, museums	1 space per 500 sq. ft. of floor area
	Nursing homes	1 space per 5 beds
	Schools	
	Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking.
	Senior High	1 space for every 4 students over 16 years old that the building is designed to accommodate, plus employee parking.

Use	Parking Spaces Required
(C) Commercial, Office, Service:	
Note: All commercial, service or office uses, unless specifically indicated otherwise below:	1 space per 300 sq. ft. of floor area
Banks, savings and loans	
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking
Drive-in	5 spaces per teller window
Beauty and barber shops	2 spaces per chair, plus employee parking
Furniture and appliance stores	1 space per 600 sq. ft. of floor area
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants, refreshment stands	
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Drive-in	1 space per 25 sq. ft. of building floor area
Service stations	2 spaces per service stall, plus employee parking
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Theaters	
Indoor	1 space per 4 seats in the largest seating area
Drive-in	On Review by the Administrator
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area, plus 1 space per 2,500 sq. ft. of open lot area

ARTICLE VII - NONCONFORMITIES

40-7-1 **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for truck traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. **The regulations of this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.**

40-7-2 **NONCONFORMING LOTS.** Any vacant lot that does not conform to **one (1)** or more of the lot size (area, dimensions) requirements of the district in which it is located may, nonetheless, be developed for any use permitted in that district if such vacant lot was recorded in the County Recorder of Deeds Office prior to the enactment of this Code and is at least **fifty (50) feet** wide and meets all setbacks and yard requirements of the zoning district in which it is located. No such lot may be developed unless it meets the minimum requirements established by the County and the Illinois Environmental Protection Agency for the provision of water and sewer service. **(Ord. No. 2015-03)**

40-7-3 **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-7-4 **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions on lot size, height, setbacks, or other characteristics of the structure or its location on the lot may lawfully remain, subject to the following provisions. **(Ord. No. 05-04-02)**

(A) **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of

loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

40-7-5 **NONCONFORMING USES.** Any otherwise lawful use existing on the effective date of this Code which would not be allowed under the terms of this Code may lawfully continue, subject to the following provisions. **(Ord. No. 05-04-02)**

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Expansion of Use.** No nonconforming use shall be expanded so as to occupy a larger portion of the structure or lot than was occupied on the effective date of this Code.

(C) **Change of Use.** A nonconforming use shall not be changed except to a use permitted under the applicable district regulations.

(D) **Relocation.** No nonconforming use shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(E) **Discontinuance of Use.** When a nonconforming use is discontinued or vacant for **twelve (12)** consecutive months or for **thirty (30) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-7-6 **NONCONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

40-8-1 **ZONING ADMINISTRATOR.** The office of Zoning Administrator of Clinton County is hereby established. The Administrator shall be appointed by the County Board Chairman with the advice and consent of the County Board, and shall continue to hold office at the pleasure of the County Board. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To review and pass upon applications for initial and final certificates of zoning compliance;

(B) To inspect land, structures, and uses to determine compliance with this Code, and where there are violations, to initiate appropriate corrective action;

(C) To review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals, and amendments;

(D) To maintain up-to-date records of this Code including, but not limited to, the district map, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments, and all applications related to any of these matters;

(E) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Board of Appeals at least once each year;

(F) To provide information to the general public on matters related to this Code; and

(G) To perform such other duties as the County Board may from time to time prescribe.

40-8-2 **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Code, no land shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. **(See Section 40-3-15, Agricultural Exemption)** The Administrator shall not issue an initial certificate of zoning compliance unless, following consultation with technically qualified persons as necessary, he determines that the proposed work conforms to the applicable provisions of this Code. **[NOTE: This Code was effective December, 1990]**

40-8-3 **APPLICATION.** Every applicant for an **Initial Certificate of Zoning Compliance** shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee generally required.)**

ITEMS OF INFORMATION:

(A) Name and address of the applicant;

(B) Name and address of the owner or operator of the proposed lot, structure, or use, if different from (A);

(C) Brief, general description/explanation of the proposal;

(D) Location of the proposed lot, use, or structure, and its relationship to adjacent lots, uses, or structures;

(E) Area and dimensions of the site for the proposed finished grade;

(F) Height and setbacks of the proposed structure;

(G) Number and size of proposed dwelling units, if any;

(H) Location and number of proposed parking/loading spaces and access ways;

(I) Identification and location of all existing and proposed utilities, whether public or private; and/or

(J) Any other pertinent information that the Administrator may require.

40-8-4 **DURATION OF CERTIFICATE.** **Initial Certificates of Zoning Compliance** shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew **Initial Certificates of Zoning Compliance** for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-8-5 **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. **(See Section 40-3-15, Agricultural Exemption)** The Administrator shall not issue a final certificate of zoning compliance until he has determined, **by inspection**, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

40-8-6 **CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

(A) **Contents of Order.** The order to take corrective action shall be in writing and shall include:

(1) A description of the premises sufficient for identification;

(2) A statement indicating the nature of the violation;

(3) A statement of the remedial action necessary to effect compliance;

(4) The date by which the violation must be corrected;

(5) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;

(6) The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and

(7) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(B) **Service of Order.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

(1) Served upon him personally;

(2) Sent by registered mail to his last known address; or

(3) Posted in a conspicuous place on or about the affected premises.

(C) **Stop Order.** Whenever any work being done in violation of an **Initial Certificate of Zoning Compliance**, the Administrator's corrective action order may state that the violation must cease immediately. **(See Section 40-8-6(A)(4).)** In such case, the corrective action order is equivalent to a stop order.

40-8-7 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

40-8-8 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-8-9 FILING FEES. By resolution, the County Board shall establish (and may amend from time to time) a schedule of filing fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County Treasurer's office. A schedule of filing fees is included in Attachment A. All fees are non-refundable. No permit fees shall be charged to school districts or other units of local government. Hearing fees shall be assessed to all units of local government. **(Ord. No. 2015-05)**

40-8-10 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be guilty of a Class B misdemeanor and shall be fined not less than **Seventy-Five Dollars ($75.00),** nor more than **One Thousand Dollars ($1,000.00),** plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Code.

(Ord. No. 2015-05)

ARTICLE IX - BOARD OF APPEALS AND SPECIAL PROCEDURES

DIVISION I - BOARD OF APPEALS

40-9-1 **BOARD OF APPEALS ESTABLISHED.** The Zoning Board of Appeals of Clinton County is hereby established in accordance with Illinois law. **(55 ILCS 5/5-12010)**

40-9-2 **MEMBERSHIP CHAIRMAN, RESIDENCY.** The Board of Appeals shall consist of **five (5) members** appointed by the County Board Chairman with the advice and consent of the County Board. At the time of his appointment, **one (1)** Board of Appeals member shall be named as Chairman by the County Board Chairman; if the Chairman's office becomes vacant, the County Board Chairman shall designate a new Chairman. The County Board Chairman may also appoint **two (2) alternate members** with the advice and consent of the County Board. The **two (2)** alternate members shall serve as members of the Board of Appeals only in the absence of regular members. All members and alternate members of the Board of Appeals shall be residents of Clinton County, and each member and alternate member shall reside in a different township at the time of his appointment and the majority of the members and alternate members shall be residents of unincorporated areas. Failure to maintain residency in Clinton County shall be cause for removal from the Board. **(55 ILCS 5/5-12010) (Ord. No. 2012-4-09; 04-16-12)**

40-9-3 **TERM OF OFFICE, VACANCIES.** Each member of the Board of Appeals shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board of Appeals shall serve respectively for the following terms; **one (1)** for **one (1) year**, **one (1)** for **two (2) years**, **one (1)** for **three (3) years**, **one (1)** for **four (4) years**, and **one (1)** for **five (5) years**. Each alternate member shall serve respectively for the following terms: **one (1)** for **four (4) years** and **one (1)** for **five (5) years**. The alternate member who has the greatest amount of time remaining in his term shall have priority over the other alternate member in determining which alternate member will serve in the absence of a regular member. The County Board may remove any member or alternate member of the Board of Appeals for cause, after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member or alternate member whose place has become vacant in the same manner as provided for the appointment of new member. **(55 ILCS 5/5-12010) (Ord. No. 2012-4-09; 04-16-12)**

40-9-4 **COMPENSATION.** Each member of the Board of Appeals shall be compensated for his services on a per diem basis with a mileage allowance for travel. The amount of said compensation shall be determined by the County Board, and shall be paid out of the County Treasury. **(55 ILCS 5/5-12013)**

40-9-5 **MEETINGS, QUORUM.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Board of Appeals may determine. The Chairman, Zoning Administrator or the State's Attorney may administer oaths and compel the attendance of witnesses. **Three (3) members** of a **five (5)**

member Board of Appeals shall constitute a quorum; and the affirmative vote of at least **three (3)** of the **five (5) members**, shall be necessary to authorize any action of the Board of Appeals. **(55 ILCS 5/5-12011)**

40-9-6 **RECORDS.** The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order, or decision of the Board of Appeals shall be filed in the Zoning Administrator's office, and shall be a public record. **(55 ILCS 5/5-12010)**

40-9-7 - 40-9-9 **RESERVED.**

DIVISION II - APPEALS

40-9-10 **PURPOSE OF APPEAL.** Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(See 55 ILCS Sec. 5/5-12001)**

40-9-11 **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall be filed with the **Soil and Water Conservation District** as per State law **(See 70 ILCS Sec. 405/22.02A)** and, if the land in question is within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. **(Note: Filing fee required.)**

40-9-12 **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such cases, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator.

40-9-13 **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing

and briefly describing the issue to be decided shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By first-class mail to the petitioner and to all parties whose property is adjacent toe the premises to which the appeal pertains;

(B) By publication in a newspaper of general circulation within the County.

40-9-14 **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator. **(55 ILCS 5/5-12011)**

40-9-15 **RESERVED.**

DIVISION III - SPECIAL USE PERMITS

40-9-16 **NATURE OF SPECIAL-USES.** This Code divides the County into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by the Clinton County Zoning Board of Appeals, except as provided in **40-9-20(B)** or **(C)**, where it is subject to final approval by the Clinton County Board. **(Ord. No. 2022-10-66; 10-17-22)**

40-9-17 **APPLICATION.** Every applicant for a special-use permit shall submit to the Administrator, in narrative and/or graphics form, the items enumerated below. If the land in question is within **one and one-half (1 ½) miles** of a municipality, the Administrator shall send copy of the application to the Clerk of that municipality. The Administrator shall promptly transmit the completed application, and any comments or recommendation he might wish to make, to the Zoning Board of Appeals. **(NOTE: Filing fee required.)**

ITEMS OF INFORMATION:

(A) Name and address of applicant;

(B) Name and address of owner or operator of proposed structure or use, if different from (A);

(C) Nature of proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;

(D) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;

(E) Area and dimensions of the site for the proposed structure or uses;

(F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;

(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;

(H) Height and setbacks of proposed structure;

(I) Number and size of the proposed dwelling units, if any;

(J) Number and location of proposed parking/loading spaces and access ways;

(K) Identification and location of all existing or proposed utilities, whether public or private; and/or

(L) Any other pertinent information that the Administrator may require.

40-9-18 **PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within a reasonable time after said application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By first-class mail to the applicant and to all parties whose property is adjacent to the property for which the special use permit is sought; and

(B) By publication in a newspaper of general circulation within the County.

40-9-19 **FACTORS CONSIDERED.** The Zoning Board of Appeals shall consider the following factors in making their decision on whether to grant a Special Use Permit:

(A) whether the proposed design, location, development and operation of the proposed Special Use will adequately protect the public health, safety and welfare and the physical environment;

(B) whether the proposed Special Use is consistent with the County's comprehensive plan;

(C) the effect the proposed Special Use may have on the value of the neighboring property and on the County's overall tax base;

(D) the availability and the effect of the proposed Special Use would have on public utilities and on traffic circulation on nearby streets;

(E) whether there are any facilities near the proposed Special Use (such as schools or hospitals) that require special consideration;

(F) whether the proposed Special Use is compatible to adjacent uses and uses in the general vicinity; and

(G) the time period for which the Special Use Permit should be granted or any special requirements for certification of continued compliance with the terms of approval.

40-9-20 **FINDINGS OF FACT, TERMS OF RELIEF, REPORT OF RECORD.**

(A) Except as provided in subsections (B) and (C) below, the Zoning Board of Appeals shall render a decision on every Special Use Permit within a reasonable time after the public hearing on the application and a Report of Record shall be made and retained on file by the Zoning Administrator. A copy of the Report of Record shall be provided to the owner/applicant and copies transmitted to the County officials or other as required.

(B) **Detached Single-Family Dwellings – "A" Districts; Advisory Report.** Within a reasonable time after the public hearing regarding a special use permit for a Detached Single-Family Dwelling, the Zoning Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding approval or denial of the requested Detached Single-Family Dwelling Special Use Permit, and the reasons therefor, including the factors listed in **Section 40-9-19** of this Code.

(C) **Action by County Board.** The County Board shall act on every proposed Detached Single-Family Dwelling Special Use Permit request at their next regularly scheduled meeting following the submission of the aforementioned advisory reports from the Zoning Board of Appeals. Without further hearing, the County Board may grant or deny, or refer back to the Zoning Board of Appeals for further consideration, any Detached Single-Family Dwelling Special Use Permit by simple majority vote.

(Ord. No. 2022-10-66; 10-17-22)

40-9-21 **REVOCATION.** The Zoning Board of Appeals may revoke a Special Use Permit issued under this Article if the proposal for which a permit has been issued is not carried out pursuant to the conditions and requirements of approval. **(55 ILCS 5/5-12009.5)**

DIVISION IV - VARIANCES

40-9-22 **VARIANCES.** A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. The Zoning Board of Appeals may grant a variance if it is determined that there are practical difficulties or particular hardships in the way of carrying out the strict letter of any such regulations relating to the use, construction or alteration of buildings or structures or the use of land.

40-9-23 **APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he may wish to make. The application shall contain sufficient information to allow the Board of Appeals to make an information decision, and shall include, at a minimum, the following: **(NOTE: Filing fee required.)**

(A) Name and address of the applicant;

(B) Location of the lot, structure, or use for which the variance is sought;

(C) Relationship of said lot, structure, or use to adjacent lots, structures, or uses;

(D) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and

(E) Any other pertinent information that the Administrator may require.

40-9-24 **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By first-class mail to the applicant and to all parties whose property is adjacent to the property for which the variance is sought; and

(B) By publication in a newspaper of general circulation within the County.

40-9-25 **CONTENTS OF NOTICE.** The notice of a public hearing on a variance request shall include the following information:

(A) date, time, and place of said hearing;

(B) name and address of the applicant;

(C) the particular location of the real estate for which the variation is requested by legal description and street address, and if no street address then by locating such real estate with reference to any well-known landmark, road or intersection;

(D) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;

(E) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of **twenty percent (20%)** of all outstanding stock of such corporation;

(F) whether the applicant, or his principal if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;

(G) whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint ventures, syndicate members or members of the unincorporated voluntary association; and

(H) a brief statement describing the proposed variance.

40-9-26 **STANDARDS FOR VARIANCES.** The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:

(A) The proposed variance is consistent with the general purpose of this Code **(See Section 40-1-1)**; and

(B) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and

(C) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and

(D) The plight of the applicant is due to circumstances not of his own making; and

(E) The circumstances engendering the variance request are peculiar and not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(F) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County Comprehensive Plan.

40-9-27 **TERMS OF RELIEF, FINDINGS OF FACT.** The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. They shall specify the terms of relief granted (if any) in one statement and **their findings of fact** in another statement. The findings of fact shall clearly indicate the Board of Appeals' reasons for granting or denying any requested variance. A copy of the findings of fact shall be made and retained on file by the Administrator.

40-9-28 **MINOR VARIANCE/ZONING ADMINISTRATOR.** If the variance sought is a variation of **ten percent (10%)** or less of the established regulation as identified in this Code (location of structures or bulk requirements), then the Zoning Administrator may grant a variation with no public hearing required; provided:

(A) A notice of intent to grant such variation shall be sent by certified mail to all adjoining landowners, and

(B) If any adjoining landowner files a written objection with the administrative officials within **fifteen (15) days** of receipt of such notice, the variation shall only be considered by the Zoning Board of Appeals as provided for other variations. **(Ord. No. 02-07-02)**

(55 ILCS 5/5-12009)

40-9-29 **RESERVED.**

DIVISION V - AMENDMENTS

40-9-30 **AMENDMENTS.** The County Board may amend this Code in accordance with State law **(55 ILCS 5/5-12001)** and the provisions of this Code. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments.

Initiation of Amendments:

(A) Text amendments may be proposed by the Zoning Committee of the Clinton County Board, the Zoning Board of Appeals, or the Zoning Administrator.

(B) Map amendments may be proposed by the Zoning Committee of the Clinton County Board, the Zoning Board of Appeals, Zoning Administrator or any other person or persons with ownership in property subject of proposed amendment.

(Ord. No. 2015-05)

40-9-31 **FILING.** Every proposal to amend this Code shall be filed with the Administrator on a prescribed form, and shall include such information as the Administrator considers necessary to allow the County Board to make an informed decision. The person proposing an amendment shall also file a copy of his proposal with the **Soil and Water Conservation District (See 70 ILCS Sec. 405/22.02a)** and, if the land in question is located within **one and one-half (1 ½) miles** of a municipality, with the Clerk of that municipality. The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendations he may wish to make, to the Board of Appeals. **(NOTE: Filing fee required.)**

40-9-32 **PUBLIC HEARING, LOCATION.** The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. At the hearing any interested party (including any school district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

40-9-33 **NOTICE OF PUBLIC HEARING.** Notice indicating the time, date, and place of the public hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By first class mail to the applicant and to all parties whose property is adjacent to the property that would be rezoned (in the case of rezoning); and

(B) By publication in a newspaper of general circulation within the County.

(C) The applicant shall bear the expense of mailing the indicated notice to all adjacent property owners by return receipt mail and submitting a proof of service back to the Administrator listing all parties to whom the notice was sent and attaching the return receipt signed by someone at the addressee's address.

(Ord. No. 11-94-7)

40-9-34 **ADVISORY REPORT.** Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption or rejection of the proposed amendment, and

the reasons therefor. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

(A) Existing use(s) and zoning of the property in question;

(B) Existing use(s) and zoning of other lots in the vicinity of the property in question;

(C) Suitability of the property in question for uses already permitted under existing regulations;

(D) Suitability of the property in question for the proposed use;

(E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since the property was initially zoned or last rezoned;

(F) The effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

40-9-35 **ACTION BY COUNTY BOARD.** The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. Without further public hearing, the County Board may pass any proposed amendment by simple majority vote except as indicated below.

40-9-36 **EXCEPTIONS.** The favorable vote of at least **three-fourths (3/4)** of all the members of the County Board is required to pass an amendment to this Code in the following instances:

(A) In the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of **twenty percent (20%)** of the land rezoned, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered; or

(B) In the case of a written protest against a proposed amendment that affects land located within **one and one-half (1 ½) miles** of the limits of a zoned municipality, provided that said written protest is:

(1) submitted by the particular zoned municipality with limits nearest adjacent to the affected property; and

(2) signed and acknowledged by the City Council or by the President and Board of Trustees of said municipality; and

(3) filed with the County Clerk.

(C) In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

40-9-37 **NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(See 55 ILCS 5/5-12014)

EXHIBIT "A"

SCHEDULE OF FILING FEES

The following fees are hereby established for Clinton County Zoning:

		Filing Fee and Publication Costs
Zoning Certificate of Compliance (Building Permit)		
A.	Residential (home additions & clubhouses) (living area excluding basement and garage)	$0.12 per sq. ft.; Min. fee $50.00
B.	Commercial	$0.06 per sq. ft.; Min. fee $50.00
C.	Industrial	$0.06 per sq. ft.; Min. fee $50.00
D.	Mobile Homes	$0.12 per sq. ft.; Min. fee $50.00
E.	Accessory Uses and Home Occupations	
	Under 500 sq. ft.	$25.00
	500 sq. ft. and over	$50.00
F.	Communication Towers	$25.00 per ft.
Special Use Permit		125.00 plus cost of certified mail to adjoining property owners
Zoning Map Amendment		125.00 plus cost of certified mail to adjoining property owners
Appeal		125.00 plus cost of certified mail to adjoining property owners
Variance		125.00 plus cost of certified mail to adjoining property owners
Late Filing Fee (Failure to obtain permit)		75.00

All fees are non-refundable. Make checks payable to Clinton County Zoning Department.

The above fee schedules are not intended to be included as part of the Zoning Code and it is intended that said fees may be changed from time to time without an amendment to the Zoning Code.

LOT SIZE, SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT (SECTION 40-3-6)

Every lot or the principal structure thereon (as the case may be) shall comply with the minimum lot size, minimum setbacks, and maximum height restrictions for the particular district in which said lot/principal structure is located.

Restrictions	"A" District	"A-R" District	"R-1" District	"R-2" District	"R-3" District	"C" District	"I" District
(a) Minimum District Area	40 acres	10 acres	10 acres	10 acres	10 acres	2 acres	10 acres
(b) Minimum Lot Area	40 acres	3 acres	1 acre	10,000* sq. ft. or 2,500 sq. ft. per dwelling unit whichever is greater	7,500* sq. ft.	6,000* sq. ft.	20,000* sq. ft.
(c) Minimum Lot Width (at established building line)	800 ft.	150 ft.	100 ft.	75 ft.	50 ft.	50 ft.	125 ft.
(d) Minimum Lot Depth	800 ft.	150 ft.	100 ft.	100 ft.	100 ft.	100 ft.	150 ft.
(e) Minimum Setbacks							
1. From front lot line: (except along county roads outside the incorporated limits of any city, village or incorporated town, the minimum setback shall be 100 feet from the centerline of the road, and township roads the minimum setback shall be 75 ft. from the centerline of the road.) Also, except along Interstate and State Routes, the minimum setback shall be 75 ft. from easements or right-of-way line.	50 ft.	50 ft.	50 ft.**	25 ft.	25 ft.	None (only applies to incorporated areas)	50 ft.
2. From side lot line:	25 ft.	25 ft.	25 ft.**	10 ft.	10 ft.	None	25 ft.
3. From rear lot line:	25 ft.	25 ft.	25 ft.**	10 ft.	10 ft.	None	25 ft.
(f) Maximum Structure Height	None	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	None

*Except that when a private sewerage system dependent on a soil absorption system is to be used, the minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet.
**Subdivisions existing prior to the adoption of this Code, on January 1, 1991, shall use the minimum setback requirements as established for the "R-2" District.
The above restrictions are for the particular district in which said lot/principal structure is located.

References Are To Page Numbers

-A-

Abandoned Vehicles,
abandonment, 24-12
collection of unpaid charges, 24-16
disposal, 24-14
disposal without notice, 24-14
hazardous, 24-16
identifying and tracing vehicle, 24-14
liability, 24-16
notification,
- to law enforcement agencies, 24-12

police record for disposal, 24-16
police tows, 24-13
public sale proceeds, 24-16
reclamation, 24-14
removal of motor vehicles or other vehicles – towing or hauling away, 24-12
unknown owner, 24-13
violations, 24-17

Administration,
appointed officials,
- animal control warden, 1-21
- ESDA coordinator, 1-21
- G.I.S. coordinator, 1-22
- supervisor or assessments, 1-22
- term, 1-21
- zoning administrator, 1-21

bidding and contract procedures, 1-28
claims, 1-30
county board,
- meetings, 1-10
- membership, 1-9
- open meetings, 1-10
- quorum, 1-10
- special meetings, 1-10
- term, 1-9
- vacancy, 1-9

committees,
- animal control, 1-17
- budget, 1-17
- economic development, tourism and enterprise zone, 1-17

Administration, (Cont'd.)
committees, (Cont'd.)
- executive, 1-17
- facilities, 1-18
- finance, 1-18
- insurance, 1-18
- law enforcement, EMA, welfare, public safety, liquor, 1-18
- meetings, 1-19
- personnel, labor & grievance, 1-18
- procedure, 1-19
- public notice, 1-19
- responsibilities, 1-16
- road and bridge, 1-18
- special meetings, 1-19
- specific duties, 1-17
- standing, 1-16
- zoning and subdivision, 1-19

county board chairman,
- absent, 1-8
- duties of, 1-8
- election of, 1-8
- expense claims, 1-8
- removal of appointees, 1-8
- representative designated, 1-8
- vacancy, 1-8

county seal, 1-27
depositories, 1-25
fiscal protocols, 1-32
general appointments,
- by county, 1-27
- salaries regulation, 1-28

pensions, 1-31
recording closed meetings,
- back-up equipment, 1-34
- destruction of recordings, 1-35
- maintenance and access to tapes, 1-35
- minutes, 1-34

Administration, (Cont'd.)
recording closed meetings, (Cont'd.)
- procedure, 1-34
- procedure for review, 1-34
- recording, 1-34
- responsibility, 1-34

remote meeting participation,
- amendment, 1-36
- definition, 1-36
- policy, 1-36
- statutory authority, 1-36

rules, board, 1-11
- adjourn, 1-13
- address by non-members, 1-14
- auxiliary aid or service, 1-15
- business, order of, 1-11
- call to order, 1-12

rules, board, (Cont'd.)
- chair, decisions of, 1-12
- members, duties of, 1-11
- motions, 1-12, 1-13
- new business, 1-12
- permission to leave meeting, 1-11
- presiding officer, 1-11
- questions, 1-12, 1-13
- reconsideration, 1-14
- resolutions and ordinances, 1-12
- "rules of order" adopted, 1-14
- suspension of rules, 1-14
- visitors, 1-12
- voting, 1-12, 1-13

salaries, 1-25 – 1-26
travel and living expenses,
- applicability, 1-23
- meeting attendance and expenses, 1-24
- reimbursable transportation, 1-23
- reimbursement of living expenses, 1-24

Animal Control,
administration,
- appointment of administrator, 3-4
- duties, 3-4
- enforcement, 3-4
- equipment supplies, 3-4

Animal Control, (Cont'd.)
general,
- animal attacks, 3-2
- confinement in motor vehicle, 3-2
- definitions, 3-1
- removal of dead animals, 3-2
- title, 3-1
- vicious animals, 3-3

non-domestic animals,
- domestication, 3-10
- prohibition, 3-10
- violations-penalties, 3-10

registration,
- animal services fund, 3-5
- fee deadline, 3-5
- fees, certification, 3-5
- forms, 3-5
- microchipping, 3-5

regulations,
- boarding fees, 3-7
- dogs attacking livestock, 3-9
- dogs not redeemed, 3-7
- dogs running at large, 3-6
- humane dispatch, 3-7
- injunction, 3-9
- inspections, 3-9
- leash, 3-8
- liability of owner, 3-9
- potentially dangerous dog, 3-7
- powers to regulate, 3-9
- punishment, 3-9
- rabies inoculation, 3-6
- report of bite, 3-8
- signs of rabies, 3-8
- tags, 3-6
- violations - penalty, 3-9

tethering,
- animal feed prohibited, 3-13
- regulations, 3-13
- variances, 3-13

vicious and dangerous dogs,
- definitions, 3-11
- dog permitted to leave premises, 3-11
- fighting prohibited, 3-12
- injunction, 3-12
- liability of owner, 3-12

Animal Control, (Cont'd.)
vicious and dangerous dogs, (Cont'd.)
- owner's responsibility, 3-11
- right of entry, inspections, 3-12
- unlawful to maintain, 3-11

- B -

Banks, 1-25
Boards and Commissions,
mental health board,
- absenteeism, 5-4
- amendments, 5-6
- annual budget, 5-6
- committees, 5-6
- composition, 5-4
- duties, 5-4
- established, 5-4
- expenses, 5-4
- fiscal year, 5-5
- meetings, 5-5
- officers elected, 5-4
- powers and duties, 5-5
- tax levy, 5-6
- term, 5-4

public health,
- accounts, 5-3
- amendments to by-laws, 5-3
- annual report, 5-3
- budget and disbursements, 5-2
- committees, 5-3
- duties, 5-2
- fiscal year, 5-2
- meetings, 5-1
- members, 5-1
- officers, 5-1
- property, 5-3
- purpose, 5-1
- reimbursement for expenses, 5-3
- voting, 5-1

Southwestern Illinois Law Enforcement Commission,
- appropriation, 5-7
- general, 5-7
- membership, 5-7

Business, (Code)
adult oriented business,
- classifications, 7-22
- definitions, 7-18
- expiration of license, 7-27
- fees, 7-26
- general regulations, 7-29
- generally, 7-15
- inspection, 7-27
- issuance of license, 7-25
- licensing, 7-22
- revocation, 7-28
- suspension, 7-27
- transfer of license, 7-28

fireworks,
- applicability, 7-43
- application for public display, 7-40
- application for seller's permit, 7-40
- definitions, 7-39
- enforcement, 7-43
- issuance, 7-40
- nonprohibited acts, 7-43
- permit, 7-39
- permit fees, 7-40
- possession unlawful, 7-39
- reckless discharge, 7-43
- sale from stands, 7-40
- sale unlawful, 7-39
- special effects for entertainment media, 7-43
- standards for displays, 7-42
- status of state law, 7-43
- temporary stands, 7-41
- time limit, 7-39
- use in parks, 7-42

fish market license,
- display of license, 7-34
- issuance of permit, 7-34
- penalty, 7-34
- permit, 7-34
- scope, 7-34
- separate licenses, 7-34
- signs, 7-34
- term, 7-34

Business, (Code), (Cont'd.)
pawnbrokers,
- application - investigation, 7-33
- fee, 7-33
- license required, 7-33
- minors, 7-33
- records, 7-33
- secondhand dealers, 7-33
- stolen goods, 7-33
- weapons, 7-33

peddlers,
- application, 7-4
- definitions, 7-4
- exemption, 7-5
- fees, 7-4
- fraud, 7-5
- hours, 7-5
- investigation, 7-4
- license for, 7-4
- produce farmers, 7-5

public accommodations,
- application, 7-13
- defined, 7-13
- disorderly house, 7-14
- duty to call law enforcement, 7-14
- firearms prohibited, 7-14
- liability insurance, 7-14
- license, 7-13
- permitting violations, 7-14
- regulations, 7-13
- restrictions in zoning, 7-14
- term and fee, 7-13

raffles and poker runs,
- conduct, 7-10
- definitions for, 7-6
- licenses for,
  - application for raffle, 7-7
  - application for poker run, 7-8
  - issuance, 7-9
  - qualifications, 7-9
  - required, 7-7
- limited construction, 7-12
- manager – bond, 7-11
- records, 7-11

recreation events,
- action on application, 7-38
- application, class, fees, 7-35

Business, (Code), (Cont'd.)
recreation events, (Cont'd.)
- exception, 7-38
- injunction, revocation, 7-38
- standards, 7-35
- subject to law, 7-35
- written application, 7-37

solicitors,
- application, 7-1
- compliance, 7-3
- definitions, 7-1
- license for,
  - fees for, 7-3
  - issuance, 7-2
  - revocation of, 7-2
  - uninvited, 7-3
- notice, 7-2
- policy, 7-2
- public highways, 7-3
- registration as, 7-1
- time limit, 7-3

- C -

Cable Television,
customer protection law,
- customer credits, 8-16
- customer service, 8-16
- enforcement, 8-16
- penalties, 8-16
- schedule, 8-16

franchise agreement,
- acceptance, 8-8
- assignment, 8-8
- bond, 8-7
- business office, 8-6
- compliance, 8-7
- construction, 8-10
- definitions, 8-1
- establishment, 8-8
- exclusive jurisdiction, 8-11
- franchise fee, 8-4
- franchises with other municipalities, 8-11
- general system standards, 8-4
- grant of franchise, 8-2

Cable Television, (Cont'd.)
franchise agreement, (Cont'd.)
- insurance indemnification, 8-6
- jurisdiction, 8-3
- notices, 8-11
- privacy, 8-8
- public buildings, 7-10
- rates and charges, 8-3
- records, 8-4
- reservation of rights, 8-11
- revocation, 8-9
- service, 8-5
- termination, 8-10
- title, 8-1
- use of county roads, 8-5

service provider fee,
- applicable principles, 8-15
- audits, 8-15
- definitions, 8-12
- designation of capacity, 8-14
- fee imposed, 8-14
- late fees/payments, 8-15
- no impact, 8-15
- PEG access support fee, 8-14

Courthouse Regulations,
exceptions, 9-1
penalties, 9-1
purpose, 9-1
smoke-free, 9-1
soliciting and peddling regulations, 9-1
unlawful possession, 9-1

Curfew, 27-13

- D -

Definitions, 1-4

- E -

Emergency Management Agency (EMA),
authority to accept services, gifts, grants or loans, 30-5
compensation, 30-4
definitions, 30-1

Emergency Management Agency (EMA), (Cont'd.)
director, 30-3
establishment, 30-1
functions, 30-2
immunity, 30-5
limitations, 30-1
local disaster emergencies, 30-4
membership, 30-1
mutual aid between political subdivisions, 30-5
no private liability, 30-6
orders, rules and regulations, 30-6
personnel oath, 30-6
political activity, 30-7
purpose, 30-1
state reimbursement, 30-4
statutory authority, 30-1
testing of disaster warning devices, 30-5
utilization of existing agency, facilities and personnel, 30-6

- F -

Fireworks, 7-39

Fiscal year, 1-4

Flood Plain Code,
abrogation and greater restrictions, 14-10
base flood elevation, 14-3
definitions, 14-1
development permit, 14-4
disclaimer of liability, 14-10
duties of flood plain coordinator, 14-3
penalty, 14-10
preventing increased flood heights and resulting damages, 14-5
protecting buildings, 14-5
public health and other standards, 14-9
purpose, 14-1
subdivision requirements, 14-8
variances, 14-9

Franchises,
cable television**,**
- customer protection law,
customer credits, 8-16
customer service, 8-16
enforcement, 8-16
penalties, 8-16
schedule, 8-16
- franchise agreement,
acceptance, 8-8
assignment, 8-8
bond, 8-7
business office, 8-6
compliance, 8-7
construction, 8-10
definitions, 8-1
establishment, 8-8
exclusive jurisdiction, 8-11
franchise fee, 8-4
franchises with other municipalities, 8-11
general system standards, 8-4
grant of franchise, 8-2
insurance indemnification, 8-6
jurisdiction, 8-3
notices, 8-11
privacy, 8-8
public buildings, 7-10
rates and charges, 8-3
records, 8-4
reservation of rights, 8-11
revocation, 8-9
service, 8-5
termination, 8-10
title, 8-1
use of county roads, 8-5
- service provider fee,
applicable principles, 8-15
audits, 8-15
definitions, 8-12
designation of capacity, 8-14
fee imposed, 8-14
late fees/payments, 8-15
no impact, 8-15
PEG access support fee, 8-14

- H -

Health Code,
food service sanitation,
- definitions, 18-9
- enforcement interpretation, 18-19
- enforcement provisions, 18-11
- examination and condemnation, 18-17
- infection procedures, 18-18
- inspection, 18-15
- penalties, 18-19
- plan review, 18-18
- rules and regulations, 18-9
- scope, 18-9
private sewage code,
- adoption, 18-2
- compliance and performance, 18-5
- definitions, 18-1
- enforcement, 18-5
- hearings, 18-7
- issuance of notice, 18-6
- lot size, 18-2
- penalty, 18-8
- permit requirements, 18-3
- registration, 18-4
- revocation or suspension, 18-7
- subdivision plat review, 18-2
public health board,
- accounts, 5-3
- amendments to by-laws, 5-3
- annual report, 5-3
- budget and disbursements, 5-2
- committees, 5-3
- duties, 5-2
- fiscal year, 5-2
- meetings, 5-1
- members, 5-1
- officers, 5-1
- property, 5-3
- purpose, 5-1
- reimbursement for expenses, 5-3
- voting, 5-1
water supply code,
- abandoned wells, 18-22
- application, 18-22
- adoption, 18-21

Health Code, (Cont'd.)
water supply code, (Cont'd.)
- contact information, 18-23
- continuing analysis, 18-25
- contractor's responsibility, 18-23
- definitions, 18-20
- disinfection and analysis, 18-24
- exceptions, 18-23
- hearings, 18-25
- inspection of completed work, 18-24
- inspections, 18-23
- issuance, 18-22
- issuance of notice, 18-25
- notification for inspection, 18-24
- owner's responsibility, 18-22
- penalty, 18-26
- permit fee, 18-23
- permit required, 18-22
- permit validity, 18-23
- supply required, 18-21
- suspension of permit, 18-24
- use, 18-21

- L -

Liquor,
definitions, 21-1
licenses,
- applications, 21-5
- classification, 21-9
- commissioner, 21-5
- display of, 21-12
- dramshop insurance, 21-12
- examination of applicant, 21-6
- false information, 21-11
- insufficient funds, 21-11
- lessee moves license, grace period, 21-12
- license limits, 21-10
- nature of, 21-11
- outdoor sales, 21-11
- prohibited licensees, 21-6
- record of, 21-12
- required, 21-5
- term, fee submitted in advance, 21-8
- waiting period, 21-6

Liquor, (Cont'd.)
regulations
- books and records, available upon reasonable notice and maintained in state records, 21-20
- change of location, 21-15
- civil rights, 21-22
- diseased employees, 21-17
- disorderly house, 21-18
- duty to call law enforcement, 21-18
- election days, 21-16
- exclusionary provision, 21-20
- false identification, 21-21
- firearms prohibited, 21-18
- gambling, 21-18
- happy hour restrictions, 21-13
- health permit, 21-17
- hours, 21-13
- identification required, 21-19
- inspections, 21-20
- liquor in vehicles, underage, 21-15
- minors, 21-19
- open liquor, cup-to-go prohibited, 21-15
- peddling, 21-17
- persons selling liquor, 21-19
- posting warning, 21-20
- prohibited locations, 21-14
- prohibited sales, generally, 21-18
- renting hotel rooms for drinking, 21-22
- residential drinking, 21-21
- restricted residential areas, 21-16
- restrictions on licensee, 21-20
- sanitary conditions, 21-17
- selling false identification, 21-21
- stores, selling school supplies, lunches, etc., 21-15
- teen promotions prohibited, 21-17
- transfer of identification card, 21-19
- transporting in motor vehicle, 21-15
- underaged drinking on streets, 21-21
- unlawful acts, 21-16
- unlawful entertainment, 21-16
- unlawful purchase of liquor, 21-19

Liquor, (Cont'd.)
violations and penalties,
- abatement of place used in violation, 21-23
- acts of agent or employee, liability, knowledge, 21-23
- appeal limitations for subsequent violation, 21-26
- appeals from order of liquor commissioner, 21-25
- complaint by residents, 21-24
- misbranding, 21-23
- owner of premises permitting violation, 21-23
- revocation of license after conviction, 21-23
- revocation of license when employee convicted, 21-23
- revocation of licenses, 21-24
- revocation or suspension of local license, notice and hearing, 21-25
- subsequent violations in a year, 21-26
- use of premises for one year after revocation, 21-24

- M –

Mandated Policies,
anti-bullying policy,
- application of policy, 22-21
- bullying prohibited, 22-21
- definition, 22-21
- disciplinary action, 22-22
- reporting and complaint procedure, 22-22

disclosure of social security information,
- employee access, 22-2
- other protections, 22-2
- requirement to redact, 22-2
- social security number protection, 22-1
- statement of purpose, 22-1

domestic and sexual violence policy,
- definition, 22-23
- policy, 22-24

Mandated Policies, (Cont'd.)
domestic and sexual violence policy, (Cont'd.)
- purpose of policy, 22-23
- victim's economic security and safety act (VESSA), 22-23

equal employment policy,
- accommodations for disabled, 22-20
- adoption of codes, 22-18
- compliance by employees, 22-20
- contracting with non-complaints, 22-19
- designated enforcers, 22-20
- minority hiring, 22-20
- non-discriminatory practices, 22-18
- outreach to all, 22-20

ethics act,
- definitions, 22-10
- disposition of gifts, 22-13
- exceptions, 22-12
- gift ban, 22-12
- penalties, 22-14
- prohibited political activities, 22-12

fair housing code,
- declaration of policy, 22-7
- definitions, 22-7
- penalty, 22-9
- prohibited acts, 22-8

freedom of information policy,
- certain information exempt, 22-6
- designation, duties and training, 22-3
- fees, 22-5
- granting or denial of requests, 22-5
- notice of denial of request; appeals, 22-6
- procedures, 22-3
- public file, 22-5
- public records available, 22-3
- request for commercial purposes, 22-5
- requests to inspect or copy, 22-4

identity theft,
- detecting red flags, 22-30
- identification of red flags, 22-29
- preventing and mitigating identity theft, 22-30

Mandated Policies, (Cont'd.)
identity theft, (Cont'd.)
- program administration, 22-31
- program adoption, 22-28
- program purpose and definitions, 22-28
- program updates, 22-31
investment policy,
- authorized and suitable investments, 22-16
- authorized financial dealers and institutions, 22-15
- collateralization, 22-16
- delegation of authority, 22-15
- diversification, 22-16
- ethics and conflicts of interest, 22-15
- internal control, 22-16
- investment policy, 22-15
- investment policy adoption and modification, 22-17
- maximum maturities, 22-16
- objective, 22-15
- performance standards, 22-17
- prudence, 22-15
- reporting, 22-17
- safekeeping and custody, 22-16
- scope, 22-15

Mental Health Board,
absenteeism, 5-4
amendments, 5-6
annual budget, 5-6
committees, 5-6
composition, 5-4
duties, 5-4
established, 5-4
expenses, 5-4
fiscal year, 5-5
meetings, 5-5
officers elected, 5-4
powers and duties, 5-5
tax levy, 5-6
term, 5-4

Motor Vehicles,
abandoned vehicles,
- abandonment, 24-12
- collection of unpaid charges, 24-16

Motor Vehicles, (Cont'd.)
abandoned vehicles, (Cont'd.)
- disposal, 24-14
- disposal without notice, 24-14
- hazardous, 24-16
- identifying and tracing vehicle, 24-14
- liability, 24-16
- notification,
  to law enforcement agencies, 24-12
- police record for disposal, 24-16
- police tows, 24-13
- public sale proceeds, 24-16
- reclamation, 24-14
- removal of motor vehicles or other vehicles – towing or hauling away, 24-12
- unknown owner, 24-13
- violations, 24-17

bicycle regulations,
- applicability of traffic regulations, 24-18
- lamps and other equipment, 24-19
- parking restrictions, 24-19
- procedure on entering public ways, 24-18
- procedure when riding on sidewalk, 24-19
- registration, 24-19
- restrictions on carrying articles, 24-19
- riding procedures on roadways and bicycle paths, 24-18
- riding restrictions, 24-18
- speed restriction, 24-18

definitions, 24-1
driving rules,
- driving rules, 24-4
- excessive noise,
  squealing tires, 24-6
  stopped vehicle, 24-6
  wheels, 24-6
  while driving, 24-6
- Illinois Vehicle Code, 24-4
- reckless, negligent or careless, 24-6
- transporting liquor in vehicles, 24-5

Motor Vehicles, (Cont'd.)
equipment of vehicles,
- excessive engine braking noise, 24-7
- Illinois Vehicle Code, 24-7
- muffler, 24-7
- sound amplification system, 24-7

general regulations,
- advertising signs, 24-2
- interference with signs or signals, 24-2
- obedience to police, 24-1
- scene of fire, 24-1
- signs and signals, 24-1
- unauthorized signs, 24-2

parking rules,
- for sale or repair, 24-8
- parking for the handicapped, 24-9
- prima facie proof, 24-10
- private property, 24-8
- snow routes, 24-11
- stopping, standing or parking prohibited in specified places, 24-8
- tickets, state statute, 24-11
- time limit, 24-8
- towing cars away, 24-10
- violations, 24-10

penalty, 24-20
schedules,
- load limit streets, MV-7
- no parking zones, MV-8
- stop intersections, MV-1

stop and through streets,
- one-way streets or alleys, 24-3
- posting signs, 24-3
- stop streets, 24-3
- through streets, 24-3
- yield right-of-way streets, 24-3

- N -

Non-domestic Animals,
domestication, 3-10
prohibition, 3-10
violations-penalties, 3-10

Nuisances,
building as nuisance,
- condition, 25-6
- dangerous and unsafe, 25-7
- dangerous defined, 25-6
- duties of state's attorney, 25-7
- liens, 25-7
- notification, 25-6
- standards for repair, 25-7
- time limit, 25-6

garbage and debris,
- abatement, 25-5
- accumulation prohibited, 25-5
- foreclosure of lien, 25-5
- lien, 25-5
- notice to person, 25-5
- payment, 25-5
- service of notice, 25-5

generally,
- detrimental, 25-2
- failure to comply, 25-3
- notice to abate, 25-3
- specific, 25-1
- unknown owner, 25-3

weeds,
- abatement of, 25-4
- declared nuisance, 25-4
- defined, 25-4
- foreclosure of lien, 25-4
- lien imposed, 25-4
- notice, 25-4
- payment, 25-4
- service of notice, 25-4

- O -

Offenses, (Public)
adult uses,
- definitions, 27-10
- limitation, 27-11
- prohibition, 27-11
- purpose and additional findings, 27-9

Offenses, (Public) (Cont'd.)
anti-litter,
- clearing from open private property, 27-4
- construction sites, 27-3
- definitions, 27-1
- handbills, 27-3
- litter in parks, 27-2
- littering from aircraft, 27-2
- littering from vehicles, 27-2
- littering prohibited, 27-2
- loading and unloading docks, 27-3
- owner to maintain private premises, 27-2
- parking lots, 27-4
- posting notices prohibited, 27-3
- prevention of scattering, 27-2
- receptacles – upsetting or tampering, 27-2
- sidewalks and alleys free from litter, 27-2

cannabis business establishments,
- definitions, 27-16
- nuisance, 27-17
- prohibited, 27-17
- violations, 27-17

generally,
- abandoned refrigerators or iceboxes, 27-6
- barbed wire and electric fences, 27-7
- criminal damage to firefighting apparatus, 27-7
- criminal housing management, 27-6
- damage to street signs, 27-7
- destruction of public property, 27-6
- discharge of firearms or bow and arrow, 27-7
- fortune telling, 27-6
- games in street, 27-7
- injury to utility wires and poles, 27-7
- painting and marking, 27-8
- posting bills, 27-7
- renting premises for unlawful purposes, 27-7
- sale of cigarettes or tobacco to minors, 27-8
- theft of recyclables unlawful, 27-8
- throwing rocks, 27-6
- unlawful conduct on a public way, 27-6

Offenses, (Public) (Cont'd.)
open burning,
- burning prohibited, 27-5
- definitions, 27-5
- restrictions, 27-5

truancy and curfew,
- civil liability, 27-15
- curfew restrictions, 27-13
- definitions, 27-12
- enforcement, 27-14
- establishment restrictions, 27-14
- penalty, 27-15
- truancy restrictions, 27-13

- P -

Pawnbrokers,
application - investigation, 7-33
fee, 7-33
license required, 7-33
minors, 7-33
records, 7-33
secondhand dealers, 7-33
stolen goods, 7-33
weapons, 7-33

Peddlers,
application, 7-4
definitions, 7-4
exemption, 7-5
fees, 7-4
fraud, 7-5
hours, 7-5
investigation, 7-4
license for, 7-4
produce farmers, 7-5

Permits required,
adult oriented business, 7-22
dogs, 3-5
food service, 18-10
pawnbrokers, 7-33
peddlers, 7-4
poker runs, 7-8
private sewage, 18-3
raffles, 7-7
signs, (See "Zoning")
solicitors, 7-2
water supply, 18-21

Person,
defined, 1-5
Personnel Code,
employee benefit programs,
- benefits, 28-8
- bereavement leave, 28-9
- family and medical leave act and military leave (FMLA), 28-10
- jury duty and witness leave, 28-9
- paid holidays, 28-8
- paid time off (PTO), 28-8
- unpaid leave for employees due to domestic and sexual violence (VESSA), 28-14

employee conduct and disciplinary action,
- complaint procedure, 28-44
- discrimination and harassment policy, 28-38
- drug and alcohol use/abuse policy, 28-33
- personal appearance, 28-42
- progressive discipline, 28-43
- solicitation, 28-43
- work rules, 28-33

employment,
- employee hiring and essential function testing policy and procedure, 28-3
- employee relations, 28-3
- equal opportunity, 28-3
- nepotism, 28-3
- outside employment, 28-5
- personal services, 28-5

employment status and records,
- access to personnel rules, 28-7
- categories, 28-6
- performance evaluations, 28-7
- personnel data changes, 28-7
- vacancy posting, 28-7

introduction, 28-1
timekeeping/payroll,
- overtime, 28-17
- paydays, 28-18
- termination of employment, 28-18
- time keeping, 28-17
- work schedules, 28-17

Personnel Code, **(Cont'd.)**
work conditions and hours,
- accident reporting, 28-20
- authorized drivers and motor vehicle record (MVR) check policy and procedure, 28-29
- business travel expenses, 28-32
- emergency closings, 28-32
- internet/email policy, 28-25
- safety in the workplace, 28-20
- smoking policy, 28-31
- social media, 28-28
- use of county equipment, 28-29
- visitors in the workplace, 28-32
- work-related injury, 28-21
- worker's compensation, 28-22

Public Safety,
emergency management agency (EMA),
- authority to accept services, gifts, grants or loans, 30-5
- compensation; state reimbursement, 30-4
- definitions, 30-1
- EMA director, office, 30-3
- establishment, 30-1
- functions statutory responsibilities, 30-2
- immunity, 30-5
- limitations, 30-1
- local disaster declarations, 30-4
- membership, 30-1
- mutual aid between political subdivisions, 30-5
- no private liability, 30-6
- oath, 30-6
- orders, rules and regulations, 30-6
- prohibition of political activity, 30-7
- purpose, 30-1
- statutory authority, 30-1
- testing of disaster warning devices, 30-5
- utilization of existing agency, 30-6

emergency telephone system (9-1-1),
- address numbers and road and street names, 30-10
- addressing official, 30-9
- annual budget, 30-9

Public Safety, (Cont'd.)
emergency telephone system (9-1-1), (Cont'd.)
- composition, 30-8
- confidentiality, 30-9
- established, 30-8
- meetings, 30-9
- powers and duties, 30-8
- removal, 30-9
- term of office, 30-8

Illinois emergency management mutual aid system,
- amendments, 30-19
- authority and action to effect mutual aid, 30-16
- binding effect, 30-18
- compensation for aid, 30-17
- definitions, 30-16
- duties of the executive board, 30-19
- effectiveness, 30-18
- execution in counterparts, 30-18
- executive board of IEMMAS, 30-19
- governing law, 30-18
- incident management system, 30-17
- indemnification, 30-17
- insurance, 30-17
- non-liability for failure to render aid, 30-18
- notices, 30-18
- purpose, 30-16
- rules and procedures, 30-19
- term, 30-18
- validity, 30-18

mutual aid box alarm system,
- amendments, 30-15
- authority and action to effect mutual aid, 30-12
- binding effect, 30-14
- compensation for aid, 30-13
- definitions, 30-12
- duties of the executive board, 30-15
- effectiveness, 30-14
- execution in counterparts, 30-14
- executive board of MABAS, 30-15
- governing law, 30-14
- indemnification, 30-13
- insurance, 30-13

Public Safety, (Cont'd.)
mutual aid box alarm system, (Cont'd.)
- jurisdiction over personnel and equipment, 30-13
- non-liability for failure to render aid, 30-14
- notices, 30-14
- purpose, 30-12
- rules and procedures, 30-15
- term, 30-14
- validity, 30-14

- R -

Raffles and poker runs,
application for poker run, 7-8
applications for raffle license, 7-7
definitions, 7-6
license required, 7-7
records, 7-11

Revised Code,
definitions,
- catchlines, 1-6
- list of, 1-4
- word construction, 1-4

liability of officers, 1-7
penalty,
- application of, 1-7
- liability of officers, 1-7
- specific, 1-7

saving clause of,
- clerk's certificate, 1-3
- court proceedings, 1-2
- ordinance repeal, 1-2
- public utility ordinances, 1-2
- severability of provisions, 1-3

title of, 1-1
- acceptance, 1-1
- amendments, 1-1
- code alteration, 1-1
- jurisdiction, 1-1

- S -

Solicitors,
application, 7-1
compliance, 7-3
definitions, 7-1
license for,
- fees for, 7-3
- issuance, 7-2
- revocation of, 7-2
- uninvited, 7-3

notice, 7-2
policy, 7-2
public highways, 7-3
registration as, 7-1
time limit, 7-3

Special Meetings, 1-10

Streets,
address numbers,
- penalty, 33-6
- required, 33-6

commercial entrances,
- culverts are public property, 33-5
- effective date, 33-6
- location restrictions, 33-6
- maintenance, 33-5
- maximum surface width, 33-5
- nonconforming entrances, 33-6
- performance guarantees, 33-5
- radii of culverts in rural areas, 33-5
- requirements, 33-5
- standard specifications, 33-5
- tapered culverts – sizing, 33-5

construction of utility facilities in the right-of-way,
- action on permit applications, 33-12
- annual registration required, 33-11
- change of ownership or owner's identity or legal status, 33-17
- cleanup and restoration, 33-27
- construction methods and materials, 33-21
- definitions, 33-8
- effect of permit, 33-13
- enforcement, 33-28
- general construction standards, 33-18

Streets, **(Cont'd.)**
construction of utility facilities in the right-of-way, (Cont'd.)
- indemnification, 33-15
- insurance, 33-14
- location of facilities, 33-18
- maintenance and emergency maintenance, 33-27
- penalties, 33-28
- permit required, applications and fees, 33-11
- permit suspension and revocation, 33-17
- purpose and scope, 33-7
- removal, relocation, or modification of utility facilities, 33-26
- revised permit drawings, 33-14
- security, 33-15
- traffic control, 33-18
- variances, 33-28
- vegetation control, 33-26

encroachment,
- continuous, 33-1
- defined, 33-1
- unlawful, 33-1

excavations,
- permit, 33-1
- traffic control, 33-1

mailboxes on county highways,
- approval of locations, 33-6
- regulations, 33-6

non-commercial entrances,
- culvert installation, 33-4
- culvert specifications, 33-4
- effective date, 33-4
- location restrictions, 33-4
- maintenance, 33-4
- nonconforming entrances of culverts, 33-4
- requirements, 33-4
- standard specifications adopted, 33-4
- width, slope, radii, 33-4

obstruction of crossings,
- emergency vehicles, 33-3
- highway at grade crossing prohibited, 33-3

Streets, **(Cont'd.)**
obstruction of crossings, (Cont'd.)
- punishment for obstruction, 33-3
regulations,
- closing street, 33-2
- obstructing, 33-3
- open doors, 33-2
- signs across street, 33-2
- signs on poles, 33-3
- undermining, 33-2
roadside memorial program,
- configuration, 33-29
- definitions, 33-29
- enforcement and penalty, 33-30
- fee, 33-30
- intent, 33-29
- multiple persons memorialized, 33-30
- municipal consent, 33-30
- ownership and maintenance, 33-30
- participation, 33-29
- placement and relocation, 33-30
trees and culverts,
- culverts, 33-2
- permit, 33-2
- planting, 33-2

Subdivisions,
assurance of completion,
- final plat approval, 34-11
- performance guarantee, 34-11
- surety release, 34-11
definitions,
- selected definitions, 34-3
enforcement and fees,
- enforcement, 34-2
- fees, 34-2
final plats, 34-9
general provisions,
- disclaimer of liability, 34-1
- penalties, 34-1
- purpose of, 34-1
general requirements,
- developer compliance, 34-5
improvement plans,
- filing, 34-8
- improvement plans, 34-8
minimum improvements,
- flow lines, 34-19
- general, 34-18
- pipe culverts, 34-19
- reference monuments, 34-18
- storm sewers, 34-19
- street improvements, 34-18

Subdivisions, (Cont'd.)
minimum improvements, (Cont'd.)
- street markers and traffic signs, 34-19
miscellaneous, 34-23
plat vacations, 34-22
preliminary plats,
- required information, 34-6
standards for utilities,
- fire hydrants, 34-20
- provisions for maintenance and operation, 34-20
- sanitary sewers, 34-20
- utility requirements, 34-20
standards of design,
- easements, 34-17
- general, 34-13
- street design standards, 34-14
- street planning, 34-13
Variances, 34-21

- T -

Taxation,
circuit clerk,
- court automation fee,
  automation fund, 36-8
- criminal fees, 36-8
- document storage,
  fund established, 36-8
- general,
  case fees, 36-9
  criminal assessments, 36-12
- vehicle violations fines,
  finance fund, 36-8
coroner, 36-22
county clerk,
- definition, 36-20
- fee established, 36-20
- related fees, 36-20
- special fund, 36-20
emergency telephone tax (9-1-1),
- accounting charge, 36-25
- amount paid but not due, 36-26
- establishment of fund, 36-26
- fee established, 36-25
- imposition of fee, 36-25
- imposition of surcharge, 36-25
- reports to county, 36-26
- surcharge due, 36-25
GIS fees, 36-37

Taxation, (Cont'd.)
hotel/motel tax,
- computation, 36-38
- fee deadline, 36-38
- definitions, 36-38
- exemptions, 36-39
- penalties, 36-38
- remittance of fees, use of funds, 36-39
- registration, 36-38
- repeal or amendment, 36-39
- severability, 36-39
- tax, 36-38

law library fees,
- fund, 36-19

manufactured home tax,
- computation, 36-28
- dealers, 36-30
- definitions, 36-27
- errors, 36-28
- exemption for disabled veterans, 36-29
- failure to pay; lien, 36-30
- interest on delinquent taxes, 36-30
- invalidity of provisions, 36-30
- moving permits, 36-31
- notice to assessor of ownership change, 36-30
- penalty, 36-31
- reduction, 36-28
- registration, 36-27
- tax established, 36-27

probationary drug test fees, 36-39
public data requests,
- criminal justice system, 36-23
- election system, 36-23
- other systems including, 36-23
- tax system, 36-23

recorder of deeds,
- geographic information system fee, 36-7
- miscellaneous fees,
  - additional fees, 36-7
  - computer equipment fund, 36-7
  - document storage system, 36-7
  - established, 36-5

Taxation, (Cont'd.)
recorder of deeds, (Cont'd.)
- title transfer tax,
  - definitions, 36-3
  - exempt deeds, 36-3
  - penalty, 36-4
  - prior documents, 36-4
  - proceeds to county treasurer, 36-4
  - tax additional to others, 36-4
  - tax imposed, 36-3

sales taxes,
- auto rent use tax,
  - publication, 36-2
  - state collector, 36-2
  - tax imposed, 36-2
- retail occupation tax,
  - administration of tax, 36-2
  - use tax, 36-2
- service occupation tax,
  - administration of tax, 36-1
  - general, 36-1
- use tax,
  - administration of tax, 36-1
  - general, 36-1

sheriff, 36-22
solid waste management fee,
- fund established, 36-19

taxpayers rights code,
- abatement, 36-35
- appeal, 36-34
- application, 36-36
- audit procedure, 36-34
- certain credits and refunds, 36-33
- definitions, 36-32
- hearing, 36-35
- installment contracts, 36-35
- interest and penalties, 36-35
- internal review procedure, 36-36
- late payment, 36-32
- notices, 36-32
- payment, 36-33
- publication of tax ordinances, 36-36
- scope, 36-32
- statute of limitations, 36-36
- title, 36-32

Taxation, (Cont'd.)
taxpayers rights code, (Cont'd.)
- voluntary disclosure, 36-36
treasurer,
- automation fee,
  established, 36-21
  special fund, 36-21
- property sales fees,
  established, 36-21
  special fund, 36-21

- Z -

Zoning Code,
administration and enforcement,
- application, 40-61
- complaints, 40-63
- corrective action orders, 40-62
- duration of certificate, 40-62
- emergency measures, 40-63
- filing fees, 40-63
- final certificates, 40-62
- initial certificates, 40-61
- penalties, 40-63
- zoning administrator, 40-61
amendments,
- action by county board, 40-71
- advisory report, 40-70
- exceptions, 40-71
- filing, 40-70
- notice of public hearing, 40-70
- notice to applicant of written protest, 40-71
- public hearing, location, 40-70
appeals,
- decision by board of appeals, 40-66
- filing, record transmittal, 40-65
- public hearing, notice, 40-65
- purpose of appeal, 40-65
- stay of further proceedings, 40-65
board of appeals,
- compensation, 40-64
- established, 40-64
- meetings, quorum, 40-64
- membership chairman, residency, 40-64

Zoning Code, (Cont'd.)
board of appeals, (Cont'd.)
- records, 40-65
- term of office, vacancies, 40-64
definitions,
- construction of terms, 40-3
- selected definitions, 40-3
general provisions,
- disclaimer of liability, 40-1
- interpretation, 40-1
- jurisdiction, 40-1
- purpose, 40-1
- separability, 40-2
- when effective, 40-2
general regulations,
- access required, 40-22
- accessory use restrictions, 40-24
- accessory uses, 40-23
- agricultural exemption, 40-24
- determining territory of districts, 40-21
- endangered species, 40-25
- establishment of districts, 40-21
- exceptions to height limits, 40-23
- front setbacks – corner/through lots, 40-22
- general prohibition, 40-22
- intrusions into yards, 40-22
- map and district boundaries, 40-21
- meeting minimum requirements, 40-22
- one dwelling per lot, 40-23
- sewers, septic tanks, 40-23
- unlisted uses prohibited, 40-22
nonconformities,
- nonconforming lots, 40-59
- nonconforming structures, 40-59
- nonconforming uses, 40-60
- nonconformities under permit authority, 40-60
- purpose of article, 40-59
- two or more lots in common ownership, 40-59
off-street parking,
- applicability of article, 40-55
- computation of required parking spaces, 40-56

Zoning Code, (Cont'd.)
off-street parking, (Cont'd.)
- design and location of off-street loading facilities, 40-56
- existing off-street parking, 40-55
- location of off-street parking, 40-56
- number of parking spaces required, 40-57
- parking lot design standards, 40-55

regulations for specific districts,
- "A" agricultural district, 40-26
  - livestock management facilities act, 40-28
  - permitted uses, 40-26
  - special uses, 40-27
- "A-R" Agricultural/Residential district, 40-28
  - permitted uses, 40-29
  - special uses, 40-29
- "C" commercial district, 40-32
  - permitted uses, 40-32
  - special uses, 40-33
  - when screening is required, 40-32
- "I" industrial district, 40-33
  - permitted uses, 40-33
  - special uses, 40-34
  - use restrictions, 40-33
- "O-FP" overlay districts, 40-34
- "R-1" residential district,
  - permitted uses, 40-29
  - special uses, 40-30
- "R-2" community residential, 40-30
  - permitted uses, 40-30
  - special uses, 40-31
- "R-3" residential, 40-31
  - permitted uses, 40-31
  - special uses, 40-32

special use permits,
- application, 40-66
- factors considered, 40-67
- findings of fact, terms of relief, report of record, 40-67
- nature of, 40-66
- public hearing, notice, 40-67
- revocation, 40-67

Zoning Code, (Cont'd.)
supplementary regulations,
- adult oriented uses, 40-40
- applicability of article, 40-35
- bed and breakfast, 40-43
- billboards, 40-39
- bulk storage facilities, 40-43
- campgrounds, 40-44
- churches and houses of formal worship, 40-44
- clubhouses, 40-39
- flag lot, 40-43
- garages, repair, 40-39
- home occupations, 40-35
- hospitals, nursing homes, 40-35
- junk yards, 40-35
- manufactured home parks, 40-36
- manufactured homes, 40-36
- plant nurseries, greenhouses, 40-42
- recreational vehicles, 40-39
- sanitary landfills, 40-38
- small area business, 40-43
- solar energy systems, 40-45
- storage containers, 40-45
- surface mining, 40-38
- underground mining, 40-38

variances,
- application, 40-68
- contents of notice, 40-68
- minor variance, zoning administrator, 40-69
- public hearing, notice, 40-68
- standards for, 40-69
- terms of relief, findings of fact, 40-69